



Minutes

CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee Meeting

September 4, 2020
WebEx Teleconference

Landscape Architects Technical Committee (LATC) Members Present

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

California Architects Board (Board) Member Present

Tian Feng, LATC Liaison, Board President

Staff Present

Laura Zuniga, Executive Officer (EO)
Vickie Mayer, Assistant EO
Trish Rodriguez, Program Manager
Tara Welch, LATC Counsel, Attorney III, Department of Consumer Affairs (DCA)
Karen Halbo, Regulatory Counsel, Attorney III, DCA
Carrie Holmes, Deputy Director, DCA Board and Bureau Relations
Stacy Townsend, Enforcement Analyst
Blake Clark, Examination Analyst
Ryan Perez, Manager, DCA Board and Bureau Relations

Guests Present

Matt Miller, Chief Executive Officer, Council of Landscape Architectural Registration Boards (CLARB)
Veronica Meadows, Senior Director of Strategy, CLARB
Brandon Roosenboom, Water Resource Control Engineer, State Water Resources Control Board
Amy Kronson, Senior Environmental Scientist, State Water Resources Control Board

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

LATC Chair, Jon Wreschinsky called the meeting to order at 10:00 a.m. and called roll. Four members of the LATC were present, thus a quorum was established.

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

Mr. Wreschinsky announced that he will serve as LATC Chair during the meeting. Ms. Rodriguez explained that former LATC Chair, Marq Truscott's term ended on June 1, 2020 and he had since been serving during his grace period which recently ended. She continued that the Governor appointed position is vacant, and until such time that a new member is appointed, the vice chair will assume the office of the chair. She further explained that elections will be held at the next LATC meeting pursuant to the LATC Member Administrative Manual in which both positions for the chair and vice chