



**NOTICE OF MEETING**  
**Landscape Architects Technical Committee**

**LATC MEMBERS**

Marq Truscott, Chair  
Jon S. Wreschinsky, Vice Chair  
Andy C. N. Bowden  
Susan M. Landry  
Patricia M. Trauth

**February 5, 2020**

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

**Southwestern College  
Landscape and Nursery Technology Department  
900 Otay Lakes Road, Room 1801  
Chula Vista, CA 91910  
(619) 421-6700**

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

**Agenda**  
**10:00 a.m. – 2:30 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)
- E. Review and Possible Action on November 8, 2019 LATC Meeting Minutes
- F. Program Manager's Report - Update on LATC's Administrative/Management, Examination, Licensing, and Enforcement Programs

*(Continued)*

G. Presentation on Southwestern College

H. Discuss and Possible Action on 2019-2021 Strategic Plan Objectives to:

1. Develop an Online Tutorial to Clarify the Licensure Process for Candidates
2. 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. Research Regulations Governing Allied Professionals to Better Understand Their Scope of Practice as it Relates to Landscape Architecture

I. Review and Possible Action on Proposed Amendments to California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2611 Abandonment of Application

J. Discuss and Possible Action on 2020 Legislative Proposal for Fingerprint Requirement

K. Review and Possible Action on Modified Proposed Regulatory Language for CCR, Title 16, Division 26, Article 1, Section 2655 Substantial Relationship Criteria and 2656 Criteria for Rehabilitation

L. Discuss and Possible Action on New LATC Logo

M. Future LATC Meeting Dates

N. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the 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:

*(Continued)*

**Person:** Blake Clark

**Telephone:** (916) 575-7236

**Email:** [Blake.clark@dca.ca.gov](mailto: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.

### **Board Member Roster**

Andrew C. N. Bowden  
Susan M. Landry  
Patricia M. Trauth  
Marq Truscott  
Jon S. Wreschinsky

## **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.

## **AGENDA ITEM D: UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS (DCA)**

A member of DCA Board and Bureau Relations will provide the Committee with an update on the DCA.



## **AGENDA ITEM E: REVIEW AND POSSIBLE ACTION ON NOVEMBER 8, 2019 LATC MEETING MINUTES**

### **Summary**

The Committee is asked to review and take possible action on the minutes of the November 8, 2019 LATC meeting.

### **Action Requested**

Approval of the November 8, 2019 LATC Meeting Minutes.

### **Attachment**

November 8, 2019 LATC Meeting Minutes (Draft)







# Landscape Architects Technical Committee

Gavin Newsom,  
Governor

## Minutes

### CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee Meeting

November 8, 2019  
Sacramento, California

#### Landscape Architects Technical Committee (LATC) Members Present

Marq Truscott, Chair  
Andrew C. N. Bowden, Vice Chair  
Susan M. Landry  
Patricia M. Trauth  
Jon S. Wreschinsky

#### Staff Present

Laura Zuniga, Executive Officer (EO)  
Trish Rodriguez, Program Manager  
Tara Welch, Attorney III, Department of Consumer Affairs (DCA)  
Stacy Townsend, Enforcement Analyst  
Kourtney Nation, Examination Coordinator  
Deborah Dulay, Special Projects Analyst

#### Guests Present

Paul McDermott, Budget Analyst, DCA  
Tavi G. Popp, Research Manager, Office of Professional Examination Services (OPES), DCA  
Heidi Lincer, Chief, OPES, DCA  
John Nicolaus, California Council of the American Society of Landscape Architects (CCASLA)  
Steve Harbour, Association of Professional Landscape Designers (APLD)

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

LATC Chair Marq Truscott called the meeting to order at 9:30 a.m. and Vice Chair Andrew C. N. Bowden called roll. Five members of the LATC were present, thus a quorum was established.

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

Mr. Truscott announced that a voluntary sign-in sheet was located near the entrance to the meeting room, and if attendees were to sign-in, they would be recorded in the official minutes of the meeting. He advised on the voting requirements and stated that all motions and seconds would be repeated for the record and votes will be taken by rollcall. Mr. Truscott stated the Committee would be recessing at approximately 11:45 a.m. for a lunch break.

Mr. Truscott announced that he attended stakeholder meetings for the Model Water Efficient Landscape Ordinance (MWELO) hosted by the Department of Water Resources (DWR). On November 4, 2019, a webinar was held regarding an update on the research and implementation surveys with local land use agencies. Mr. Truscott continued that although these agencies are mandated to have a model water ordinance, the agencies lacked the funding or the staffing to implement the ordinance, and the purpose of the DWR surveys was to understand what agencies need in order to implement the MWELO. He stated that at the end of the meeting, discussion focused on establishing workgroups that would help devise ways to implement MWELO. Mr. Truscott he would continue to attend the MWELO meetings on behalf of the LATC.

**C. Public Comment on Items Not on the Agenda**

Mr. Truscott invited members of the audience to address the Committee, stating that their comments would be recorded in the official minutes. There were no comments from the public.

**D. Update on the Department of Consumer Affairs (DCA)**

Trish Rodriguez directed the Committee to a letter from the DCA located in the meeting materials. Ms. Rodriguez stated that on October 8, 2019, Kimberly Kirchmeyer, previous Executive Director of the Medical Board of California, was appointed as the new director of the DCA. She continued that the Communications Division of the DCA created a new publication called “DCA – We’re Listening” to provide the public with information regarding how to interact with the DCA boards and bureaus during public meetings. She directed members to the poster in the hearing room and indicated that the pamphlets would be available on the table near the entrance.

**E. Review and Possible Action on September 5, 2019 LATC Meeting Minutes**

**Andrew C. N. Bowden moved to approve the September 5, 2019 LATC Meeting Minutes.**

**Jon S. Wreschinsky seconded the motion.**

There were no comments from the public.

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

**F. Program Manager’s Report**

**1. Update on LATC’s Administrative/Management, Examination, Licensing, and Enforcement Programs**

Ms. Rodriguez gave an update on the election results from the Council of Landscape Architectural Registration Boards (CLARB) Annual Meeting: (1) Cary Baird, President-Elect; (2) Chuck Smith, Vice President; (3) Allison Fleury, Treasurer; (4) Joel Kurokawa, Region 5 Director; (5) Chad Danos, Committee on Nominations Member; and (6) Deb Peters, Committee on Nominations Member. Ms. Rodriguez elaborated that although the LATC nominated Les Smith

for Vice President, Chuck Smith received the majority vote. Ms. Rodriguez continued that the three bylaws that the LATC supported were approved at the CLARB meeting.

Ms. Rodriguez updated the Committee on business modernization efforts and stated that the Stage 1 Business Analysis report was forwarded to the California Department of Technology for approval. She continued that Stage 2 has commenced and activities have included software demonstrations by 10 vendors, and that DCA cohort programs will meet to discuss vendors, including market research questionnaire results, consolidated business requirements, and cost. Ms. Rodriguez commented that during Stage 3 they will begin identifying which vendor will be selected.

Ms. Rodriguez updated the Committee on the online credit card payment system for license renewals, which was implemented in April 2019. She stated that approximately 60 online payments are processed per month, and since the online system has been implemented and through October 2019, an estimated 402 license renewals have been processed online. Mr. Bowden observed that there was an issue with the license renewal amount on the online payment system. Ms. Rodriguez reported that the fee change was not identified in the online system in a timely manner' however, the issue has since been resolved.

Ms. Rodriguez stated that per the LATC's Strategic Plan, staff have been working on an online candidate tutorial, and she will meet with DCA on November 18, 2019 to review the first draft of the presentation. Ms. Rodriguez continued that she will present an update for the online candidate tutorial at the next LATC meeting. She announced that on November 12, 2019 staff will attend two senior-level professional practice classes at the University of California (UC), Davis for outreach efforts and updates to the various education and training pathways.

Lastly, Ms. Rodriguez updated the Committee on the status of the regulation packages, stating that they are all with DCA except for California Code of Regulations (CCR) sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation), both of which are within the 45-day comment period ending on November 25, 2019. Ms. Landry inquired about CCR section 2671 and whether the proposed regulatory change would require landscape architects to include their license numbers on all correspondence. Stacy Townsend confirmed this and elaborated that the proposed language would require license numbers to be included on all forms of advertisements and presentments made to the public once approved. Tara Welch further explained that the proposed language of section 2671(b) reads as "including but not limited to, any advertisement, card, letterhead, or contract proposal," which means that license numbers would be required on all correspondence, including advertisements.

Mr. Wreschinsky inquired about the passage rate for the Landscape Architect Registration Examination (LARE), and he observed two issues: (1) significant difference in the pass rate between California candidates compared to the nation, and (2) the failure rate for California candidates increased between years 2018 and 2019. He observed that candidates are failing in certain areas and the test should properly identify the education and experience that candidates are expected to have. Ms. Rodriguez responded that the likely cause for the difference between California and the national passage rate is that California has multiple pathways to licensure. Mr. Wreschinsky inquired about how 10 years of practice experience would be required for the evaluation process to becoming licensed. Kourtney Nation clarified that the 10 years of experience requirement was a previous proposal regarding reciprocity requirements, however, this

proposal was not adopted. Lastly, Mr. Wreschinsky announced that the Landscape Architectural Accreditation Board (LAAB) is currently accepting comments until January 15, 2020 as part of their efforts to reanalyze their accreditation standards, and he inquired whether the LATC would propose changes. Ms. Welch cautioned that the Committee could not discuss this topic since it was not agendaized for the current meeting; however, she advised that individuals may submit their feedback for the LAAB accreditation provided they do not do so as an agent of the LATC.

## **2. Discuss and Possible Action on Annual Enforcement Report**

Ms. Townsend reported that in the Fiscal Year (FY) 2018-19, the LATC had eight pending enforcement cases, and the average time to complete an investigation was 122 days, which was significantly less than the standard of 270 days. She continued that there were three final citations, two of which were collected. For the remaining citation, Ms. Townsend explained that she contacted the collection agency that is currently under contract with the California Architects Board (Board) and LATC for the outstanding citation from FY 2018-19, as well as an outstanding citation from FY 2016-17. Lastly, Ms. Townsend reported that the final citation from FY 2018-19 was collected; however, the citation from FY 2016-17 was outstanding. Ms. Landry inquired whether people may submit complaints anonymously, and Ms. Townsend affirmed.

## **G. Review and Discuss 2019 Legislation**

Laura Zuniga discussed Assembly Bill (AB) 476 (Rubio), which would have required DCA to create a task force to study the licensing of foreign-trained professionals and create a report to the Legislature; however, the Governor vetoed this bill.

Ms. Zuniga stated that AB 1076 (Ting) was signed by the Governor. She elaborated that the bill did not directly impact the LATC; however, it impacts individual applicants in the way they are afforded relief for convictions considered in licensure process. Mr. Wreschinsky inquired whether the newly signed law would apply to new applicants, and Ms. Zuniga confirmed.

Ms. Zuniga presented AB 626 (Quirk-Silva), which is a two-year bill that could be taken up in January 2020 when the Legislature reconvenes. She explained that the bill is sponsored by two professional associations for engineers and architects, and it deals with conflict of interest provisions and whether professionals can participate in the bid process. Ms. Zuniga stated that the bill would create exemptions for certain services; however, she explained that there is opposition to the bill. Ms. Zuniga continued that the sponsors are working with opponents, but construction groups are opposed to the legislation and newspaper editorials about the bill have been published opposing the exceptions to the conflict of interest provisions. Lastly, Ms. Zuniga elaborated that given the opposition to the bill, it is unclear whether it will go forward in the legislative process. Ms. Trauth inquired about the text of the bill, and Ms. Zuniga responded that italics in the text reflects the newly proposed language.

Ms. Zuniga provided an update on SB 601 (Morrell), which was signed by the Governor and authorizes boards to waive the license fee for individuals experiencing economic hardship or displaced as a result of a state of emergency. She elaborated that boards may adopt regulations in order to implement this law.

Ms. Zuniga discussed SB 608 (Glazer), which is the sunset extension bill for the Board and LATC and extends the sunset dates for four years. She explained that the bill includes changes to the written contract provisions and requires fingerprinting of new applicants as part of the licensure process. Mr. Bowden inquired about the individuals impacted by the bill, and Ms. Zuniga explained that the fingerprinting requirement would apply to new applicants, not existing licensees. However, Ms. Zuniga continued that in the future the Legislature could consider having the fingerprinting requirement apply to existing licensees.

## **H. Discuss and Possible Action on LATC Budget Items**

### **1. Presentation by DCA, Budget Office Regarding LATC Annual Update**

Ms. Rodriguez introduced Paul McDermott, Budget Analyst with DCA. Mr. McDermott presented the LATC budget and explained his method of analyzing revenue streams against expenditures given the currently available data for FYs 2017-18 and 2018-19. He also explained that he used projected numbers to formulate his analysis because FYs 2017-18 and 2018-19 have not yet been closed out, however, he stated that the fund allocation numbers are accurate. Mr. McDermott summarized that the estimated revenues were \$588,000 with expenditures of \$1,059,000 versus the projected revenues of \$558,704 with projected expenditures of \$1,031,096. He elaborated that projections were made assuming that the program will spend to the total allocation, and he continued that that the revenue is primarily impacted by the \$220 renewal fee, which has recently increased to \$400. Mr. McDermott continued that even though the budget appears to be structurally imbalanced, the figures are acceptable given the recent fee increase and over time the budget will correct itself. He commented that once he has more definitive figures, he will present another budget update at the next meeting. Lastly, Mr. McDermott concluded that the budget is acceptable provided that the program is underspending its allocation, revenues will increase due to the recent fee change, and expenditures will balance out over time. He observed that the increase in expenditures is likely caused by the overall cost of doing business in California going up, including increases in salaries and wages, and facilities correction on rent charges.

Mr. Wreschinsky inquired whether funds in the reserve made up the difference between revenues and expenditures, and Mr. McDermott explained that budgets are created by looking at the previous year's surplus and the surplus carries over from year to year. Mr. McDermott stated that when the renewal fee was reduced the program had a major surplus that needed to be reduced, and since then, the surplus has reduced and balanced out. He continued that even though revenues have come in each year the carryover surplus from previous years has equalized, requiring additional monitoring of the surplus going forward.

Ms. Rodriguez stated that the fund condition document is a handout that was separate from the packet. Mr. McDermott commented that the handout reflected the quarterly updated figures for revenues. Ms. Landry inquired when the handout was prepared, and Mr. McDermott confirmed that it was prepared as of November 7, 2019.

### **2. Review and Possible Action on Potential Initial Landscape License Fee Decrease**

Ms. Rodriguez stated that discussion of a potential decrease in the initial license fee was prompted by a comment from a member of the public at the February 8, 2019 LATC meeting.

Ms. Rodriguez continued that at the May 29, 2019 LATC meeting staff presented an analysis of

California's initial license fee compared with other comparable jurisdictions, and the Committee required additional information from the Budget Office to determine whether a fee reduction was feasible.

Mr. Bowden commented that reducing the initial license fee was not feasible given the current state of the LATC budget, and he continued that the current initial license fee amount would not be a deterrent to becoming licensed given the overall costs of the required examinations.

Mr. Truscott inquired about how many individuals are newly licensed per year, and Ms. Nation replied that about 100 people are licensed per year. Mr. McDermott commented that he ran several scenarios projecting a potential decrease in the initial license fee, and based on his analysis, it would be a sound decision for the amount to remain at \$400. Mr. Wreschinsky inquired what percentage of the total revenue per year is from new licensees, and Mr. Bowden stated that the current discussion dealt with initial license fees. Ms. Trauth inquired how long the renewal fee had been reduced, and Ms. Rodriguez confirmed that the reduction was in effect for two renewal cycles. Ms. Rodriguez commented that the reason for the negative Budget Change Proposal (BCP) and reduction in the renewal fee was because the fund balance was approaching the statutory limit, and she continued that a decrease in the initial license fee would not benefit the overall fund balance based on the current fee amounts and recommendations from the DCA.

Mr. Wreschinsky inquired what the statutory limit was, and Mr. McDermott replied that it was 24 months, which was why the program needed to lower its reserves. Mr. Bowden inquired about the \$400 license fee relative to the expenses incurred by the LATC, and Ms. Rodriguez replied that the fee has been in place since 2001 and an analysis was likely completed at that time.

Mr. McDermott confirmed that a fee audit was discussed in 2001, and he continued that a fee audit would confirm the types of occupational tasks required to process the initial license. He commented that a fee audit would take approximately three months to complete. Ms. Trauth inquired whether a fee audit is performed prior to increasing the license fee, and Mr. McDermott confirmed that the fee audit is required to confirm the statutorily permissible amount and then a regulation would need to be implemented reflecting the fee change. Ms. Trauth asked whether the fee audit determines the appropriate fee amount. Mr. McDermott replied that the renewal fee reverting to \$400 was already reflected in the language of the relevant regulation, and he continued that the initial license fee has remained at \$400. He continued that a fee audit would be required to determine the appropriate amount for the initial license fee, and he elaborated that the fee audit is an intensive study. Mr. Truscott inquired whether the DCA had a recommended timeframe for performing a fee audit, and Mr. McDermott replied that it is up to the respective boards to determine.

Ms. Landry asked about the fund balance, and Mr. McDermott commented that the program is currently decreasing surplus reserves and the overall trend is negative. Ms. Landry inquired about the impact of a reduction in the fee relative to the overall percentage, and Mr. McDermott explained that reduction in revenues combined with rising expenditures was the reason why he recommended not reducing the fee because expenses have drastically increased statewide.

Mr. Truscott summarized that the initial license fee is currently \$400, and Mr. Wreschinsky commented that the amount is reasonable and part of a professional's operating expenses.

Mr. Wreschinsky continued that the fee should stay at its current level unless the reserves trend downward. Ms. Landry commented about the populations who take the exams but do not pay the initial license fee, and Mr. Bowden elaborated that for individuals who acquire the requisite education and pass the necessary exams the fee amount would not be a barrier to gaining the initial

license. Mr. Truscott observed that the reason for assessing a possible reduction in the initial license fee was to make it easier for individuals to become licensed, and he continued that any changes to the fee would require a fee audit to determine the appropriate amount. Mr. Truscott observed that the fee audit might reveal that the true cost of the initial license is more than what it is currently, which would be counterproductive to the original goal of trying to make it easier for individuals to become licensed. Mr. Truscott continued that given the budget figures, and the trend in the reserve, he felt comfortable keeping the initial license fee amount at \$400. Lastly, Mr. Truscott stated that in the future the LATC should consider a fee audit to determine the true cost of the initial license fee. Mr. Wreschinsky commented that if the State would require additional money from the boards and bureaus, then the LATC should anticipate and consider any changes to fees accordingly.

## **I. Occupational Analysis of Landscape Architect Profession**

### **1. Presentation by DCA, Office of Professional Examination Services (OPES) Regarding Occupational Analysis and Linkage Study to Update California Supplemental Examination (CSE)**

Ms. Rodriguez introduced Tavi G. Popp, Research Manager with OPES, and Heidi Lincer, OPES Chief. Ms. Popp explained that OPES provides examination services for boards and bureaus within the DCA, and she continued that they also provide analysis of technical standards for examinations. She stated that OPES focuses on entry-level tests that are designed to protect the public and are based on the feedback provided by subject-matter experts (SME). Ms. Popp also discussed the contract that would authorize OPES to commence the Occupational Analysis (OA), and she continued that after a candidate passes the LARE, a secondary evaluation is necessary to determine whether the individual is ready to practice in California given that the state has unique requirements compared to other jurisdictions. Ms. Popp described the process of examination development to determine what the CSE should assess. She continued that the OA is meant to ensure that the exam content is job-related and fair, and the process is legally defensible. As part of the exam development process, Ms. Popp stated they interview licensed landscape architects to gather a list of job tasks and knowledge statements and conduct a survey among licensed practitioners. Given the feedback from the survey, Ms. Popp continued that the information is presented to the SMEs in order to determine what should be covered on the CSE. She explained that any overlap between the LARE and the CSE should complement each other in order to test for the full practice for California. Ms. Popp explained how OPES evaluates the LARE in order to assess the skills required to practice in California, and she stated that OPES can create its own exam if they determine that the national exam is insufficient to properly evaluate the candidates. She gave an example of water conservation, an important issue for California and explained that OPES analyzes the results of the job task survey and that the SMEs decide which tasks related to water conservation would be critical for entry-level landscape architects to know in order to perform their jobs competently and safely. Ms. Popp said that it is important to assess whether the California exam reflects the current practice, and that the OA and survey would be completed by the end of 2020.

Mr. Wreschinsky asked about the timing of when California evaluates the CSE compared to when the national exam is evaluated. Ms. Popp explained that many factors affect when California evaluates the CSE, and she said sometimes OPES must wait until the results of the national exam are released before they can perform their analysis. Ms. Landry asked whether candidates are

evaluated on their ability to draw the requisite designs, and Ms. Popp hypothesized that such a skill would be evaluated on the LARE. Mr. Bowden commented that the CSE would need to evaluate issues and topics unique to California, and he gave the examples of MWELo, fuel management, and fire safety as subjects that should be tested on the CSE.

Ms. Popp commented that OPES could give another presentation about passing score and pass rates. Ms. Trauth inquired about minimal competency, and Ms. Popp explained the process to determine how a minimally competent person would respond to test questions. Ms. Popp continued that OPES relies on the feedback from SMEs to verify whether the CSE questions properly evaluate the knowledge and competency of an entry-level professional.

## **2. Review and Possible Action to Approve Fiscal Year 2019-20 Intra-Departmental Contract with OPES for Occupational Analysis**

Ms. Rodriguez directed the LATC to the meeting packet for a copy of the Intra-Departmental Contract with OPES. Ms. Landry inquired whether the examination process includes a section on drawing and drafting. Ms. Rodriguez replied that after the LARE was restructured certain sections of the test were combined, and she continued that CLARB had the discretion to modify the LARE. Mr. Truscott commented that the OA is meant to determine which topics and skills should be tested on the CSE. Ms. Popp replied that SMEs evaluate whether the skills necessary for practice in California are covered on the national exam, and she continued that OPES could provide a presentation regarding the results of the OA and the feedback from the SMEs about which topics are relevant to practice in California. Mr. Bowden inquired about the difference between the previous OA contract with OPES versus the current contract. Ms. Lincer stated that the last OA occurred in 2014, and she gave a summary of the cost breakdown of the services and stated that costs increased since the last contract. Mr. Bowden inquired whether the scope of services is the same as provided in previous contract, and Ms. Lincer confirmed that the scope of services remained the same.

**Andrew C. N. Bowden moved to approve the Intra-Departmental Contract with OPES for OA.**

**Patricia M. Trauth seconded the motion.**

Mr. Wreschinsky inquired about the timeframe for the contract with OPES, and Ms. Lincer confirmed that completion of the OA will be finished on-time if SMEs are available for the workshops. She continued that the linkage study may be delayed depending on the release of the results from the national exam. Mr. Truscott inquired about recruiting SMEs, and Ms. Nation commented that there were no problems with recruitment in the past. Mr. Wreschinsky inquired whether the national OA would be part of the current contract, and Ms. Lincer replied that this assessment was different and would require a separate contract. Ms. Rodriguez stated that another OPES presentation may be given on the linkage study in the May 2020 LATC meeting.

There were no comments from the public.

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



**J. Discuss and Possible Action on LATC Member Administrative Manual**

Ms. Rodriguez summarized that updates to the LATC Member Administrative Manual were based on the Board's recent amendments, which were approved in June 2019. Ms. Welch identified two additional amendments. Ms. Welch stated that language should be added on page two regarding term limits for LATC members. Ms. Welch continued that term limits are for four-year terms expiring on June 1st on the fourth year, and no person shall serve as a member for two consecutive terms. Ms. Landry inquired about whether there is a specific time period required between the two consecutive terms, and Ms. Welch replied that a break in service is required between term limits and no specific time period was identified. Ms. Welch continued that appointments by the Governor, Assembly, and Senate take time so the turnaround between terms is not quick. Mr. Wreschinsky inquired whether the four-year term included the one-year grace period, and Ms. Welch replied that the grace period occurs after the term's expiration. Mr. Wreschinsky asked whether the second term would take effect automatically or whether the appointing body would have to reappoint the individual. Ms. Zuniga confirmed that the member would have to be reappointed, and she continued that the individual could serve their grace period of one year and would need to be reappointed to another consecutive term by the appointing body. Mr. Wreschinsky inquired whether the individual would have to reapply, and Ms. Zuniga confirmed, stating that the appointing body would require the member to go through the application process again. Ms. Rodriguez inquired whether each of the two consecutive terms would consist of the full-length of four years, and Ms. Welch stated that serving a partial term does not count as one of the consecutive terms per an opinion issued by the Attorney General.

Mr. Wreschinsky asked what would happen if a licensee were to approach an LATC member with a question or concern, and Ms. Rodriguez replied that those inquiries would be handled as a public comment and placed on the agenda so the LATC could discuss the issue publicly. Ms. Rodriguez continued that some issues can be handled without needing to go before the LATC, depending on the nature of the inquiry or request.

Lastly, Ms. Welch proposed changes on page 10 of the Manual where the subdivision of the legal citation should appear as singular and not plural because there was only one subdivision being referenced. Ms. Landry inquired about whether half of the board members must consist of women, and Ms. Zuniga advised that she would verify whether that proposal became law.

**Susan M. Landry moved to approve the proposed changes to the LATC Member Administrative Manual including amendments regarding term limits on page 2 and revisions to the subdivision citation on page 10.**

**Patricia M. Trauth seconded the motion.**

There were no comments from the public.

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

**K. Review and Discuss Requirements of Landscape Architects for Qualified Stormwater Pollution Prevention Plan Developer (QSD) Certification**

Ms. Rodriguez stated that a licensee inquired whether the LATC offers a training program to become QSD certified, and she described the background and requirements of the QSD certification. She explained that after staff conducted research and discussed it with the LATC Chair it was determined that information regarding QSD certification should be shared with the members at the Committee meeting and that no action was necessary. Mr. Bowden confirmed that no action is required of the LATC given that there are ways to obtain the training necessary to become certified, and he continued that the topics related to the certification may be included on the CSE, if appropriate. Ms. Landry agreed, and she observed that these topics may be relevant to the California practice and might be appropriate for the CSE. Mr. Wreschinsky inquired whether landscape architects can perform the work without the certification, and Mr. Truscott commented that it would depend on the agency or jurisdiction. Mr. Wreschinsky asked whether these tasks are part of the normal scope of practice for landscape architects otherwise the QSD-related tasks would need to be performed by another professional. Mr. Wreschinsky also expressed concern that the regulations may not be applied equally among all jurisdictions if each jurisdiction or local agency had the discretion to identify who may sign the designs. Ms. Landry commented that being a landscape architect may not be sufficient and additional training is required before an individual may become certified and draw stormwater pollution prevention plans. Ms. Trauth and Landry, and Mr. Wreschinsky expressed interest in having a presentation at the next LATC meeting regarding the extent of the training program, QSD training requirements, and how landscape architects currently interact with the program and become QSD certified.

#### **L. Discuss and Possible Action on New LATC Logo**

Ms. Rodriguez stated that the Board adopted a new logo, and she continued that the DCA's Office of Publications, Design and Editing (OPDE) assisted in generating several design and color options. She offered the LATC various options for the development of a new LATC logo design: (1) OPDE, (2) Committee members, and (3) students. Ms. Landry expressed interest in having students submit designs, and she commented on the significance of the current LATC design, suggesting that the new logo be more reflective of the profession. Ms. Trauth agreed and stated that the new design should reflect the profession of landscape architects, and she continued that she supported the idea of having students submit designs. Ms. Rodriguez stated that she could reach out to landscape architect programs and ask for student submissions. Ms. Rodriguez continued that they could combine the process and ask for designs not just from students but also OPDE. Ms. Zuniga described the process of the Board's adoption of the new logo, and she stated that OPDE provided several designs and the Executive Committee requested additional revisions. Ms. Zuniga continued that the Board ultimately approved a new logo after a lengthy discussion of the design choices. Mr. Wreschinsky inquired whether there was record of the previous LATC logo, and Ms. Rodriguez said that she would research the matter further. Mr. Truscott expressed interest in adopting a new logo, and Mr. Bowden further commented that the new logo should be representative of the profession of landscape architects. Mr. Bowden also expressed interest in having both students and OPDE submit design options for the LATC's consideration. Ms. Zuniga summarized that the members could provide additional feedback to OPDE to help with the design process. Mr. Truscott stated that LATC staff could streamline the design process, and Ms. Rodriguez commented that staff could present the options to the LATC at its next meeting. Mr. Truscott asked whether the members could provide written parameters and input for the design process, and Ms. Welch advised that any comments or input provided by LATC members regarding the new logo should be summarized by LATC staff. Lastly, Mr. Truscott gave a

timeframe of about two weeks for member comments regarding parameters for the new logo at the next meeting.

**M. Election of 2020 LATC Officers**

Mr. Truscott stated that Mr. Bowden is in his grace period, and Mr. Bowden expressed his gratitude for serving on the LATC. Ms. Landry expressed her appreciation for Mr. Bowden's presence on the Committee. Mr. Truscott stated that his term ends in June 2020, and he continued that he felt comfortable serving during the grace period which is at the Governor's discretion.

**Susan M. Landry moved to nominate Mark Truscott as Chair for 2020.**

**Andrew C. N. Bowden seconded the motion.**

There were no comments from the public.

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

**Susan M. Landry moved to nominate Jon S. Wreschinsky as Vice Chair for 2020.**

**Mark Truscott seconded the motion.**

There were no comments from the public.

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

**N. Review of Future LATC Meeting Dates**

Ms. Rodriguez identified possible meeting dates for the next year: February 5, 2020 at UC Davis, and May 27, 2020 at Southwestern College. Mr. Wreschinsky stated that he could reach out to Southwestern College to verify when the term ends, and Mr. Truscott stated that UC Davis is still in session in May and suggested that the two dates and locations should be switched: February 5, 2020 at Southwestern College, and May 27, 2020 at UC Davis. Ms. Rodriguez stated that the Board meeting is December 11, 2019 at East Los Angeles College, and Ms. Trauth stated that she could tentatively attend.

**O. Adjournment**

The meeting adjourned at 12:23 p.m.



**AGENDA ITEM F: PROGRAM MANAGER’S REPORT – UPDATE ON LATC’S  
ADMINISTRATIVE/MANAGEMENT, EXAMINATION,  
LICENSING, AND ENFORCEMENT PROGRAMS**

The Program Manager, Trish Rodriguez, will provide an update on the LATC’s Administration/Management, Examination, Licensing, and Enforcement programs.

**Attachment**

Executive Officer’s Report Dated October 31, 2019 (LATC Examination and Enforcement Statistics updated to December 31, 2019)





## MEMORANDUM

<b>DATE</b>	October 31, 2019
<b>TO</b>	Board and Landscape Architects Technical Committee (LATC) Members
<b>FROM</b>	Laura Zuniga, Executive Officer
<b>SUBJECT</b>	<b>Executive Officer Report</b>

The following information is provided as an overview of Board activities and projects as of October 31, 2019.

### **Administrative/Management**

Board The Board met on September 11, 2019, at Diablo Valley College in Pleasant Hill and will meet December 11, 2019 at East Los Angeles College. The Landscape Architects Technical Committee (LATC) will meet on November 8, 2019 in Sacramento.

#### Committee Meetings:

Professional Qualifications Committee (PQC) The PQC was scheduled to hold a teleconference on October 22, 2019; however, it was canceled because of a scheduling conflict for the Chair. A poll will be conducted to determine meeting dates in early-2020.

Regulatory and Enforcement Committee (REC) The REC met on August 1, 2019, in Sacramento. At this meeting, the REC began work on its assigned 2019-2021 Strategic Plan objectives. The next REC meeting has not yet been scheduled.

Communications Committee The Communications Committee will meet on November 19, 2019 to continue discussion of its 2019-2021 Strategic Plan objectives.

Budget In July 2017, the Department of Consumer Affairs (DCA) implemented FI\$Cal, the statewide system for budgets, accounting, and procurement that the State of California has implemented for all state departments. The transition continues to pose challenges in the reconciliation and closing of fiscal year (FY) 2017-18. The final financial reports for FY 2017-18 remain unavailable. Staff continuously monitor the Board's budget with the DCA Budget Office staff. Once the final reports are available, a budget update will be provided to the Board.

Business Modernization In December 2017, the Board, in collaboration with the DCA, finalized its Business Modernization Plan (Plan) to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform. The Stage 1 Business Analysis report was signed by California Business, Consumer Services,

and Housing Agency (Agency) Secretary, Alexis Podesta on October 17, 2019, and was forwarded to the California Department of Technology for approval. Stage 2 activities commenced in August 2019 and included software demonstrations by 10 vendors. Five cohort DCA programs will meet on November 18, 2019 to discuss the vendors including market research questionnaire results, consolidated business requirements, and cost.

The first major software release is scheduled for November 1, 2021 and the project is estimated to be completed on November 1, 2022.

The Board and LATC pursued a stop gap measure to accept online credit card payments for license renewal applications, our highest volume transaction. The acceptance of online credit card payments for license renewal launched on February 5, 2019, for the Board and on April 23, 2019, for LATC. The Board had 4,821 licensees renew online since February, which averages to approximately 540 renewals per month. Currently, the LATC averages 60 online renewal payments each month and has successfully issued 402 license renewals using the online payment portal.

Newsletter The *California Architects* newsletter was published on October 23, 2019.

Publications On September 4, 2019, the Board published the *Architect Licensure Handbook* which includes information on the Board and the process to become licensed, from education and experience through examinations and required continuing education.

Staff is currently in the final stage of development of the *Building Official Information Guide*, which focuses on enforcement issues important to California Building Officials. The *Guide* is available on the Board website and hard copies will be available upon request.

Additionally, staff created an informational bulletin describing the requirements attached to the use of the word architect in business names and description of services. A second bulletin is in preparation which describes the design limitations imposed under different categories of architect, contractor, and engineering licenses, and those types of designs that can be prepared by unlicensed persons. The bulletins will be shared with the email subscribers and posted on the Board's website once completed.

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 Executive Officer (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
July 5, 2018	Proposed regulation submitted to DCA Legal for initial analysis
April 26, 2019	Proposed regulatory language approved by Agency
May 24, 2019	Notice of Proposed Changes in the Regulations published by Office of Administrative Law (OAL)
July 8, 2019	Public hearing, no comments received
July 9, 2019	Final rulemaking file submitted to DCA Legal Office
September 3, 2019	Final rulemaking file approved by Agency
September 5, 2019	Final rulemaking file submitted to Department of Finance (DOF)
September 6, 2019	Final rulemaking file submitted to OAL
October 18, 2019	Final rulemaking file approved by DOF
October 18, 2019	Final rulemaking file approved by OAL
January 1, 2020	Effective date of regulatory change

*CCR Sections 110 (Substantial Relationship Criteria) and 110.1 (Criteria for Rehabilitation)* The Board approved proposed regulatory language to amend CCR sections 110 and 110.1 at its February 27, 2019, 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 110 and 110.1:

February 27, 2019	Proposed regulatory language approved by the Board
March 5, 2019	Proposed regulation submitted to DCA Legal for prereview
March 7, 2019	DCA Legal concluded prereview
March 8, 2019	Proposed regulation submitted to DCA Legal for initial analysis
September 13, 2019	Proposed regulation submitted to Agency

*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 EO 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. Language was included in Senate Bill (SB) 608 and will take effect January 1, 2020.

*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 the American Institute of Architects California 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 made additional changes to the *Disciplinary Guidelines* due to the passage of Assembly Bill (AB) 2138 as well as proposed changes to CCR sections 110 (Substantial Relationship Criteria) and 110.1 (Criteria for Rehabilitation) including two options. The Board adopted the proposed recommended changes for CCR section 110 and option 1 of section 110.1 and approved the revised *Disciplinary Guidelines* at its February 27, 2019 meeting. Staff is proceeding with the regulatory proposal process and submitted it to DCA Legal for pre-review on September 19, 2019.

Personnel Examination Technician Wendy Baker, who was in a limited-term Office Technician assignment transferred to the Bureau of Automotive Repair on October 1, 2019. Also, effective October 1, 2019, Tim Rodda was approved for an Out-of-Class assignment for the Program Manager Administration/Enforcement position in the absence of Alicia Hegje. Oscar Diaz was selected for the Public Information Technician position in the Administration Unit. His first day at the Board was October 14, 2019.

## Social Media

### **Social Media Statistics (as of October 31, 2019)**

<b>Platform</b>	<b>Q2* Posts</b>	<b>Q3* Posts</b>	<b>Difference</b>	<b>Followers 10/31/19</b>	<b>Followers 8/30/19*</b>	<b>Difference</b>
Twitter (launched in 2014)	27	56	+207	1276	1260	+1.36
Instagram (launched in 2016)	17	15	-12	653	624	+4.6
Facebook (launched in 2017)	29	41	+141	154	120	+28

Platform	Q2* Posts	Q3* Posts	Difference	Followers 10/31/19	Followers 8/30/19	Difference
LinkedIn (launched July 2019)	1	1	0	144	122	+18%

\* Q2 May – July, Q3 August – October 2019

Website The website was updated to provide licensees with information regarding the forthcoming discussions related to the fee for a retired architect license that is scheduled for the December Board meeting. A recruitment for subject matter experts to assist in examination development for the California Supplemental Examination (CSE) was posted to the website on September 10, 2019. Staff is preparing to transfer responsibility for website maintenance and update to the Office of Information Services (OIS). The effective date for the transfer is still to be determined by OIS.

### Examination and Licensing Programs

Architect Registration Examination (ARE) Performance data for ARE 5.0 administrations of California candidates and comparisons to national performance (which includes California data) are shown in the following tables:

#### Candidate Performance ARE 5.0 (July 1, 2019 to October 31, 2019)

ARE Division	Divisions Administered	Pass		Fail	
		Total	Rate	Total	Rate
Construction & Evaluation	280	187	67%	93	33%
Practice Management	542	252	46%	290	54%
Programming & Analysis	377	171	45%	206	55%
Project Development & Documentation	472	200	42%	272	58%
Project Management	361	202	56%	159	44%
Project Planning & Design	585	210	36%	375	64%

## California to National ARE 5.0 Performance Comparison (FY 18/19)

ARE Division	California		National	Delta % (▲ %)
	Total	Passed	Passed	
Construction & Evaluation	685	64%	71%	-7%
Practice Management	1,497	45%	49%	-4%
Programming & Analysis	1,245	45%	53%	-8%
Project Development & Documentation	1,357	43%	50%	-7%
Project Management	1,015	57%	62%	-5%
Project Planning & Design	1,693	35%	43%	-8%

▲ % is the difference in the California and national (NCARB) pass rates.

## Multi-Year California to National ARE 5.0 Performance Comparison (FY 2017/18 and 2018/19)

DIVISION	FY 2017/18 ARE 5.0			FY 2018/19 ARE 5.0		
	CA Pass	National Pass	▲ %	CA Pass	National Pass	▲ %
Construction & Evaluation	62%	69%	-7%	64%	71%	-7%
Practice Management	48%	52%	-4%	45%	49%	-4%
Programming & Analysis	45%	54%	-9%	45%	53%	-8%
Project Development & Documentation	50%	55%	-5%	43%	50%	-7%
Project Management	61%	62%	-1%	57%	62%	-5%
Project Planning & Design	43%	49%	-6%	35%	43%	-8%

▲ % is the difference in the California and national (NCARB) pass rates.

California Supplemental Examination (CSE) The current Intra-Agency Contract Agreement with the Office of Professional Examination Services (OPES) for examination development for FY 2019/20 will expire on June 30, 2020.

The pass rates for CSE administrations from July 1, 2019 to October 31, 2019 and the prior FY are displayed in the following tables:

**CSE Performance by Candidate Type  
(July 1, 2019 to October 31, 2019)**

<b>Candidate Type</b>	<b>Pass</b>		<b>Fail</b>		<b>TOTAL</b>
	<b>Total</b>	<b>Rate</b>	<b>Total</b>	<b>Rate</b>	
Instate First-time	128	72%	49	28%	177
Instate Repeat	72	59%	50	41%	122
Reciprocity First-time	42	58%	30	42%	72
Reciprocity Repeat	21	60%	14	40%	35
Relicensure First-time	2	67%	1	33%	3
Relicensure Repeat	0	0%	1	100%	1
<b>TOTAL</b>	<b>265</b>	<b>65%</b>	<b>145</b>	<b>35%</b>	<b>410</b>

**CSE Performance by Candidate Type  
(FY 2018/19)**

<b>Candidate Type</b>	<b>Pass</b>		<b>Fail</b>		<b>TOTAL</b>
	<b>Total</b>	<b>Rate</b>	<b>Total</b>	<b>Rate</b>	
Instate First-time	432	64%	240	36%	672
Instate Repeat	191	57%	144	43%	335
Reciprocity First-time	141	57%	106	43%	247
Reciprocity Repeat	40	57%	30	43%	70
Relicensure First-time	3	30%	7	70%	10
Relicensure Repeat	1	33%	2	67%	3
<b>TOTAL</b>	<b>808</b>	<b>60%</b>	<b>529</b>	<b>40%</b>	<b>1337</b>

## **Enforcement Program**

Enforcement Subject Matter Expert (SME) Program The Board's selected 14 qualified SMEs to provide case review, technical evaluation, and courtroom testimony as needed. The Board's enforcement staff plan to begin utilizing the SMEs in November 2019.

### Enforcement Actions

**Mohammad R. Hakimi (Oakland)** The Board issued a one-count citation that included a \$500 administrative fine to Mohammad R. Hakimi, architect license number C-25024, for an alleged violation of Business and Professions Code (BPC) section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Hakimi certified false or misleading information on his 2019 License Renewal Application. Hakimi paid the fine, satisfying the citation. The citation became final on August 2, 2019.

**Tuan Nguyen (Westminster)** The Board issued a two-count citation that included a \$2,000 administrative fine to Tuan Nguyen, dba Do Green Company Design & Consultant Service and ICM Management Co., 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 first cause for citation alleged that Nguyen provided a proposal to add a 400 sq. ft. family room and open patio to a single-family residence located in Anaheim, California. The services offered in the proposal included "Architectural & Engineering (A/E) Consultant Service." The written proposal using the word "Architectural" is a device that might indicate to the public that Nguyen is an architect, that he is qualified to engage in the practice of architecture, or that he is an architectural designer. The second cause for citation alleged that Nguyen prepared drawings for the project that contained a title block that included his business name "ICM Management Co., Architecture & Consultant." Nguyen used a business name which included the term "architecture" in its title and description of services, without a California licensed architect who was in management control of the professional services that were 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 August 5, 2019.

**Mike De Alba, Jr. (Sanger)** The Board issued a two-count citation that included a \$2,000 administrative fine to Mike De Alba, Jr., architect license number C-33144, for alleged violations of BPC section 5584 (Willful Misconduct), as defined in CCR, title 16, sections 150 (Willful Misconduct) and 160(b)(2) (Willful Misconduct; Failure to Respond to Board Investigation). The action alleged that on or about September 16, 2014, De Alba, Jr. agreed to prepare drawings and/or calculations for a project located in Turlock, California. The contract provided that "Construction Documents will be completed in 60 days of owner signing contract and initial payment." The contract also stated, "Owner will sign and date of approval of schematic design and design development drawings prior to commencement of construction documents." The initial payment for the contract was sent to De Alba, Jr. the day after the execution of the contract, September 17, 2014, so the plans should have been completed by November 17, 2014. De Alba, Jr. did not submit the plans to the city of Turlock until in or around April 2015, nor did he provide any designs to the client for approval prior to proceeding to the construction documents stage. The client was not made aware of any delays until he received a copy of an email the city of

Turlock sent in their response to De Alba, Jr.'s fifth attempt at submitting the plans, in or around February 2016. De Alba, Jr. thus violated a provision of the agreement with the client and made no reasonable effort to inform the client of the conduct or omission. De Alba, Jr. also failed to respond to the Board's requests for information regarding an investigation within 30 days. The citation became final on August 6, 2019.

Hildegard Anna Richardson (Mill Valley) The Board issued a one-count citation that included a \$2,000 administrative fine to Hildegard Anna Richardson, architect license number C-11183 for an alleged violation of BPC section 5536.22(a) (Written Contract). The action alleged that Richardson failed to execute a written contract with her client for a new phase of work on a residential project located in Sonoma, California prior to commencing the professional services. Richardson paid the fine, satisfying the citation. The citation became final on August 28, 2019.

David W. Stark (Rocklin) The Board issued a one-count citation that included a \$500 administrative fine to David W. Stark, architect license number C-24144 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 Stark certified false or misleading information on his 2019 License Renewal Application. Stark paid the fine, satisfying the citation. The citation became final on August 29, 2019.

Jijun Han (Buena Park) The Board issued a one-count citation that included a \$750 administrative fine to Jijun Han, an unlicensed individual, for an alleged violation of BPC section 5536(b) (Use of Stamp by an Unlicensed Person). The action alleged that while Han was unlicensed, he affixed a stamp to drawings which read: "KTIK design," "INTERIOR + ARCHITECTURAL + DESIGN," "COMMERCIAL / RESIDENTIAL PLANNING / CONSTRUCTION," and "#985437." The stamp was circular in shape and of a similar design used by licensed architects, pursuant to CCR, title 16, section 136. The license number listed was Han's contractor's license number, not an architect's license number. The word "ARCHITECTURAL" was prominent and centered below the license number. Han paid the fine, satisfying the citation. The citation became final on September 9, 2019.

Rui Han (Santa Clara) The Board issued a one-count citation that included a \$500 administrative fine to Rui Han, architect license number C-32779 for an alleged violation of BPC section 5600.05(b) (License Renewal Process; Failure to Maintain Records of Completion of Required Coursework). The action alleged that Han failed to maintain records of completion of the required coursework for two years from the date of license renewal and failed to make those records available to the Board for auditing upon request. Han paid the fine, satisfying the citation. The citation became final on September 23, 2019.

Warren Earle Pechin (Bakersfield) The Board issued a one-count citation that included a \$500 administrative fine to Warren Earle Pechin, architect license number C-8366, for an alleged violation of BPC section 5536.22(a) (Written Contract). The action alleged that on or about October 10, 2016, Pechin failed to execute a written contract with his client prior to commencing professional services for a residential addition located in Bakersfield, California. Pechin paid the fine, satisfying the citation. The citation became final on September 23, 2019.

David H. Lyon (Carlsbad) The Board issued a one-count citation that included a \$500 administrative fine to David H. Lyon, architect license number C-11865, 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 Lyon certified false or misleading information regarding the completion of required coursework on his 2019 License Renewal Application. Lyon paid the fine, satisfying the citation. The citation became final on September 30, 2019.

Lynn L. Fisher (Palo Alto) The Board issued a one-count citation that included a \$250 administrative fine to Lynn L. Fisher, architect license number C-29880, 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 Fisher certified false or misleading information regarding the completion of required coursework on her 2019 License Renewal Application. Fisher paid the fine, satisfying the citation. The citation became final on October 9, 2019.

Randall W. Russom (Arroyo Grande) The Board issued a one-count modified citation that included a \$1,000 administrative fine to Randall W. Russom, architect license number C-24410, for an alleged violation of CCR, title 16, section 160(b)(2) (Failure to Respond to Board Investigation). The action alleged that Russom failed to respond to the Board's requests for information regarding his continuing education coursework within 30 days. The citation became final on October 10, 2019.

Robert Trent Fechtmeister (Gretna, NE) The Board issued a one-count citation that included a \$750 administrative fine to Robert Trent Fechtmeister, architect license number C-31451, for alleged violations of BPC sections 141(a) (Effect of Disciplinary Action Taken by Another State or the Federal Government) and 5586 (Public Agency; Disciplinary Action). The action, according to disciplinary action taken by the Nebraska Board of Engineers and Architects, alleged that on or about November 16, 2011, Fechtmeister forged the name of an engineer on a Certificate of Authorization Renewal Application and forged the engineer's signature and professional engineering seal on multiple mechanical, electrical, and plumbing plans. The citation became final on October 17, 2019.

Jeffrey Lee Sobin (Los Angeles) The Board issued a one-count citation that included a \$250 administrative fine to Jeffrey Lee Sobin, architect license number C-18249, 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 Sobin certified false or misleading information regarding the completion of required coursework on his 2019 License Renewal Application. Sobin paid the fine, satisfying the citation. The citation became final on October 25, 2019.

Steven M. Lawler (Walnut Creek) The Board issued a three-count citation that included a \$2,500 administrative fine to Steven M. Lawler, architect license number C-29399, for alleged violations of BPC sections 5586 (Discipline by Public Agency), 5579 (Fraud in Obtaining License), and 5584 (Willful Misconduct) as defined in CCR, title 16, section 160(b)(2) (Failure to Respond to Board Investigation). The action alleged that Lawler was disciplined by the Florida State Board of Architecture and Interior Design on May 30, 2017, and again on February 19, 2019, for failure to complete continuing education requirements. The action further alleged that Lawler failed to respond to the



California Board's requests for information regarding its investigation. The action also alleged that Lawler represented on his October 10, 2018 California license renewal application that he had not been disciplined by a public agency during the preceding two-year renewal period. The citation became final on October 28, 2019.

Kurt Von Puttkammer (West Point) The Board issued a one-count citation that included a \$500 administrative fine to Kurt Von Puttkammer, architect license number C-21166, 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 Von Puttkammer certified false or misleading information regarding the completion of required coursework on his 2019 License Renewal Application. The citation became final on October 28, 2019.

### Disciplinary Actions

None

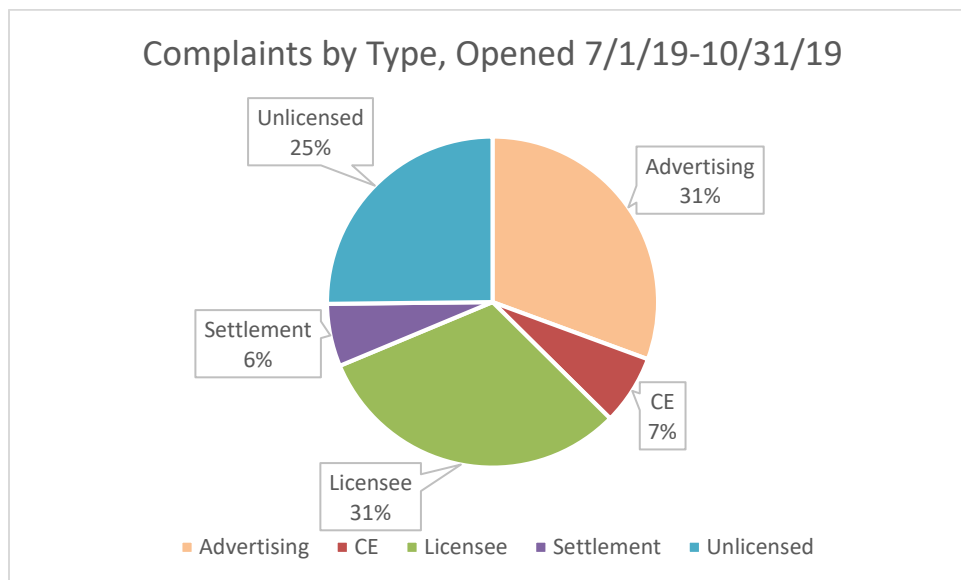
<u>Enforcement Statistics</u>	<u>Current FY</u> <u>19/20</u> July-Oct	<u>FY18/19</u> 2018/19	<u>FY17/18</u> 2017/18
<b>Complaints</b>			
Received/Opened (Reopened):	155 (0)	310 (2)	380 (2)
Closed:	154	314	334
Average Days to Close:	149 days	188 days	97 days
Pending:	155	150*	161
Average Age of Pending:	189 days	230 days*	161 days
<b>Citations</b>			
Issued:	28	48	65
Pending:	17	32*	0
Pending AG: †	2	3*	0
Final:	20	55	58
<b>Disciplinary Actions</b>			
Pending AG:	10	6*	4
Pending DA:	0	1*	1
Final:	0	1	3
<b>Continuing Education (§5600.05)**</b>			
Received/Opened:	7	35	32
Closed:	1	24	30
Pending:	3	11*	10
<b>Settlement Reports (§5588)**</b>			
Received/Opened:	9	24	14
Closed:	3	15	14
Pending:	18	9*	0

\* Calculated as a monthly average of pending cases.

\*\* Also included within "Complaints" information.

† Also included within "Pending Citations."

## Types of Complaints Received FY 2019/20



## Closure of Complaints by FY

Type of Closure	FY 2019/20 (as of 10/31/19)	FY 2018/19	FY 2017/18
Cease/Desist Compliance	7	10	9
Citation Issued	33	43	64
Complaint Withdrawn	2	10	8
Insufficient Evidence	4	16	14
Letter of Advisement	56	120	157
No Jurisdiction	8	13	15
No Violation	33	74	40
Referred for Disciplinary Action	0	4	5
Other (i.e., Duplicate, Mediated, etc.)	11	30	25

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 2019/20 (as of 10/31/19), 19 citations with administrative fines became final with 25 violations of the provisions of the Act and/or Board regulations. The most common violations that resulted in citation or discipline during the current and previous two fiscal years are listed below.

BPC or CCR Section	FY 2019/20 (as of 10/31/19)	FY 2018/19	FY 2017/18
BPC § 5536(a) and/or (b) – Practice Without License or Holding Self Out as Architect	9.1%	25.4%	8.1%
BPC § 5536.1(c) – Unauthorized Practice	0%	0%	3.2%
BPC § 5536.22(a) – Written Contract	9.1%	6%	1.6%
BPC § 5584 – Negligence or Willful Misconduct	13.6%	6%	1.6%
BPC § 5600.05(a)(1) and/or (b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements	59%	37.3%	77.4% <sup>†</sup>
CCR § 160(b)(2) – Rules of Professional Conduct	9.1%	7.5%	4.8%

† The high percentage of citations for BPC section 5600.05 violations compared to other violations is primarily due to vacancies in the Enforcement Unit.

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 proposed changes were included in SB 608 and will take effect January 1, 2020.

## Strategic Plan Update

### GOAL 1: Professional Qualifications

1. Amend existing law regarding continuing education requirements for license renewal to reflect the evolving practice.

Status: Discussed by PQC at April 18, 2019 meeting and referred to staff for additional research.

2. Provide licensees the opportunity to submit continuing education documentation online to increase efficiency in license renewal.

Status: Discussed by PQC at its April 18, 2019 meeting and referred to staff for additional research.

3. Conduct an occupational analysis (OA) of the profession to reflect current practice.

Status: Staff discussed with the OPES and they recommended beginning no earlier than FY 2020-21 or after NCARB completes the development of its new test plan for the ARE.

4. Review and amend CCR section 117 and related regulations to reflect current licensing requirements.

Status: Presented at the PQC meeting on April 18, 2019 and referred to staff for further development.

### GOAL 2: Regulation and Enforcement

- 2.1 Educate architects regarding their responsibilities under Business and Professions Code section 5535 "responsible control" and CCR section 151 "aiding and abetting," to protect consumers from unlicensed practice.

Status: Discussed by Regulatory and Enforcement Committee (REC) at its August 1, 2019 meeting and REC approved an Informational Bulletin to be distributed to interested parties, which was distributed in November 2019.

- 2.2 Research and evaluate categories of criminal convictions as they relate to the practice of architecture and amend disciplinary guidelines and rehabilitation criteria to comply with the requirements of AB 2138 (Chiu, Chapter 995, Statutes of 2018).

Status: Discussed by REC at its August 1, 2019 meeting. Staff currently working on the regulatory package.

- 2.3 Collaborate with websites to restrict advertisements from unlicensed entities.

Status: Discussed by REC at its August 1, 2019 meeting. Staff are doing additional research on requiring license numbers in advertisements.

### **GOAL 3: Communications**

- 3.1 Educate licensees and the public on the penalties for violations of the Architects Practice Act.

Status: Discussed by the Communications Committee at its May 14, 2019 meeting.

- 3.2 Increase the use of social media outlets to better communicate with new licensees and consumers.

Status: Discussed by the Communications Committee at its May 14, 2019 meeting. Committee suggested creating a LinkedIn profile, which was done.

- 3.3 Collaborate with the DCA Communications Office to improve communications with all stakeholders.

Status: Communications Committee heard presentation from DCA's Office of Public Affairs on a Communications Plan. Staff continue to work with DCA on this item.

- 3.4 Develop an information exchange with related professionals of DCA to better educate the professionals of the duties, needs, and pitfalls of each discipline.

Status: Discussed by the Communications Committee at its May 14, 2019 and November 19, 2019 meetings.

- 3.5 Expand outreach to community colleges and schools of architecture, including Board meetings on campuses to increase public and professional awareness.

Status: Discussed by the Communications Committee at its May 14, 2019 meeting. All 2019 Board meetings have been held at schools.

- 3.6 Issue an annual practice brief update on licensee misconduct to increase public and professional awareness.

Status: Discussed by the Communications Committee at its May 14, 2019 and November 19, 2019 meetings. Staff presented a draft for the Committee's review and consideration.

### **GOAL 4: Organizational Relationships**

- 4.1 Collaborate with NCARB, the American Institute of Architects (AIA) and the National Architectural Accrediting Board to help students fulfill Integrated Path to Architectural Licensure (IPAL) program experience requirements.

Status: Not yet begun.

- 4.2 Collaborate with high schools to promote the architect profession and promote entry into the profession.

Status: Staff met with AIA Central Valley to discuss working together on this issue. Efforts will continue in 2020.

- 4.3 Attend collateral organization meetings (such as Monterey Design Conference and AIACC) with an information booth to increase public and professional awareness.

Status: Staff will pursue attending Monterey Design Conference in 2021, which will require approval by control agencies.

- 4.4 Partner with related professional organizations to promote the Board's website and increase the presence and awareness to consumers and the public.

Status: Not yet begun. May be address through Communications objectives.

- 4.5 Meet with California Council for Interior Design Certification (CCIDC) and California Building Officials (CALBO) (regarding design limitations for professionals) to clarify the areas of practice.

Status: Staff held November 1st at the Board's office with stakeholders.

## **GOAL 5: Organizational Effectiveness and Customer Service**

- 5.1 Promote Board staff development and team building to increase efficiency.

Status: Ongoing

- 5.2 Collaborate with DCA to conduct an employee engagement survey to improve employee morale, address employee concerns, and promote a positive work environment.

Status: DCA conducted an Employee Engagement Survey for staff (excluding management) and provided results to EO. Management has implemented some of the recommendations and will revisit the survey next year to determine improvements.

- 5.3 Undertake business modernization activities to achieve a smooth transition to an integrated online IT platform

Status: Ongoing

- 5.4 Prepare for Sunset Review hearing and responses to background paper.

Status: Completed

## **Landscape Architects Technical Committee**

### **LATC ADMINISTRATIVE/MANAGEMENT**

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

Committee The LATC met on September 5, 2019 via teleconference. The next meeting is planned for November 8, 2019 in Sacramento.

Andrew Bowden's term expired on June 1, 2019, and he is serving in his one-year grace period.

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 odd year throughout a member's term. (Note: 2019 is a mandatory year)
- Board Member Orientation – completed within one year of a member's appointment and reappointment
- Defensive Driver – once every four years

Social Media The LATC maintains a Twitter account that currently has 182 followers. This account largely permits the LATC to have active social media participation with the public and professionals.

Website The Interim Credit Card Renewal was launched on April 23, 2019 and can be found on the LATC's homepage and option is included with each license renewal notice.

In June, LATC staff worked with SOLID to develop a strategy to create an online tutorial to assist candidates navigate through the process of becoming a licensed landscape architect. A content outline was created, from which staff and the DCA Public Information Office (PIO) will produce a web-based candidate tutorial for the LATC homepage, schools, and other outreach efforts. Staff provided additional detail to the content outline to PIO in August and will meet with PIO to view the draft tutorial on November 18, 2019.

## LATC EXAMINATION PROGRAM

California Supplemental Examination (CSE) The current Intra-Departmental Contract Agreement with the OPES for examination development for FY 2019/20 will expire on June 30, 2020. The LATC will review an Intra-Departmental Contract Agreement with the OPES to conduct an OA at their meeting on November 8, 2019.

The pass rates for CSE administrations from July 1, 2019 to December 31, 2019 and the prior FY are displayed in the following tables:

**CSE Performance by Candidate Type  
(July 1, 2019 to December 31, 2019)**

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
First-time	44	75%	15	25%	59
Repeat	9	82%	2	18%	11
TOTAL	53	76%	17	24%	70

**CSE Performance by Candidate Type  
(FY 2018/19)**

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
First-time	122	79%	32	21%	154
Repeat	51	82%	11	18%	62
TOTAL	173	80%	43	20%	216

Landscape Architect Registration Examination (LARE) A LARE administration was held December 2-14, 2019. 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 March 23-April 4, 2020, and the application deadline is February 7, 2020.



The pass rates for LARE sections taken by California candidates during the December 2-14, 2019 administration are shown below:

SECTION	NUMBER OF SECTIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Sections	Passed	No. of Sections	Failed
Project and Construction Management	58	37	64%	21	36%
Inventory and Analysis	81	46	57%	35	43%
Design	69	45	65%	24	35%
Grading, Drainage and Construction	62	42	68%	20	32%

National pass rates for LARE sections taken during the December 2-14, 2019 administration are shown below:

SECTION	CALIFORNIA		NATIONAL		▲ %
	Total	Passed	Total	Passed	
Project and Construction Management	58	64%	377	66%	-2%
Inventory and Analysis	81	57%	413	70%	-13%
Design	69	65%	394	64%	1%
Grading, Drainage and Construction	62	68%	363	68%	0%

▲ % is the difference in the California and national (CLARB) pass rates.

National pass rates for LARE sections taken in 2019 are shown in the following table:

SECTION	CALIFORNIA		NATIONAL		▲ %
	Total	Passed	Total	Passed	
Project and Construction Management	176	66%	1,019	68%	-2%
Inventory and Analysis	208	54%	1,154	70%	-16%
Design	182	60%	1,149	65%	-5%
Grading, Drainage and Construction	156	60%	1,123	65%	-5%

▲ % is the difference in the California and national (CLARB) pass rates.

Outreach On November 12, 2019 LATC staff will provide presentations to students enrolled in two senior level professional practice and construction documentation courses at University of California Davis. The presentations will include an overview of the LATC's mandate, the Landscape Architects Practice Act, the importance of licensure, the examination process, and updates to the various education and training pathways to licensure.

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 the Board approved the regulatory changes at its meeting on December 10, 2015.

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 efficient to begin a new regulatory proposal for this new language in lieu of continuing with the existing proposal. Pursuant to Government (Gov.) Code 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.

Following is a chronology, to date, of the processing of LATC’s regulatory proposal for CCR sections 2615 and 2620:

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 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 section 2620 to expand initial licensure pathways
December 7, 2017	Board reviewed and approved the LATC's proposed amendments to section 2620
May 4, 2018	LATC reviewed revised proposed regulatory language, to amend sections 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 sections 2615 and 2620
September 12, 2018	Proposed regulatory language approved by Board
November 1, 2018	Staff preparing regulatory package for DCA Legal review
February 7, 2019	Proposed regulation submitted to DCA Legal for prereview
March 21, 2019	DCA Legal concluded first round of prereview and returned regulation to staff
April 16, 2019	Proposed regulation returned to DCA Legal for additional prereview
June 5, 2019	DCA Legal concluded prereview
June 6, 2019	Proposed regulation submitted to DCA Legal for initial analysis
June 14, 2019	Proposed regulation submitted for Budget Office Review

*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 Gov. section 11349.1, subdivision (a)(1). Gov. 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 Stephanie Landregan and Christine 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.

On January 17, 2019, staff held a conference call with the subcommittee where together they developed recommended changes to section 2620.5 and the review/approval procedures for LATC's consideration. At the February 8, 2019 LATC meeting, the Committee reviewed the subcommittee's recommendations and directed staff to prepare

a regulatory proposal to amend CCR section 2620.5 for the LATC's consideration at its next meeting. At its May 29, 2019 meeting, the LATC voted to recommend to the Board approval of the proposed regulatory language to amend CCR section 2620.5. The Board approved the proposal at its meeting on June 12, 2019 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 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 regarding previously proposed amendments to section 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
January 17, 2019	LATC staff held a conference call with the subcommittee where together they developed recommended changes for LATC's

February 8, 2019	consideration at its February 8, 2019 meeting LATC directed staff to prepare a regulatory proposal to amend section 2620.5 for the LATC's consideration at its May 23, 2019 meeting
May 29, 2019	Proposed regulatory language approved by LATC
June 12, 2019	Proposed regulatory language approved by Board
July 31, 2019	Proposed regulation submitted to DCA Legal for prereview
October 22, 2019	Proposed regulation submitted to DCA Legal for additional prereview

*CCR Sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation)* At its meeting on February 8, 2019, LATC recommended to the Board approval of proposed regulatory language to amend CCR sections 2655 and 2656. The Board approved the proposed regulatory language at its February 27, 2019, 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 LATC's regulatory proposal for CCR sections 2655 and 2656:

February 8, 2019	Proposed regulatory language approved by LATC
February 27, 2019	Proposed regulatory language approved by the Board
March 7, 2019	Proposed regulation submitted to DCA Legal for prereview
March 8, 2019	DCA Legal concluded prereview
March 12, 2019	Proposed regulation submitted to DCA Legal for initial analysis
September 24, 2019	Proposed regulatory language approved by Agency
October 11, 2019	Notice of Proposed Regulatory Action published by OAL

### **LATC ENFORCEMENT PROGRAM**

Regulatory Proposal *CCR section 2680 (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

section 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 made additional changes to the *Disciplinary Guidelines* due to the passage of AB 2138 as well as proposed changes to CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) including two options. On February 8, 2019, the Committee made a recommendation to the Board to adopt the proposed regulatory language for section 2655 and option 1 for section 2656 and approve the revised *Disciplinary Guidelines*. The Board approved the Committee's recommendation at its February 27, 2019 meeting. Staff proceeded with the regulatory proposal process and DCA Legal completed the prereview of the regulatory change package. On October 15, 2019 the regulatory change package was submitted to DCA for Initial Analysis.



Regulatory Proposal CCR section 2671 (Public Presentments and Advertising Requirements) As part of the Strategic Plan established by LATC at the January 2013 meeting, LATC set an objective of researching the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers.

LATC enforcement staff reviewed several non-healing arts board's and bureau's Practice Acts to identify language, if applicable, requiring license numbers to be included on all advertisements to determine if similar language could be added to LATC's CCR section 2671 (Public Presentments and Advertising Requirements). Staff found that the Bureau of Security and Investigative Services and Contractors State License Board Practice Acts require their licensees to include license numbers on all forms of advertisements, as well as the Regulations Relating to the Practices of Geology and Geophysics for the Board for Professional Engineers, Land Surveyors, and Geologists which also requires licensees include license numbers on all advertisements for geologic or geophysical services.

Currently, CCR section 2671 requires that a landscape architect only include their name and the words "landscape architect" in all forms of advertising or public presentments. In an effort to better inform and protect California consumers, the proposed changes of the LATC's current advertising requirements will expand to include license numbers in all forms of advertising.

Proposed language to amend CCR section 2671 was presented to the Committee and on May 29, 2019, where the Committee made a recommendation to the Board to adopt the proposed regulatory language. The Board approved the Committee's recommendation at its June 12, 2019 meeting. Staff proceeded with the regulatory proposal process and DCA Legal completed the prereview of the regulatory change package. On August 12, 2019 the regulatory change package was submitted to DCA for Initial Analysis.

### Enforcement Actions

None

<u>Enforcement Statistics</u>	<u>Current Quarter</u> Oct-Dec 2019	<u>Prior Quarter</u> Jul-Sep 2019	<u>FYTD</u> 2019/20	<u>5-FY Avg</u> 2014/15- 2018/19
<b>Complaints</b>				
Received/Opened (Reopened):	4 (0)	9 (0)	(0)	30 (0)
Closed:	6	11	17	33
Average Days to Close:	53 days	67 days	61 days	208 days
Pending:	2*	5*	4*	13
Average Age (Pending):	134 days*	124 days*	129	161 days
<b>Citations</b>				
Issued:	0	1	0*	3
Pending:	0*	0*	0*	1
Pending AG: †	0*	0*	0*	0
Final:	0	1	1	3
<b>Disciplinary Actions</b>				

Pending AG:	0*	0*	0*	1
Pending DA:	0*	0*	0*	0
Final:	0	0	0	1
<b>Settlement Reports (§5678)**</b>				
Received/Opened:	0	0	0	3
Closed:	0	0	0	2
Pending:	0*	0*	0*	2

\* *Calculated as a monthly average of pending cases.*

\*\* *Also included within "Complaints" information.*

† *Also included within "Pending Citations."*

## **AGENDA ITEM G: PRESENTATION ON SOUTHWESTERN COLLEGE**

### **Background Summary**

Program Chairperson, Mark Valen, will provide a presentation on the Landscape Architecture & Landscape Nursery Technology program at Southwestern College.



**AGENDA ITEM H: DISCUSS AND POSSIBLE ACTION ON 2019-2021  
STRATEGIC PLAN OBJECTIVES TO:**

- 1. Develop an Online Tutorial to Clarify the Licensure Process for Candidates**
- 2. 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. Research Regulations Governing Allied Professionals to Better Understand Their Scope of Practice as it Relates to Landscape Architecture**



## **AGENDA ITEM H.1: DEVELOP AN ONLINE TUTORIAL TO CLARIFY THE LICENSURE PROCESS FOR CANDIDATES**

### **Background Summary**

The Landscape Architects Technical Committee's (LATC) 2019-2021 Strategic Plan contains an objective to develop an online tutorial to clarify the licensure process for candidates. To fulfill this objective, staff worked with the Department of Consumer Affairs' Office of Public Affairs (OPA) to develop a set of video tutorials covering:

- candidate application for the licensure examinations;
- required education and training experience; and
- the initial licensure process.

### **Action Requested**

At today's meeting, Cheri Gyuro, Public Information Officer with the OPA, will present the video tutorials and the LATC is asked to review and provide input, to meet the Strategic Plan objective.





## **AGENDA ITEM H.2: 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**

### **Background Summary**

LATC staff reviewed the California Architects Board's (Board) recently published *Building Official Information Guide (Guide)* and found that the section titled "Landscape Architects" would be an appropriate means of including information regarding the regulatory scope of practice of a landscape architect and the duties they may perform. The *Guide* is distributed to building officials throughout California, is provided on the Board's website, and will be added to LATC's website in order to reach as many jurisdictions as possible.

Additionally, staff reviewed the Landscape Architects Practice Act and Business and Professions Code (BPC) section 460 (Local Governmental Entities – Powers) and recommends adding language to BPC section 5659 (Inclusion of License Number – Requirement) to state, "Plans and specifications shall not be rejected from filing with a local jurisdiction solely on the grounds of the presence of a stamp of a licensed landscape architect, as specified under this section."

### **Action Requested**

Review and take possible action on the attached draft language amending the section "Landscape Architects" of the Board's *Building Official Information Guide*.

Review and take possible action on proposed changes to BPC 5659.

### **Attachments**

1. *Building Official Information Guide* with proposed language
2. BPC section 460
3. BPC section 5659 proposed changes



CALIFORNIA ARCHITECTS BOARD

# Building Official **Information Guide**

2019

# **CALIFORNIA ARCHITECTS BOARD**

## ***BUILDING OFFICIAL INFORMATION GUIDE*** **(September 2019)**

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## **Purpose**

This guide for building officials is provided by the California Architects Board (Board) to aid you in understanding and enforcing the laws and regulations governing the practice of architecture and landscape architecture in California.

The guide is a compilation of responses to questions that the Board has received from building officials and other items of interest to those who must enforce local building standards. It is intended as a source of basic information and does not attempt to address all the questions that could arise covering the practice of architecture in this large, diverse state.

Some of the items covered herein are interpretations of the Architects Practice Act and the Board's rules and regulations. Other items are explanatory and/or advisory.

If you need further information or assistance concerning this guide, please contact:

**California Architects Board**

2420 Del Paso Road, Suite 105  
Sacramento, California 95834

Telephone: (916) 574-7220

Toll Free: (800) 991-2223

Fax: (916) 575-7283

E-mail: [cab@dca.ca.gov](mailto:cab@dca.ca.gov)

Website: [www.cab.ca.gov](http://www.cab.ca.gov)

**Landscape Architects Technical Committee**

Telephone: (916) 575-7230

Fax: (916) 575-7283

E-mail: [latc@dca.ca.gov](mailto:latc@dca.ca.gov)

Website: [www.latc.ca.gov](http://www.latc.ca.gov)

## Introduction

Each day, millions of Californians work and live in environments designed by licensed architects. The decisions of architects about materials and their scope of practice impact not only the health, safety, and welfare of the present users, but of future generations as well.

To reduce the possibility of building failure, encourage energy conscious design, provide disability access, and safeguard the public health and welfare, those who represent themselves as skilled in the design of complex structures must meet minimum standards of competency. It is equally necessary that those who cannot meet minimum standards by way of education, experience, and examination be prevented from misrepresenting themselves to the public.

The [California Architects Board](#) (Board) was created by the California Legislature in 1901 to safeguard the public's health, safety, and welfare. It is one of the boards, bureaus, commissions and committees within the Department of Consumer Affairs (Department), which is part of the Business, Consumer Services and Housing Agency under the aegis of the Governor. The Department is responsible for consumer protection and representation through the regulation of licensed professions and the provision of consumer services.

Effective January 1, 1998, the Board assumed administrative responsibility for regulating landscape architects. Under current law, a [Landscape Architects Technical Committee](#) (LATC) acts in an advisory capacity to the Board. The LATC, which consists of five professional members, performs such duties and functions which have been delegated to it by the Board.

The Board is presently composed of ten members of whom, by law, five are public members and five are architects. Five architect members and three of the public members are appointed by the Governor. The Speaker of the Assembly and the Senate Rules Committee each appoint a public member to the Board.

The Board attempts to ensure that all who practice architecture are licensed and qualified to practice. To become licensed as an architect, a candidate must successfully complete a written and California Supplemental Examination, as well as provide evidence of at least eight years of education and/or experience.

The Board attempts through its Enforcement Program to ensure that its licensees are competent to practice architecture and that the laws governing the practice of architecture are enforced in a fair and judicious manner. The Board has the power, duty, and authority to investigate violations of the Architects Practice Act and the Landscape Architects Practice Act and to take disciplinary or enforcement action against violators accordingly.

Building officials, on the other hand, enforce building code requirements, which are also designed to protect the public health and safety. Many building departments depend on

licensed design professionals (architects and engineers) to deliver structures that meet code standards. So, while the building officials rely on licensing boards to ensure that architects and engineers are competent, the licensing boards rely on the building officials to ensure that only properly licensed or registered professionals prepare, stamp, and sign plans and specifications for non-exempt structures.

In order to protect California consumers, the Board encourages building officials and their staff to promptly report suspected violations of the [Architects Practice Act](#) and [Landscape Architects Practice Act](#), such as advertising violations, unlicensed practice, fraudulent stamps, and aiding or abetting, to the Board's Enforcement Unit. This information may be submitted anonymously.

This guide is provided to aid building officials in understanding the laws and regulations governing the practice of architecture in California and better enable them to carry out their difficult jobs.

## **Advertising of Architectural Services**

### **1. May an unlicensed person advertise architectural services?**

No. An individual not licensed by the Board may not advertise or practice architecture in California. An unlicensed person cannot "...advertise or put out any sign, card, or other device that might indicate to the public that he or she is an architect, that he or she is qualified to engage in the practice of architecture, or that he or she is an architectural designer."

An unlicensed individual may not offer architectural services or advertise on the Internet or in the yellow pages or business directories under headings such as "architect," "architectural design" or "architectural drafting."

(Ref.: [Business and Professions Code \(BPC\) § 5536\(a\)](#))



## **Aiding and Abetting Unlicensed Practice**

### **1. What constitutes aiding and abetting?**

Aiding and abetting occurs when a California licensed architect:

- Assists unlicensed individuals to circumvent the Architects Practice Act, BPC section 5500 et seq.
- Stamps and signs documents which have not been prepared by the architect or under the architect's responsible control.
- Permits his or her name to be used for the purpose of assisting any person, not an architect, to evade the provisions of the Architects Practice Act.

(Ref.: BPC §§ 5582, 5582.1 and [California Code of Regulations \(CCR\), Title 16, section 151](#))

## **Architects Scope of Practice**

### **1. Who may refer to himself or herself as an architect?**

Only individuals who hold a current license issued by the Board may refer to themselves as an architect or use any term similar to the word architect to describe themselves, their qualifications, or the services they provide.

(Ref.: BPC §§ 5536(a))

### **2. What may an architect design?**

The *Architects Practice Act* defines the practice of architecture as including "...the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures." Therefore, an architect may design any building type and all components therein. An exception is the structural design of a hospital that must be done by a structural engineer pursuant to the Health and Safety Code.

(Ref.: BPC §§ 5500.1 and 6737 and [Health and Safety Code \(HSC\) §129805](#))

### **3. What is the Board's definition of construction observation services**

"Construction observation services" means periodic observation of completed work (*in progress*) to determine general compliance with the plans, specifications, reports or other contract documents. "Construction observation services" does not mean the superintendence (*supervision*) of construction processes, site conditions, operations, equipment, or personnel, or the maintenance of a safe place to work or any safety in, on, or about the site.

(Ref.: BPC § 5536.25(c))

### **4. May architects design bridges?**

In conjunction with the planning of a site and/or the design of a building, or groups of buildings, the *Architects Practice Act* and the *Professional Engineers Act* exemption allow an architect to design all on-site improvements, including a structure such as a bridge.

Exception: If on-site improvements such as roads, bridges, etc. are being submitted subject to the Subdivision Map Act, they must be designed by appropriate engineers.

(Ref.: BPC §§ 5500.1, 6737 and [Gov. Code § 66410](#) et seq.)

### **5. If the architect has not agreed to provide construction phase services for the owner of the project, can the building official require the architect to review project shop drawings?**

No. The architect has no obligation to provide such services either to the owner of the project or to a local building jurisdiction.

(Ref.: BPC § 5536.25)

**6. May an architect act as a general contractor for the owner and hire subcontractors for the construction phase of a project under his architectural license?**

No. An architect would also need to be licensed as a contractor to perform such services. The *Contractors' State License Law* (CSLL) does not exempt architects unless they are acting solely within their professional capacity, which does not include contracting construction work for others.

(Ref.: BPC §§ 5500.1, 7051)

**7. Does an architect's license entitle an architect to build an exempt building without a contractor's license?**

No. The construction of buildings is governed by the CSLL (commencing with BPC section 7000). The CSLL has an exemption that allows a person who is not a licensed contractor to construct a single-family residential structure provided they meet certain requirements. Questions concerning this exemption should be directed to the Contractors' State License Board.

(Ref.: BPC §§ 5500.1 and 7000 et seq.)

**8. May architects prepare, stamp, and sign mechanical, electrical, and plumbing drawings?**

Yes. The *Architects Practice Act* allows architects to prepare, stamp, and sign mechanical, electrical, and plumbing drawings since the definition for scope of architectural practice includes "...the design, in whole or in part, of buildings..."

(Ref.: BPC §§ 5500.1, 6737)

**9. May architects certify elevations of structures on a site when such certifications are required by building officials?**

Yes. However, the certification must be based on survey data furnished by licensed land surveyors or appropriately registered civil engineers.

(Ref.: BPC §§ 5500.1, 5536.26, 8700)

**10. Are there any height restrictions or limitations imposed by the Board as to an architect's structural design authority?**

No.

(Ref.: BPC § 5500.1)

**11. May an architect prepare, stamp and sign landscape drawings without a landscape architect's license?**

Yes. Insofar as the architect is responsible for the planning of a site, the architect is exempt from the Landscape Architects Practice Act and, therefore, may prepare, stamp, and sign landscape drawings for the site.

(Ref.: BPC §§ 5500.1, 5641.3)

**12. May an architect prepare designs for site retaining walls, culverts, and other fixed works on a site if the architect is not responsible for the site planning of a project and the work is not considered a "phase of architecture" under the *Professional Engineers Act* exemption?**

No, given the situation where the architect is not responsible for the planning of the site or the "fixed works" are not associated with the design of a building or groups of buildings. Under such circumstances the "fixed works" would be considered civil engineering, and the architect would not qualify for the exemption under the *Professional Engineers Act*.

(Ref.: BPC §§ 5500.1, 6737)

**13. May architects prepare, stamp, and sign site grading and drainage plans?**

Yes. An architect is allowed under the *Architects Practice Act* and the [\*Professional Engineers Act\*](#) exemption to prepare, stamp, and sign site grading and drainage plans, except where such plans are submitted pursuant to the Subdivision Map Act. Cities or counties may not prohibit an architect from engaging in the preparation of plans for site grading, which is a function of the practice of architecture as defined in BPC Section 5500.1.

(Ref.: BPC §§ 460, 5500.1, 6737 and Gov. Code § 66410 et seq.)

**14. May local building officials insist that civil engineers prepare and sign site grading and site drainage drawings as a condition for permit issuance even though an architect prepares the site plan and the grading and drainage plans?**

No. Architects are allowed by the *Architects Practice Act* to prepare, stamp, and sign such drawings as part of their services. State licensure of architects supersedes any local code or ordinance that might restrict an architect licensed by the state from performing services.

(Ref.: Response to question #13 and BPC §§ 460, 5500.1)

**15. Are architects authorized to perform soil tests?**

No. Such tests are not considered to be part of the practice of architecture.

(Ref.: BPC § 5500.1)

**16. Does an architect's license entitle an architect to perform special inspections as specified in the *California Building Standards Code* without demonstrating their ability to perform such services to the satisfaction of a building official?**

No. Special inspections are not considered to be part of the practice of architecture. Therefore, an architect would have to comply with a building official's requirement to demonstrate such ability before being permitted to perform required special inspections.

(Ref.: BPC § 5500.1)

**17. May architects prepare, stamp and sign structural calculations and structural drawings?**

Yes. The *Architects Practice Act* allows architects to prepare, stamp, and sign structural calculations and structural drawings since the definition for scope of architectural practice includes "...the design, in whole or in part, of buildings..." except for the structural calculations and structural drawings for a hospital, which must be prepared by a structural engineer.

(Ref.: BPC §§ 5500.1 and 6737 and HSC § 129805)

**18. Are architects authorized to perform surveys without a land surveyor's license or civil engineer registration?**

No.

(Ref.: BPC § 5500.1)

**19. When a licensed architect working on a project quits or is discharged, may another architect sign the original licensee's plans or instruments?**

Provided both architects are licensed in California, and the supplanting architect completely reviews the plans of the original architect, making necessary, or client-directed changes, the supplanting architect has "prepared" the plans for purposes of BPC Section 5582.1 and may stamp and sign them, absent fraud, deception or dishonesty.

(Ref.: CCR, tit. 16, §151)

## **Building Designers**

### **1. Are building designers licensed by the state?**

No. At one time, the state recognized “registered building designers”; however, that category was eliminated in 1985.

(Ref.: BPC § 5536(b) and (c))

### **2. May individuals advertise as building designers?**

Yes. However, they cannot refer to themselves as “registered” building designers or otherwise indicate that they are licensed or registered by the state.

(Ref.: BPC § 5536(b) and (c))

### **3. What services can a building designer provide?**

Refer to the section titled “Unlicensed Individuals,” which can be found elsewhere in this guide.

## **Building Official's Responsibility With Respect to Architects Practice Act**

- 1. Are building officials required to verify whether the individual who prepares and submits permit documents for non-exempt projects has a current license?**

Yes. If a building permit is required, building officials are required to verify that an individual who prepares and submits permit documents for non-exempt projects has a current license. The building official must require a signed statement that the person who prepared the plans and specifications is licensed under the *Architects Practice Act* or is otherwise licensed in this state to prepare the plans and specifications. An architect's signature and stamp on plans and specifications will satisfy the signed statement requirement. If the person submitting the plans purports to be an architect and is not listed on the Board's license verification website, the building official should contact the Board for verification.

(Ref.: BPC § 5536.2)

- 2. When plans have been filed by the original architect of record, may a building official accept changes to those plans that are submitted by the supplanting architect or engineer?**

A building official is only required to verify that the appropriate stamp and signature is on the documents before a permit is issued and that design changes are made and approved by the appropriate person.

(Ref.: BPC § 5536.25, CCR, tit.16, §151, and [California Building Standards Code \(CBSC\)](#), tit. 24, §106.4.4.1)

- 3. Is a building official required to notify an architect of record when another architect/engineer takes over a project, uses that architect's drawings, or makes changes?**

No. The *Architects Practice Act* does not require this notification.

- 4. Is a building official liable if he or she informs the Board of possible aiding and abetting that later turns out to be unfounded and the architect takes legal action against the building official?**

The law grants a qualified privilege to individuals who communicate, in good faith, to an official administrative agency concerning a possible violation of law. Further information on this subject should be obtained from the legal advisor for the building department.

(Ref.: [California Code, Civil Code § 47](#))



- 5. Sometimes an owner has separate contracts with an architect and the structural, civil, mechanical, and electrical engineers. No one discipline has overall coordination of the project, and a design change is required that will affect the work of all disciplines. May a building official require the project architect to sign for changes on his own work as well as others? Can the architect coordinate the work of the others?**

No. The architect is only required to stamp and sign and take responsibility for his or her own documents. The same shall apply to each design professional. The building official should notify the owner that such coordination is required, and it is the owner's responsibility to arrange for proper coordination. An architect can coordinate the services and documents of others if he or she accepts the responsibility.

(Ref.: BPC § 5536.1)

- 6. May an architect certify that the construction of a project is in conformance with the design documents?**

Yes, the architect may certify that the construction is in conformance, but the architect may choose not to do so.

(Ref.: BPC § 5536.26)

- 7. If an architect asks or requests by telephone that a building official make required design changes that the architect will approve later, should the building official make such changes?**

No, not without prior written confirmation. It is not the building official's responsibility to make design changes.

(Ref.: BPC § 5536.25)

- 8. Is a building official liable if he or she approves the plan submittal and later learns that the architect who submitted the plans has a revoked or suspended license?**

The Board does not determine liability. This is a question of civil law. Building officials should discuss this issue with their legal advisors. To avoid such problems, the law requires the building department to verify licensure prior to issuing any permit.

(Ref.: BPC § 5536.2)

- 9. Should a building official make a design change to a drawing that requires design changes?**

If a building official makes design changes to drawings without the authorization or approval of the architect, the architect will not be responsible for damages caused by those changes. The building official could be responsible for damage caused by his or

her unauthorized changes. Building officials should discuss this issue with the legal advisor for their building department before undertaking any such action.

(Ref.: BPC § 5536.25)

**10. Are building departments required to maintain record copies of permitted drawings?**

Yes, under certain circumstances. Refer to HSC section 19850, which requires that drawings of certain categories of buildings be retained by local building departments.

**11. Are building officials required to give a copy of record documents to anyone who asks for them?**

No. See HSC section 19851, which specifies who may obtain copies of drawings and under what conditions.

**12. Do building officials need to verify licensure of persons signing plans for exempt projects?**

Only if plans are being submitted or prepared by a licensed design professional.

(Ref.: BPC § 5536.2)

**13. When should verification of licensure be made?**

Verification of licensure should be done at the time of initial submittal of the plans and specifications.

(Ref.: BPC § 5536.2)

## **Complaint Procedures**

### **1. How is a complaint filed?**

Anyone who believes there has been a violation of the *Architects Practice Act* may file a complaint with the Board. All complaints should be filed in writing. A complaint form is available on the Board's website, [cab.ca.gov](http://cab.ca.gov), or the complainant may send a letter or email to the Board detailing the event(s) that led to the complaint with copies of all documentation (plans, contracts, business cards, correspondence, etc.) to substantiate the complaint.

### **2. How does someone find out if there is a complaint against an architect or an unlicensed individual?**

Contact the Board. Pursuant to its regulation on public information disclosure, the Board will disclose any disciplinary or enforcement actions taken against the person, including citations, accusations, statements of issues, and disciplinary decisions. The Board may only disclose complaint information if it is determined to have a direct effect on public safety.

(Ref.: CCR, tit.16, § 137)

## **Contractors**

### **1. Are contractors exempt from the *Architects Practice Act*?**

A contractor may design what an unlicensed person may design under BPC sections 5537 (exempt structures) and 5538 as determined by the local building official.

On non-exempt structures, the contractor is limited to services specifically noted in BPC section 6737.3 (*Professional Engineers Act*); appropriately licensed contractors may design mechanical and electrical systems in accordance with applicable construction codes if they also install those systems. If they do not install the systems and supervise the installation of the systems, they must have an architect or engineer design the systems.

In addition, a contractor may design systems that are required to complete the contracting services he or she has offered or contracted to perform. Such systems are considered temporary and must be removed once the project he or she has contracted to build is completed.

(Ref.: BPC §§ 5537, 6737.3)

### **2. May a licensed contractor perform design services under the direction of a structural or civil engineer for a non-exempt structure?**

Yes, provided the contractor works under the responsible charge of the engineer, and the engineer signs all engineering documents prepared by the contractor.

(Ref.: BPC § 5537.2)

### **3. May contractors design non-exempt structures if they are going to build them?**

No. Contractors may only design exempt buildings under BPC Section 5537 and nonstructural or nonseismic storefronts or interior alterations that do not affect the structural system or safety of the building under BPC Section 5538. If they associate with an architect or engineer, contractors may prepare documents under the direct supervision of an architect or engineer. However, the architect or engineer must stamp and sign the documents.

(Ref.: BPC § 5537.2)

### **4. May the building official delay the project until properly prepared documents are re-submitted for approval?**

This question should be discussed with the legal advisor for the building department.

### **5. May licensed contractors prepare and sign drawings for their respective systems without supervision of an architect or engineer?**

Yes. In BPC section 6737.3 of the *Professional Engineers Act*, it states that appropriately licensed contractors may design electrical or mechanical systems for any building if they also install them.

(Ref.: BPC § 6737.3)

**6. May a general contractor prepare and sign drawings pertaining to mechanical, electrical, and plumbing systems for non-exempt structures?**

No. If the general contractor does prepare mechanical or electrical drawings, he or she must do so under the supervision of an architect or appropriately registered engineer. The architect or engineer must stamp and sign the drawings.

(Ref.: BPC § 5537.2)

## **Disasters**

### **1. If a person's residence is damaged by a natural disaster, how can the homeowner obtain a copy of the plans?**

If damage to residential real property is caused by a natural disaster declared by the Governor, and if the damage may be covered by insurance, an architect or other person who has prepared the plans used for the construction or remodeling of the property must release a copy of the plans to the homeowner, the homeowner's insurer, or a duly authorized agent of either upon request. The plans may only be used for verifying the fact and the amount of damage for insurance purposes. The architect may charge a reasonable fee to cover the reproduction costs of providing a copy of the plans.

(Ref.: BPC § 5536.3)

### **2. Can the homeowner rebuild the property using the plans?**

The plans cannot be used to rebuild any of the property without a current permit and the written consent of the architect or other person who prepared the plans. If written consent is not provided, the architect will not be liable if the plans are subsequently used by the homeowner or anyone else to rebuild any part of the property.

(Ref.: BPC § 5536.3)

### **3. If the homeowner cannot contact the original designer, can the building department provide a copy of the plans?**

The building department can duplicate the plans under the provisions contained in HSC section 19851. Refer to that code section for details.

### **4. In the event of a declared disaster, what deterrents to unlicensed practice exist?**

Only persons licensed by the Board may call themselves architects and provide architectural services. During a declared state of emergency, the penalty against an unlicensed person who represents that he or she is an architect in connection with the offer or performance of architectural services for the repair of damage to a structure caused by a natural disaster is increased and punishable by a fine up to \$10,000 and/or imprisonment. When responding to advertisements or solicitations offering architectural services, disaster victims should verify whether the person offering services has a valid license by contacting the Board or visiting its website, [cab.ca.gov](http://cab.ca.gov).

(Ref.: BPC § 5536.5)

**5. Can architects perform structural inspections after an earthquake?**

Yes. Architects may provide structural inspections at the scene of a declared national, state, or local emergency when acting voluntarily and at the request of a public official, public safety officer, or city or county building inspector who is acting in an official capacity.

(Ref.: BPC § 5536.27)

**6. What type of immunity is available to architects who provide inspection services for building departments?**

California has a good Samaritan law for licensed architects, engineers, and land surveyors who, at the request of a public official, provide safety inspection services, without compensation, at the scene of a declared national, state, or local emergency caused by an earthquake. This law provides architects who provide these services with immunity from liability. This immunity applies only for an inspection that occurs within 30 days of the earthquake.

(Ref.: BPC § 5536.27)

## Engineers

### 1. Are engineers exempt from the *Architects Practice Act*?

Civil and structural engineers may provide building design services to the extent that they are included as part of the engineering services for which they are registered. Civil and structural engineers may not practice architecture, i.e., architectural design, unless it is a part of the civil or structural engineering services they are performing. Civil and structural engineers may not use the title “architect” or offer “architectural” services unless licensed by the Board.

(Ref.: BPC §§ 5537.1, 5537.4, 5537.5)

### 2. May a structural or civil engineer sign architectural drawings for non-exempt structures prepared by an unlicensed person who was not under their supervision even though the engineers prepared the structural drawings and calculations?

This question must be answered by the [Board for Professional Engineers, Land Surveyors, and Geologists \(BPELSG\)](#). If an architect signed documents that were not prepared under his or her responsible control, the Board would consider the act “aiding and abetting” under BPC Sections 5582 and 5582.1.

(Ref.: BPC §§ 5537.1 5537.5)

### 3. What are the structural and civil engineer’s limitations as to performing architectural design services?

There are none in the *Architects Practice Act*. The engineer may design any structure as long as the engineer adheres to the exemptions.

(Ref.: BPC §§ 5537.1, 5537.5)

California Code of Regulations (CCR), title 21 and 22, are more restrictive and do set limitations as to what services architects and civil and structural engineers may perform. However, CCR title 21 and 22 are relevant only to state-regulated construction under the jurisdiction of the [Division of the State Architect \(DSA\) and Office of Statewide Health Planning and Development \(OSHPD\)](#).

### 4. BPC section 5537.4 exempts all professional engineers. Does this mean that all registered professional engineers can design non-exempt structures?

No. Only structural and civil engineers are professional engineers authorized to design structures. Other professional engineers are exempt from the *Architects Practice Act* only to the extent that they practice the profession for which they are registered.



- 5. If a structural or civil engineer prepares and signs structural calculations as a consultant to an architect, must the engineer also prepare, stamp, and sign the structural drawings?**

Not necessarily. If the calculations are given to the architect, who then prepares the structural drawings from the information provided in the calculations, only the architect is required to stamp and sign the drawings. The engineer is not required to over-sign documents prepared by the architect.

## Exempt Buildings and Structures

### 1. What are exempt buildings or structures?

The *Architects Practice Act* defines exempt buildings or structures in BPC section 5537 as follows:

- (a) This chapter does not prohibit any person from preparing plans, drawings, or specifications for any of the following:
  - (1) Single-family dwellings of wood frame construction not more than two stories and basement in height.
  - (2) Multiple dwellings containing no more than four dwelling units of wood frame construction not more than two stories and basement in height. However, this paragraph shall not be construed as allowing an unlicensed person to design multiple clusters of up to four dwelling units each to form apartment or condominium complexes where the total exceeds four units on any lawfully divided lot.
  - (3) Garages or other structures appurtenant to buildings described under subdivision (a), of wood frame construction not more than two stories and basement in height.
  - (4) Agricultural and ranch buildings of wood frame construction, unless the building official having jurisdiction deems that an undue risk to the public health, safety, or welfare is involved.
- (b) If any portion of any structure exempted by this section deviates from substantial compliance with conventional framing requirements for wood frame construction found in the most recent edition of California Code of Regulations, title 24, or tables of limitation for wood frame construction, as defined by the applicable building code duly adopted by the local jurisdiction or the state, the building official having jurisdiction shall require the preparation of plans, drawings, specifications, or calculations for that portion by or under the direct supervision of, a licensed architect or registered engineer. The documents for that portion shall bear the stamp and signature of the licensee who is responsible for their preparation. Substantial compliance for purposes of this section is not intended to restrict the ability of the building officials to approve plans pursuant to existing law and is only intended to clarify the intent of Chapter 405 of the Statutes of 1985.

### 2. What is the Board's definition of "conventional framing"?

Since it appears in the [\*California Building Standards Code \(Cal. Code Regs., title 24\) \(CBSC\)\*](#), which is written by building officials, the CBSC definition should be used.

(Ref.: BPC §§ 5537(b) and Cal. Code Regs., tit. 24.)

**3. What are the Board's definitions of a "single family dwelling" and "multiple dwelling"?**

- (a) Single-family Dwelling:** As defined in BPC section 5537(a) and CCR, tit. 16, section 153, the term "single-family dwelling" means a free standing unattached dwelling of wood frame construction not more than two stories and basement in height. Such a single-family dwelling shall not share any common building components including, but not limited to, foundations, roofing and structural systems with any other structure or dwelling.
- (b) Multiple Dwelling:** As defined in BPC section 5537(a) and CCR, tit. 16, section 153, the term "multiple dwellings" means a structure composed of no more than four attached dwelling units which share any common building components including, but not limited to, foundations, roofing and structural systems. Such multiple dwelling units shall be of wood frame construction and not more than two stories and basement in height, and as defined in the CBSC.

**4. If a lot contains an existing residence, may an unlicensed person prepare plans for a maximum four additional units as exempted under BPC section 5537?**

No. The maximum number of units that could be designed on the lot by an unlicensed person would be three additional units in any combination.

(Ref.: BPC § 5537)

**5. Is a "greenhouse" constructed of metal framing and glass considered an exempt structure if it is for personal use only?**

No. The *Architects Practice Act*, BPC section 5537 refers only to wood-framed structures; therefore, metal-framed structures would not be considered exempt under the statute.

**6. If an owner prepares drawings for his or her own exempt building, is he or she required to sign the drawings?**

No. The statute requires only those who prepare drawings for others to sign them and, if licensed, to note their license number. However, the statute does not prohibit a building official from requiring the owner to sign the drawings.

(Ref.: BPC § 5536.1)

**7. BPC section 5537, which deals with exemptions, does not discuss site planning. Does this mean that an unlicensed person who prepares drawings for exempt structures must hire an architect to prepare the site plan drawings?**

An unlicensed person may only do site planning to the extent that such planning does not involve activities that are subject to regulation by any licensing boards. For example, preparing grading and drainage plans are activities that require a license. Therefore, an architect or engineer would be required to prepare such plans for an exempt structure.

**8. If an architect or engineer prepares and signs structural calculations for a portion of an exempt building and the building plans are prepared by the owner, must the architect or engineer sign the plans also?**

The architect or engineer would only sign for that portion of the drawings that pertain to his or her structural design, not the entire set of drawings. The architect is only required to note that portion for which he or she is taking responsibility. The remainder of the drawings would be signed by the person who prepared them.

(Ref.: BPC § 5536.1)

**9. May the building official require other exempt structures to be designed by an architect or engineer in addition to the noted agricultural and ranch buildings if it is deemed that such structures are an undue risk to public safety, health, or welfare?**

Yes. The building official may require part or all of the structure to be designed by an architect or engineer. The BPC does not supersede the building official's authority to protect the health, safety, and welfare of the public.

## **Interior Designers**

### **1. Are interior designers licensed by the state?**

No. They are not licensed by the state. The State of California has a Title Act for certified interior designers under BPC sections 5800-5812. Certification is not required for interior designers to practice in California.

(Ref.: BPC §§ 5800-5812)

### **2. What services may an interior designer provide?**

Interior designers and any other unlicensed persons may design nonstructural or nonseismic store fronts, interior alterations or additions, fixtures, cabinetwork, furniture, other appliances or equipment, and any nonstructural or nonseismic alterations or additions necessary to provide for their installation. Interior designers may not design any components that change or affect the structural system or safety of the building.

(Ref.: BPC §§ 5537 5538)

### **3. What may interior designers call themselves?**

Interior designers may call themselves interior designers or designers. They cannot call themselves “architects,” “architectural designers,” “interior architects,” or any other name that might mislead the consumer to think that they are licensed architects or registered building designers or otherwise certified, licensed, or registered by the state.

An interior designer may not represent to the public that he or she is “state certified” to practice interior design. However, a person who has been certified by an interior design organization may refer to herself or himself as a “certified interior designer”.

(Ref.: BPC §§ 5800, 5804)

No unlicensed person may use the term “architect,” “architectural,” or “architecture” or use the term “licensed” or “registered”.

(Ref.: BPC § 5536)

### **4. May interior designers stamp exempt plans?**

Yes. Unlicensed persons may stamp exempt plans as long as they do not use the legend “State of California” or words or symbols that indicate that they are licensed by the state.

(Ref.: BPC §§ 5536(b), 5802, 5805)

## **Landscape Architects**

### **1. May a registered landscape architect refer to himself or herself as an “architect”?**

No. A landscape architect may not use the title “architect” without the word “landscape” unless he or she also holds an architect’s license.

(Ref.: BPC § 5537.6)

### **2. Can landscape architects prepare site grading and site drainage plans?**

Yes. A landscape architect can prepare landscape architectural site grading and site drainage plans. (Ref.: § BPC 5616)

### **3. What structures can landscape architects design if they perform site planning services?**

Any exempt structures that unlicensed persons may design in accordance with BPC section 5537 and exempt under the CBSC. If a structure requires engineering, it must be designed by an appropriately licensed or registered person.

(Ref.: BPC § 5537)

### **4. What may a landscape architect design?**

A landscape architect may perform professional services for the purpose of landscape preservation, development, and enhancement, such as consultation, investigation, reconnaissance, research, planning, design, preparation of drawings, construction documents and specifications, and responsible construction observation.

(Ref.: BPC § 5615)

### **5. May local building officials insist that civil engineers or architects prepare and stamp plans as a condition for permit issuance that fall within the scope of practice of a landscape architect?**

No. Landscape architects are allowed by the *Landscape Architects Practice Act* to prepare, stamp, and sign such drawings as part of their services. State licensure of landscape architects supersedes any local code or ordinance that might restrict a landscape architect licensed by the state from performing services.

(Ref.: BPC §§ 460(a) and 5615)

**6. Are there allied professions that are exempt from the *Landscape Architects Practice Act*?**

Yes. Architects, professional engineers, land surveyors, and landscape contractors are exempt from the *Landscape Architects Practice Act*. Architects, professional engineers, and land surveyors may provide landscape design services to the extent that they are included as part of the professional services for which they are registered. Architects, professional engineers, and land surveyors may not practice landscape architecture unless it is part of the professional services they are performing. A landscape contractor may design landscape systems and facilities for work to be performed and supervised by that contractor. These allied professions may not use the title “landscape architect” or offer “landscape architectural” services unless licensed to do so.

(Ref.: BPC §§ 5641.3 and 5641.4)

## **Land Surveyors**

### **1. May a licensed land surveyor use the title “architect”?**

No. A licensed land surveyor may not use the title “architect” unless he or she also holds an architect’s license.

(Ref.: BPC § 5537.7)

### **2. Can licensed land surveyors prepare and sign site plans?**

No. Land surveyors are limited to preparing and signing documents relating to their survey services, such as location of property lines or boundaries, topographic maps, site elevations, etc. They are not licensed to plan the improvements of a site.

(Ref.: BPC § 5537.7)



## **Mechanics Lien Laws**

### **1. How does one find out about Mechanics Lien Laws?**

The Board does not respond to questions regarding design professionals and mechanic's lien laws, as those laws are outside of the Board's jurisdiction. For information regarding design professionals and mechanic's liens, review Civil Code sections 8300-8319 and 8400-8494, respectively, or consult an attorney. Additional resources regarding liens may be found in publications at a public library or by visiting the [Contractors' State License Board's](http://cslb.ca.gov) website at cslb.ca.gov.

## Signature Requirement

- 1. May the title block for non-exempt buildings contain the words “drawings prepared by” and/or the name of the drafting service in addition to the name of the architectural firm?**

Yes. There is nothing in the *Architects Practice Act* that prohibits this practice, but the architect responsible for their preparation must sign the drawings. If drawings were submitted without the architect's stamp and signature, it would be of assistance to the Board's Enforcement Program to have a copy of the title block sent to the Board.

(Ref.: BPC §§ 5536.1, 5536.2)

- 2. In a set of plans submitted to a building official for approval and issuance of a permit, which sheets of the plans or drawings must be signed or stamped?**

The *Architects Practice Act* does not address this issue. The building official has the discretion to determine which sheets should be stamped and signed. However, standard practice in the profession is to stamp and sign every sheet and the cover page of specifications.

- 3. May an employee of an architect sign and stamp the plans or drawings or must the person whose name appears in the firm's title block sign and stamp?**

An employee may stamp and sign the documents if the employee is licensed by the Board and prepared or was in responsible control of their preparation.

- 4. Must the architect sign the documents at initial submittal?**

The *Architects Practice Act* does not stipulate when the documents are to be stamped and signed. BPC section 5536.2 requires building officials to verify that the person who prepares the documents is properly licensed to do so. This can be done by obtaining a signed statement that the person who prepared the documents is licensed to prepare such documents. The building official can accept the signed statement in lieu of the stamp and signature at the time of initial submittal. After the plan check corrections have been made and before the permit for construction is issued, the drawings must be stamped and signed by the architect.

(Ref.: BPC §§ 5536.1, 5536.2)

- 5. May building officials require architects to stamp and oversign a consultant's drawings?**

No. Architects are only required to stamp and sign what they have prepared themselves or what others have prepared under their responsible control. Architects cannot be required to stamp, and over-sign documents prepared by others, with the exception of

DSA and OSHPD, which may require such “over-stamping” of documents prepared by consultants to satisfy state regulations for schools and hospitals.

(Ref.: BPC § 5536.2)

**6. Are reproduced signatures on documents acceptable?**

Building officials may accept documents with a reproduced signature. Electronic stamps and signatures are commonly accepted in all business forums.

**7. Must each page of a set of specifications or structural calculations be signed by the licensed person who prepares them?**

An architect is required to sign his or her plans, specifications, and other instruments of service. The Board does not require that each page of a set of specifications and/or calculations be signed by the architect.

(Ref.: BPC § 5536.1)

**8. Must the engineer who has prepared and signed structural calculations also sign the structural drawings if the structural drawings are prepared by a licensed architect?**

No. The engineer only signs the documents that he or she has prepared. The architect signs the structural drawings that he or she prepared.

(Ref.: BPC § 5536.1)

**9. May non-exempt plans be signed by the unlicensed person who prepared the plans and the architect who is responsible for their preparation?**

An unlicensed person may prepare plans for a non-exempt structure only under the responsible control of an architect. The unlicensed person, as well as the architect, may sign the plans; however, the only required stamp and signature is the architect's.

(Ref.: BPC § 5536.1)

**10. Are wet or dry signatures required on plans?**

The *Architects Practice Act* does not state what type of media is to be used; it only states that the drawings must be stamped and signed.

(Ref.: BPC §§ 5536.1, 5536.2)

## Stamp Requirement

### 1. Must architects stamp their plans, specifications, and other instruments of service prior to obtaining a building permit?

Yes.

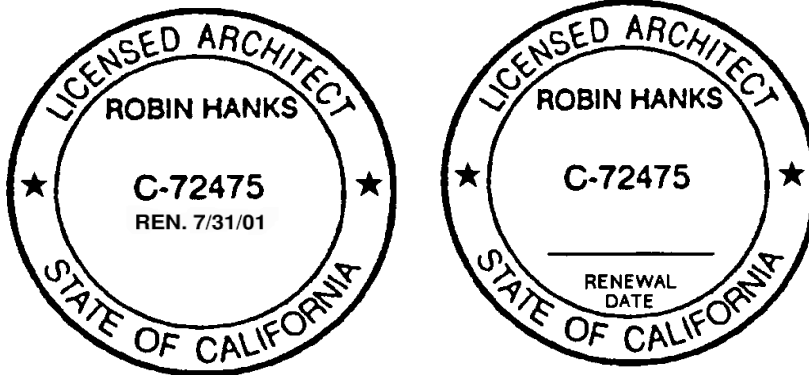
(Ref.: BPC §§ 5536.1 and 5536.2)

### 2. What must the architect's stamp look like, and what must it contain?

The *Architects Practice Act* requires, at minimum, that the architect's stamp contain: (1) the legend "State of California"; (2) the term "licensed architect"; (3) the architect's name (as licensed with the Board); (4) the architect's license number; and (5) a means for noting the renewal date for the current license (last day of birth month and year). The renewal date may be hand written or typeset.

The stamp must be at least one inch, but not more than –two inches, in diameter and circular in shape. The design of the circle may include solid lines (thin or thick) or broken lines, such as dashes or dots. Other possibilities include a rope or beaded effect or words forming the circle. Embellishments (stars, graphic designs) are also acceptable so long as the stamp is legible. The stamp shall not be of the embossing type. Provided below are basic examples of recommended formats for a California architect's stamp. Stamps can be ordered from any source - stationery stores, business supply houses, rubber stamp manufacturers, and print shops.

(Ref.: BPC § 5536.1(b) and CCR, tit.16, § 136)



REN. Refers to Renewal Date

## Unlicensed Individuals

### 1. What may an unlicensed individual design?

- A. An unlicensed individual may design exempt buildings or structures. The *Architects Practice Act* defines exempt buildings or structures in BPC section 5537 as follows:
- (a) This chapter does not prohibit any person from preparing plans, drawings, or specifications for any of the following:
    - (1) Single-family dwellings of wood frame construction not more than two stories and basement in height.
    - (2) Multiple dwellings containing no more than four dwelling units of wood frame construction not more than two stories and basement in height. However, this paragraph shall not be construed as allowing an unlicensed person to design multiple clusters of up to four dwelling units each to form apartment or condominium complexes where the total exceeds four units on any lawfully divided lot.
    - (3) Garages or other structures appurtenant to buildings described under subdivision (a), of wood frame construction not more than two stories and basement in height.
    - (4) Agricultural and ranch buildings of wood frame construction, unless the building official having jurisdiction deems that an undue risk to the public health, safety, or welfare is involved.
  - (b) If any portion of any structure exempted by this section deviates from substantial compliance with conventional framing requirements for wood frame construction found in the most recent edition of CCR, title 24, or tables of limitation for wood frame construction, as defined by the applicable building code duly adopted by the local jurisdiction or the state, the building official having jurisdiction shall require the preparation of plans, drawings, specifications, or calculations for that portion by or under the direct supervision of, a licensed architect or registered engineer. The documents for that portion shall bear the stamp and signature of the licensee who is responsible for their preparation. Substantial compliance for purposes of this section is not intended to restrict the ability of the building officials to approve plans pursuant to existing law and is only intended to clarify the intent of Chapter 405 of the Statutes of 1985.
- B. Unlicensed individuals may design nonstructural or nonseismic alterations or additions as defined in the *Architects Practice Act*, BPC section 5538.

### 2. What titles may unlicensed individuals use?

Unlicensed individuals cannot call themselves “architects,” “architectural designers,” or any other confusingly similar title that might indicate to the public that they are a

licensed architect, architectural designer, or qualified to engage in the practice of architecture.

(Ref.: BPC § 5536(a))

**3. Must the design of a seismic bracing system required for raised computer floors be done by an architect or engineer?**

Yes. Plans for seismic bracing systems are considered a seismic alteration and should be designed and signed by architects or engineers.

(Ref.: BPC § 5538)

**4. In BPC section 5538, interior alterations and additions are considered exempt. Do the word “additions” apply to exterior work as well as interior, or is it meant to apply only to interior additions?**

BPC section 5538 discusses interior additions only. Exterior additions are discussed in BPC section 5537.

**5. Does the replacement of a fire rated door require an architect or engineer to approve the replacement or write a specification for the replacement?**

The local building official should make this determination.

**6. May unlicensed individuals design and sign plans for disabled access systems?**

Yes. Unlicensed individuals may design systems, including disabled access systems, that are nonstructural and nonseismic in nature and that do not affect the safety of the structure, provided that the design of those systems is not restricted by law to registered or licensed individuals.

(Ref.: BPC § 5538)

**7. Does the Board provide building departments with specific criteria as to what interior components affect the safety of a building or its occupants?**

No. Local building departments determine such criteria.

**8. May an unlicensed individual design, plan or prepare instruments of service for store fronts or interior alterations?**

Yes. Unlicensed persons may prepare and submit plans for nonstructural or nonseismic interior alterations or additions, provided such alterations do not change or affect the structural system or safety of the building.

(Ref.: BPC § 5538)

**9. May an unlicensed individual design interior alterations or additions for non-exempt structures?**

Unlicensed individuals may prepare and sign plans for nonstructural or nonseismic store fronts, interior alterations or additions, fixtures, cabinetwork, furniture, other appliances or equipment, and any nonstructural or nonseismic alterations or additions necessary to provide for their installation. However, an unlicensed individual may not prepare and sign plans for any components affecting the structural system or safety of any building as determined by the local building official.

(Ref.: BPC § 5538)

**10. May unlicensed individuals prepare and sign plans for the interiors of any type of building? Are there square foot limitations?**

Unlicensed individuals may prepare and sign interior designs for any type of building subject to the approval of the building official. There are no square footage limitations imposed by the *Architects Practice Act*; however, some building departments do set square footage limitations applicable to design services by unlicensed individuals.

(Ref.: BPC § 5538)

**11. May unlicensed individuals design and sign mechanical, electrical, and plumbing systems?**

No. Such systems must be designed and signed by appropriately licensed or registered design professionals, or appropriately licensed contractors as allowed by the Professional Engineers Act.

(Ref.: BPC §§ 5537.2, 5537.4, 6737.3)

**12. What criteria does the Board use to determine what it considers the “safety of a building”?**

See the *California Building Standards Code*. The local building official should determine which components of building systems affect safety and are required to be designed by an architect or engineer.



**13. May unlicensed individuals prepare specifications for non-exempt structures?**

Unlicensed individuals may prepare specifications for non-exempt structures only under the responsible control of an architect or engineer. The architect or engineer is required to stamp and sign the specifications.

(Ref.: BPC §§ 5535.1 and 5536.1)

**14. May unlicensed individuals alter exterior wall, door, and window configurations on non-exempt structures so that they are coordinated with new interior construction?**

No. The *Architects Practice Act* does not allow an unlicensed individual to prepare and sign plans and specifications for the alteration of exterior walls, doors, or windows except for nonstructural or nonseismic alterations to storefronts as determined by the local building official.

(Ref.: BPC § 5538)

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2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
[www.cab.ca.gov](http://www.cab.ca.gov) | (916) 574-7220



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DEPARTMENT OF CONSUMER AFFAIRS



**BPC Section 460 – Local Governmental Entities - Powers**

(a) No city, county, or city and county shall prohibit a person or group of persons, authorized by one of the agencies in the Department of Consumer Affairs or an entity established pursuant to this code by a license, certificate, or other means to engage in a particular business, from engaging in that business, occupation, or profession or any portion of that business, occupation, or profession.

(b) (1) No city, county, or city and county shall prohibit a healing arts professional licensed with the state under Division 2 (commencing with Section 500) or licensed or certified by an entity established pursuant to this code from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that licensee.

(2) This subdivision shall not be construed to prohibit the enforcement of a local ordinance in effect prior to January 1, 2010, related to any act or procedure that falls within the professionally recognized scope of practice of a healing arts professional licensed under Division 2 (commencing with Section 500).

(c) This section shall not be construed to prevent a city, county, or city and county from adopting or enforcing any local ordinance governing zoning, business licensing, or reasonable health and safety requirements for establishments or businesses of a healing arts professional licensed under Division 2 (commencing with Section 500) or licensed or certified by an entity established under this code or a person or group of persons described in subdivision (a).

(d) Nothing in this section shall prohibit any city, county, or city and county from levying a business license tax solely for revenue purposes, nor any city or county from levying a license tax solely for the purpose of covering the cost of regulation.

*(Amended by Stats. 2014, Ch. 406, Sec. 1. (AB 1147) Effective January 1, 2015.)*



**BPC Section 5659 – Inclusion of License Number – Requirement**

Each person licensed under this chapter shall sign, date, and seal or stamp using a seal or stamp described in this section, all plans, specifications, and other instruments of service therefor, prepared for others as evidence of the person's responsibility for those documents. Failure to comply with this section constitutes a ground for disciplinary action. Each person licensed under this chapter shall use a seal or stamp of the design authorized by the board, bearing his or her name, license number, the legend "licensed landscape architect," the legend "State of California" and a means of providing a signature, the renewal date of the license, and date of signing and sealing or stamping.

Plans and specifications shall not be rejected from filing with a local jurisdiction solely on the grounds of the presence of a stamp of a licensed landscape architect, as specified under this section.

*(Amended by Stats. 2004, Ch. 865, Sec. 3. Effective January 1, 2005.)*





## **AGENDA ITEM H.3: RESEARCH REGULATIONS GOVERNING ALLIED PROFESSIONALS TO BETTER UNDERSTAND THEIR SCOPE OF PRACTICE AS IT RELATES TO LANDSCAPE ARCHITECTURE**

### **Background Summary**

LATC staff reviewed the practice acts of four allied professionals that are licensed by the State of California: landscape contractor, architect, civil engineer, and land surveyor. Staff has compiled a summary of each of the scope of practices of these allied professionals as provided in their respective practice acts.

### **Action Requested**

Discuss and take possible action on the attached summary of the scope of practices of landscape architecture allied professionals.

### **Attachment**

Scope of Practices of Allied Professionals



## Scope of Practice of Allied Professionals

**Landscape Architect:** (BPC § 5615) Perform professional services for the purpose of landscape preservation, development, and enhancement, such as consultation, investigation, reconnaissance, research, planning, design, preparation of drawings, construction documents and specifications, and responsible construction observation. Implementation of such services include the preservation and aesthetic and functional enhancement of land uses and natural land features; the location and construction of aesthetically pleasing and functional approaches and settings for structures and roadways; and design for trails and pedestrian walkway systems, plantings, landscape irrigation, landscape lighting, landscape grading, and landscape drainage.

**Landscape Contractor:** (BPC §§7008, 7027.5, 7058, 7059; CCR § 832.27) Constructs, maintains, repairs, installs, or subcontracts the development of landscape systems and facilities for public and private gardens and other areas which are designed to aesthetically, architecturally, horticulturally, or functionally improve the grounds within or surrounding a structure or a tract or plot of land.

A landscape contractor may design systems and facilities for work to be performed and supervised by that contractor.

**Architect:** (BPC § 5500.1) Perform professional services which require the skills of an architect in the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures. Services may include investigation, evaluation, consultation, advice, planning, schematic and preliminary studies, designs, working drawings, and specifications.

An architect may perform professional services, as defined under BPC § 5615, as long as the work is incidental to an architectural project.

**Civil Engineer:** (BPC § 6731) Perform services in connection with fixed works for irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, purification of water, sewerage, refuse disposal, foundations, grading, framed and homogeneous structures, buildings, or bridges. Prepare design and repair recommendations for drainage systems, septic systems, foundations, and retaining walls. Also prepare grading plans and topographic maps of the elevations and contours of the land. May also design swimming pools.

A civil engineer may perform professional services, as defined under BPC § 5615, as long as the work is incidental to an engineering project.

**Land Surveyor:** (BPC §§ 8726 & 8726.2) Perform services to retrace property lines, perform boundary line adjustments, prepare topographic maps. May also perform land planning in connection with land surveying activities.

*(Land-use planning is the process of regulating the use of land in an effort to promote more desirable social and environmental outcomes as well as a more efficient use of resources.)*



## **AGENDA ITEM I: REVIEW AND POSSIBLE ACTION ON PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2611 ABANDONMENT OF APPLICATION**

### **Background Summary**

The LATC's retention schedule expired in December 2018 and in the process of updating and implementing a new retention schedule it was determined that CCR sections 2611 (Abandonment of Application) and 2616 (Application for Licensure Following Examination) needed updating. Staff collaborated with Department of Consumer Affairs (DCA) legal counsel to draft appropriate language in order to define the abandonment of an application within CCR section 2611. Additionally, it was advised by legal counsel to add CCR section 2611.5 to provide LATC authority for the retention and purging of candidate files. Lastly, it was advised to provide additional language to CCR section 2616 providing for the abandonment of a candidate's application for licensure.

### **Action Requested**

Review and take possible action on the attached draft language amending CCR sections 2611 and 2616 and adding 2611.5.

### **Attachments**

1. Proposed Amendments to CCR § 2611
2. Proposed Adoption of CCR § 2611.5
3. Proposed Amendments to CCR § 2616



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

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

Amend section 2611 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

**§ 2611. Abandonment of Application.**

(a) An applicant whose application for licensure is incomplete, or for which additional information is requested, shall be deemed to have abandoned the application if ~~he or she does~~ they have not submit ~~submitted~~ all required documents, data, ~~and~~ information, and license fees, and complied with applicable criminal history record check requirements, ~~within by the date that is one year from~~ after the date of the letter notifying the applicant that the application is incomplete or requesting additional information.

(b)(1) An applicant whose eligibility application for the Landscape Architect Registration Examination or the California Supplemental Examination is incomplete, or for which additional information is requested, shall be deemed to have abandoned the application if they have not submitted all required documents, data, information, and required fees by the date that is one year after the date of the letter notifying the applicant that the application is incomplete or requesting additional information.

(2) An applicant whose eligibility application for the Landscape Architect Registration Examination or the California Supplemental Examination has been accepted shall be deemed to have abandoned the application if ~~he or she does not take the California Supplemental Examination~~ they have not:

(A) For the Landscape Architect Registration Examination, taken a section of the examination within five years from the date an eligibility letter was issued or the last date on which the applicant took a section of the examination, whichever is later.

(B) For the California Supplemental Examination, taken the examination within three years from the date an eligibility letter was issued or the last date on which the applicant took the examination, whichever is later.

(c) Any application submitted subsequent to the abandonment of a former application shall be treated as a new application and shall include all required information and accompanying materials that would be submitted by a first-time applicant regardless of whether the information or materials were previously included in the former application. An abandoned application shall be retained in the candidate file, as defined in Section 2611.5, until the candidate file is purged pursuant to that section.

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



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

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Adopt section 2611.5 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

**§ 2611.5. Retention of Candidate Files.**

(a) For purposes of this section, the following terms have the following meanings:

(1) "Candidate file" means the file maintained by the Board relating to a candidate's eligibility for examinations or licensure and previous examinations taken by that candidate. For purposes of Section 2620(d)(2), the references in that section to "applications" and "records" shall be deemed to be references to a candidate file.

(2) "Examination" means an examination necessary for licensure.

(3) "Inactive" means that a candidate, during the period of time specified, has not either:

(A) Submitted an eligibility application for an examination. For purposes of this subparagraph, "submitted" means that the Board has received the application.

(B) Been issued or mailed notice that an eligibility application is incomplete or a request for additional information.

(C) Responded in writing to a notice or request described in subparagraph (B). For purposes of this subparagraph, "responded" means that the Board has received that response.

(D) Been issued a notice of eligibility or ineligibility for an examination.

(E) Taken an examination. For purposes of this subparagraph, "taken an examination" means that the Board has received the examination results.

(F) Applied for a license.

(G) Requested the Board to retain the candidate file for an additional time. For purposes of this subparagraph, "requested" means that the Board has received the request.

(b) The Board shall retain candidate files on the following schedule:

(1) If a candidate still needs to pass an examination necessary for licensure, the Board shall retain the candidate file unless (A) the file has been inactive for the previous five years, (B) the Board has mailed the candidate, at the candidate's last address known to the Board, notice of its intention to purge the file, and (C) the Board has waited at least six weeks after mailing to receive a request to retain the file for an additional time. Except as provided in subsection (c), the Board shall purge an inactive candidate file if all of the preceding conditions are met.

(2) If a candidate has passed each examination necessary for licensure, the Board shall retain the candidate file until the following dates, as applicable:

(A) The date after which the Board would be prohibited from issuing a license to the candidate pursuant to Section 2616(b). Except as provided in subsection (c), the Board shall purge the candidate file after that date.

(B) The date on which the candidate is issued a license. The Board shall redesignate the candidate file as a license file after that date.

(c)(1) Notwithstanding subsection (b), the Board may retain a candidate's examination scores.

(2) This section is subject to Section 12275 of the Government Code.

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

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Amend section 2616 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

**§ 2616. Application for Licensure Following Examination.**

(a) A candidate, having passed all sections of the Landscape Architect Registration Examination and the California Supplemental Examination necessary for licensure, shall apply for a landscape architects license within five years after the date ~~of mailing of~~ on which the candidate is provided examination results indicating passage of the final examination necessary for licensure.

(b) A candidate who fails to apply for a license in accordance with subsection (a), or whose most recent application as of the last day of the period specified in that subsection is abandoned, withdrawn, or denied, shall not be issued a license unless the candidate reapplies for a license and meets the following requirements:

(1) No fact, circumstance, or condition exists which would justify denial under Business and Professions Code Section 480,

(2) The candidate pays all of the fees which would be required of the candidate if the candidate were then applying for the license for the first time, and

(3) The candidate takes and passes the examination which would be required of all candidates applying for the first time, or is subject to waiver of the examination pursuant to Business and Professions Code Section 5651(b).

Note: Authority cited: Section 5630, Business and Professions Code. Reference: Sections 5650, 5651 and 5652, Business and Professions Code.



## **AGENDA ITEM J: DISCUSS AND POSSIBLE ACTION ON 2020 LEGISLATIVE PROPOSAL FOR FINGERPRINT REQUIREMENT**

### **Summary**

Senate Bill (SB) 608 (Glazer, Chapter 376, Statutes of 2019) requires the Board and LATC to fingerprint applicants for licensure, beginning January 1, 2021. SB 608 contains additional language to allow the Board to implement the requirement, but this same language was not included in the Landscape Architects Practice Act. This legislative proposal would add that language to the Landscape Architects Practice Act.

This item was presented to the Board at its December 11, 2019 meeting in which they voted to approve the legislative proposal to implement the fingerprint requirement.

### **Action Requested**

The Committee is asked to review the proposed language. No action is required.

### **Attachment**

Approved language to amend the Landscape Architects Practice Act



- (a) Pursuant to Section 144 of the Business and Professions Code, the Board has the authority to obtain and review criminal offender record information. The information obtained as a result of the fingerprinting shall be used in accordance with Section 11105 of the Penal Code and to determine whether the applicant is subject to denial of license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code or Sections 5660, 5675, 5676, or 5677 of the Business and Professions Code.
- (b) As a condition of application for a license, each applicant shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.
- (c) The Board shall request from the Department of Justice subsequent arrest notification service, pursuant to subdivision (p) of Section 11105 of the Penal Code.
- (d) The applicant shall pay the reasonable regulatory costs for furnishing the fingerprints and conducting the searches.
- (e) The applicant shall certify, under penalty of perjury, when applying for a license whether the applicant's fingerprints have been furnished to the Department of Justice in compliance with this section.
- (f) Failure to comply with the requirements of this section renders the application for a license incomplete, and the application shall not be considered until the applicant demonstrates compliance with all requirements of this section.
- (g) Notwithstanding any other provision of law, the results of any criminal offender record information request by either state or federal law enforcement authorities shall not be released by the Board except in accordance with state and federal requirements.
- (h) This section shall apply to all applicants subject to this chapter and subdivision (i)
- (i) As used in this section, the term "applicant" shall be limited to an initial applicant who has never been registered or licensed by the Board or to an applicant for a new licensure or registration category.
- (j) As a condition of petitioning the Board for reinstatement of a revoked or surrendered license, an applicant shall comply with subdivision (a).





## **AGENDA ITEM K: REVIEW AND POSSIBLE ACTION ON MODIFIED PROPOSED REGULATORY LANGUAGE FOR CCR, TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2655 SUBSTANTIAL RELATIONSHIP CRITERIA AND 2656 CRITERIA FOR REHABILITATION**

### **Background Summary**

As previously reported at the LATC's February 8, 2019 meeting, Assembly Bill (AB) 2138 (Chiu, Chapter 995, Statutes of 2018) amended several sections of the Business and Professions Code (BPC) related to how regulatory licensing boards respond to applicants with criminal convictions. This bill generally removed the California Architect Board's (Board) authority to deny an application based on formal discipline by a licensing board in or outside of California or criminal convictions and underlying acts occurring over seven years ago. The bill also required each board to develop criminal conviction substantially related and rehabilitation criteria by July 1, 2020.

As AB 2138 applies to all boards within the Department of Consumer Affairs (DCA), DCA consulted the Attorney General's Office (AG) and the Office of Administrative Law (OAL) to develop regulatory template language for use by all DCA boards. The LATC recommended its language to the Board on February 8, 2019. The Board approved the LATC regulatory language on February 27, 2019. On March 12, 2019, the LATC submitted its rulemaking file for review by DCA, the Business, Consumer Services, and Housing Agency (Agency), and the Department of Finance. On October 11, 2019, the Board's proposal was published by OAL, and the 45-day public comment period was completed on November 25, 2019.

In November 2019, OAL reviewed another DCA board's rulemaking file to implement AB 2138 and raised several minor, technical corrections to be made to the regulatory text and the several substantive concerns. The LATC's proposed regulatory text is substantially similar to that board's text; as such, OAL would have similar substantive concerns with LATC's text.

DCA worked with OAL to resolve the substantive concerns with the regulatory proposal. The Board has until October 11, 2020, to complete the rulemaking review with OAL; however, the rulemaking must be submitted prior to that date to meet the July 1, 2020 deadline in AB 2138.

### **Modifications to the Regulatory Proposal**

Based upon the resolution of the other board's regulatory proposal, the LATC's text should be modified as follows:

1. CCR, title 16, section 2655:

- a. Subsection (a):

- i. Add reference to BPC section 5675.5, which authorizes the Board to deny, revoke, or suspend a license for disciplinary action taken by any public agency for any act substantially related to the qualifications, functions, or duties as a landscape architect.
  - b. Subsection (b): Insert “all of” before “the following criteria” to reflect the statutory requirement in BPC section 481, subdivision (b).
  - c. Subsection (b)(1) through (3): Make technical punctuation corrections.
  - d. Subsection (c): Make technical revisions to conform the use of singular nouns throughout the section.
  - e. Authority and Reference: Make minor revisions to delete inapplicable authority sections and add statutes relevant to substantial relationship criteria.
2. CCR, title 16, section 2656:
- a. Subsection (a): Add a new heading “Denial of a license” to clarify this subsection refers to criteria for rehabilitation applicable to license applicants.
  - b. Paragraph (a)(1): Revise subsection numbering, make technical revisions, and strike “and is presently eligible for a license” to resolve OAL’s concerns that this phrase may be misinterpreted. According to OAL, the phrase “is presently eligible for a license” appears to mean that rehabilitation will only be evaluated if the initial eligibility threshold is met; if that is what the Board intends, the language should be clarified.
  - c. Subparagraphs (a)(1)(A) through (E): Make technical revisions to reflect the new subsection numbering and lettering scheme.
  - d. Paragraph (a)(2): Revise subsection numbering and remove and restate the subsection to clarify the circumstances under which the Board will apply rehabilitation criteria to applicants who have not completed a criminal sentence without a violation, the applicant with a criminal conviction did not make a showing of rehabilitation under paragraph (a)(1), the denial is based on professional misconduct (as that term is used under new BPC section 480), or the denial is based on one or more grounds as specified in BPC section 5653, which authorizes the Board to deny or refuse to issue a license upon proof of the commission by the applicant of any act or omission which would constitute grounds for disciplinary action under the Landscape Architects Practice Act if committed by a licensee. These clarifications are necessary to inform the public, applicants, and Board staff that rehabilitation criteria will be considered for all application denials, regardless of whether the grounds for denial stem from BPC section 480. The clarifications promote equity and fairness to all applicants in keeping with the legislative intent of AB 2138.

- a. Subparagraphs (a)(2)(A) through (C): Add “professional misconduct” to include the conduct described under BPC section 480 as grounds for denial. The proposal requires consideration of “act(s)” but “professional misconduct” is not included in the criteria for rehabilitation; OAL requested the Board consider changing “act(s)” to “professional misconduct.”
- e. Subparagraphs (a)(2)(A) through (F): Make technical revisions to reflect the new subsection numbering and lettering scheme.
- f. Subparagraph (a)(2)(B): Strike “under Section 480 of the” and “Code” as new paragraph (a)(2) is applicable to all statutory grounds for denial, as specified, not just grounds under BPC section 480.
- g. Subsection (b): Add a new heading “Suspension or revocation of a license” to clarify this subsection refers to criteria for rehabilitation applicable to issued licenses.
- h. Paragraph (b)(1): Clarify the conditions for applying rehabilitation criteria for suspension or revocation of a license for criminal convictions pursuant to BPC section 490 and strike “and is presently eligible for a license” to resolve OAL’s concerns that this phrase may be misinterpreted. According to OAL, the phrase “is presently eligible for a license” appears to mean that rehabilitation will only be evaluated if the initial eligibility threshold is met; if that is what the Board intends, the language should be clarified.
- i. Subparagraphs (b)(1)(A) through (E): Make technical revisions to reflect the new subsection numbering and lettering scheme.
- j. Paragraph (b)(2): Remove and restate subsection (d) as paragraph (b)(2) and clarify the circumstances under which the Board will apply rehabilitation criteria to licensees who have not completed a criminal sentence without a violation, the licensee with a criminal conviction did not make a showing of rehabilitation under paragraph (b)(1), the suspension or revocation is based on a disciplinary action as described in BPC section 141, or the suspension or revocation is based on one or more grounds specified In Article 5 of Chapter 3.5 of Division 3 of the BPC, which enumerates in various statutes the grounds for discipline that may be imposed by the Board. These clarifications are necessary to inform the public, licensees, and Board staff that rehabilitation criteria will be considered for all license suspensions and revocations, regardless of whether the grounds for discipline stem from BPC sections 141 or 490. The clarifications promote equity and fairness to all licensees in keeping with the legislative intent of AB 2138.
- k. Subparagraphs (b)(2)(A) and (C): Add “disciplinary action(s)” to include the conduct described under BPC section 141 as grounds for suspension or revocation.
- l. Subparagraphs (b)(2)(A) through (G): Make technical revisions to reflect the new subsection numbering and lettering scheme.

- m. Subsection (c): Make technical corrections to conform this subsection to the lettering changes in the other subsections.
- n. Authority and Reference: Minor technical revisions to delete inapplicable authority sections and add statutes relevant to rehabilitation criteria.

### **Action Requested**

The LATC is asked to review and approve the attached modified regulatory proposal for recommendation to the Board.

### **Attachment**

Modified Proposed Regulatory Language to Amend CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation)

**California Code of Regulations**  
**Title 16. Professional and Vocational Regulations**  
**Division 26. Landscape Architects Technical Committee**  
**of the California Architects Board**

MODIFIED PROPOSED REGULATORY LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Modifications to the proposed regulatory language are shown in double underline for new text and ~~double strikethrough~~ for deleted text.

Amend Section 2655 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

§ 2655. Substantial Relationship Criteria.

(a) For the purposes of denial, suspension, or revocation of the license of a landscape architect pursuant to Section 141, or Division 1.5 (commencing with Section 475), or Section 5675.5 of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions, or 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 those involving the following:~~

(b) In making the substantial relationship determination required under subsection (a) for a crime, the Board shall consider all of 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), a substantially related crimes, professional misconduct, or acts shall include, but are is not limited to, the following:

(a)1 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 and 5675.5, Business and Professions Code.

Amend Section 2656 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

§ 2656. Criteria for Rehabilitation.

(a) Denial of a license.

(1) 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~~ has been 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:

(~~4~~A) The nature and gravity of the crime(s).

(~~2~~B) The length(s) of the applicable parole or probation period(s).

(~~3~~C) The extent to which the applicable parole or probation period was shortened or lengthened and the reason(s) the period was modified.

(~~4~~D) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(~~5~~E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(~~b~~2) If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, the Board determines that the applicant did not make the showing of rehabilitation based on the criteria in subsection (a)(1), the denial is based on professional misconduct, or the denial is based on one or more of the grounds specified in Sections 5653 of the Code, the Board shall apply the following criteria in evaluating an applicant's rehabilitation: ~~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 an 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:~~

(~~4~~A) The nature and ~~severity~~ gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

~~(2B)~~ Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, 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.~~

~~(3C)~~ The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subsection-subparagraph (4A) or ~~(2B)~~.

~~(4D)~~ 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.

~~(5E)~~ The criteria in subsection (a)(1)(A)-(E), as applicable.

~~(6F)~~ Evidence, if any, of rehabilitation submitted by the applicant.

~~(beb)~~ Suspension or revocation of a license.

~~(1)~~ When considering the suspension or revocation of the license of a landscape architect under Section 490 of the code 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 licensure will consider the following criteria:

~~(4A)~~ The nature and gravity of the crime(s).

~~(2B)~~ The length(s) of the applicable parole or probation period(s).

~~(3C)~~ The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

~~(4D)~~ The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.

~~(5E)~~ The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

~~(d2)~~ If the licensee has not completed the criminal sentence at issue without a violation of parole or probation, the Board determines that the licensee did not make the showing of rehabilitation based on the criteria in subsection (b)(1), the suspension or revocation is based on a disciplinary action as described in Section 141 of the Code, or the suspension or revocation is based on one or more of the grounds specified in Article 5 of Chapter 3.5 of Division 3 of the Code, the Board shall apply the following criteria in evaluating the licensee's rehabilitation:~~if subsection (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 the 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 licensee is rehabilitated:~~

~~(4A)~~ (4A) The ~~N~~nature and ~~severity-gravity~~ of the act(s), disciplinary action(s), or offensecrime(s).

~~(2B)~~ (2B) The ~~T~~total criminal record.

~~(3C)~~ (3C) The time that has elapsed since commission of the act(s), disciplinary action(s), or offensecrime(s).

~~(4D)~~ (4D) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

~~(5E)~~ (5E) The criteria in subsection ~~(e)(1)(A)-(E)~~, as applicable.

~~(6F)~~ (6F) If applicable, evidence of ~~expungement-dismissal~~ proceedings pursuant to Section 1203.4 of the Penal Code.

~~(7G)~~ (7G) Evidence, if any, of rehabilitation submitted by the licensee.

~~(c)(e)~~ When considering the 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)(b)~~, 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, 5653, 5660, 5666, 5667, 5668, 5669, 5670, 5671, 5672, 5673, 5675, 5675.5 and 5678, Business and Professions Code.



## **AGENDA ITEM L: DISCUSS AND POSSIBLE ACTION ON NEW LATC LOGO**

### **Background Summary**

At the November 8, 2019 meeting, the Landscape Architects Technical Committee (LATC) was presented with the opportunity to consider adopting a new logo. The members considered the following entities to design its logo: 1) Department of Consumer Affairs' (DCA) Office of Publications, Design and Editing (OPED), 2) Committee members; or 3) Students who are in landscape architecture programs. During the meeting, LATC members expressed interest in developing the new logo through any of the three options presented. The members also expressed preference for a new logo that is more reflective the landscape architecture profession.

Based on the options presented, staff inquired with DCA legal about any issues regarding a logo design competition among landscape architecture students. Per legal counsel, there may be an issue with the transfer of the copyright or trademark rights. Specifically, there may be an issue whether a student is provided sufficient compensation if they submit their design for consideration by the LATC. As one of the other options presented, OPED developed 12 draft designs. Attached is the design logic used by OPED (Attachment 1) and OPED's draft logo designs (Attachment 2).

### **Action Requested**

Review and take possible action on the design proposals created by OPED.

The Committee should consider the potential copyright or trademark issues and whether it would still like to proceed with student designs.

### **Attachments**

1. DCA PDE Design Logic
2. Logo Designs (Drafts 1-12)





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**DEPARTMENT OF CONSUMER AFFAIRS • PUBLICATIONS, DESIGN AND EDITING**

1625 North Market Blvd., Suite S-119, Sacramento, CA 95834

P (916) 574-7370 | [www.dca.ca.gov](http://www.dca.ca.gov)



## REDESIGNING THE LATC LOGO

### The Process

On the following pages you will find a wide variety of logos, all designed by staff in the Office of Publications, Design and Editing (PDE) to meet the primary criteria provided by LATC. Below, you will find the criteria LATC staff provided us, as well as the general reasoning behind each design, so you have some context when viewing the logo options.

As you'll see, we start by presenting logos in their most simplistic form, black. If you like it in black, you'll love it in color!

Once you narrow your choice to one option, we will provide you the logo in a variety of color palettes to choose from. We like to work collaboratively, so your input throughout the process is vital. The more descriptive you can be when providing feedback, the faster and more efficient we can be in creating an effective logo that everyone will be happy with.

### Design Criteria Provided by LATC

1. No abstract logos.
2. A primary focus is to include commercial and residential land together.
3. Aspects of the logo should distinguish Landscape Architects from Landscape Designers.

### Our reasoning

Showing a logo in only black allows the viewer to focus on the shape vs. being swayed by color. Color automatically draws the eye and can sway the viewer in one direction or another, sometimes causing dismissal of options that deserve consideration.

Most of the time, on printed pieces, videos, etc., your logo will be seen only in black or reversed out in white—not in color—so it needs to work at its most basic level. Through careful consideration, the options presented will work in every conceivable circumstance.

You'll note we show the logo in both a larger and smaller format. A majority of the time, it will be seen on printed materials, such as a brochure or business card in the smaller format. As you'll notice, when the logos are reduced, some are more effective than others. This is something you'll want to take into consideration when choosing your logo.

The most effective marks aren't the logos that try and convey everything you do as a committee. The most effective logos are simple in shape, easy to identify, and capture an emotion or general concept of what you do. It is up to the committee to decide what that focus should be. The last thing we want to do is confuse the viewer with too much complexity. The logo should work as part of your entire branding effort and compliment your supporting materials. It does not need to tell the entire LATC story.

Thank you so much for your consideration. We look forward to your feedback and creating a logo that you will be proud to use.





This logo is clean, simple and says it all in a very easy-to-read, quick look. There is no question that you're looking at a planned environment with layers of elements that are all working together.





# LANDSCAPE ARCHITECTS

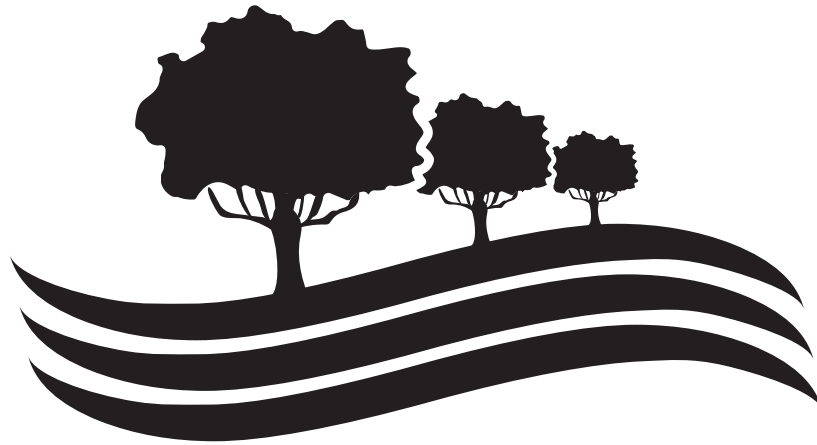
TECHNICAL COMMITTEE



With a cityscape in the background depicting an urban environment, the landscaping in the foreground grabs your attention with elevations, water, foliage, pathways, and the indication of a retaining wall or walking bridge.







# LANDSCAPE ARCHITECTS

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## TECHNICAL COMMITTEE



This clean and easily recognizable logo uses stacked curved shapes to convey nature's movement while at the same time suggests elevation, water, and pathways. The fact that it is very structured brings to the forefront a man-made design influence.





This logo conveys a cityscape in the background depicting an urban environment with clean modern lines. The landscaping is brought to the foreground showing elevations, water, plants, and pathways.





# LANDSCAPE ARCHITECTS

TECHNICAL COMMITTEE



This logo incorporates a business building to indicate an industrial park with pathways, greenbelts, trees, and a waterway. This version has dimension, and uses fluid brushstrokes that brings to mind the outdoors.





This modern logo uses simple shapes to depict a planned environment with trees, water and a pathway while still including a cityscape in the background to bring in an urban element.







This logo has all the suggested elements contained in a shape and is one of the logos that places emphasis on the name “Landscape Architects Technical Committee” as the primary element making it very easy to read.





Geometric shapes define this logo. In a simple, graphic way, you can quickly see grass, trees, water, bushes, and a building that could be commercial or residential. It is structured, clean, and easy to read.





With a touch of whimsy, this logo says it all in a simple way. The cityscape, planted trees, water, and paths are evident in the clean lines that reverse out of background foliage.





Using simple shapes and clean lines, this logo says business park by using structured, designed features such as trees, water, a retaining wall, and walkways. In addition, the committee's name is very easy to read.







# Landscape Architects

Technical Committee



Landscape Architects  
Technical Committee

This logo is designed to be more of a literal interpretation of a business park. The details of bushes, trees, water, and pathways are all evident while still working well in a smaller format.





# LANDSCAPE ARCHITECTS

TECHNICAL COMMITTEE



This logo has all the elements that suggest a man-made, landscaped environment. The shapes can be seen as bike paths, road ways, curb sides, waterways, a greenbelt and more!



## AGENDA ITEM M: FUTURE LATC MEETING DATES

### **Background Summary**

An updated schedule of meetings and events for the remainder of 2020 are provided to the Committee.

<u>Date</u>	<u>Meeting</u>	<u>Location</u>
February 28	California Architects Board (Board) Meeting	Sacramento
March 5-6	National Council of Architectural Registration Boards (NCARB) Regional Meeting	Cambridge, MA
<i>March 31</i>	<i>Cesar Chavez Day</i>	<i>Office Closed</i>
<i>May 25</i>	<i>Memorial Day</i>	<i>Office Closed</i>
May 27	Landscape Architects Technical Committee Meeting	UC Davis
June 5	Board Meeting	Los Angeles
June 18-20	NCARB Annual Meeting	Austin, TX
<i>July 4</i>	<i>Independence Day</i>	<i>Office Closed</i>
<i>September 7</i>	<i>Labor Day</i>	<i>Office Closed</i>
September 11	Board Meeting	Bay Area
September 10-12	Council of Landscape Architectural Registration Boards Annual Meeting	New York, NY
October 2-5	American Society of Landscape Architects Conference on Landscape Architecture	Miami, FL
<i>November 11</i>	<i>Veterans Day</i>	<i>Office Closed</i>
<i>November 26-27</i>	<i>Thanksgiving Holiday</i>	<i>Office Closed</i>
December 11	Board Meeting	Southern California
<i>December 25</i>	<i>Christmas Day</i>	<i>Office Closed</i>

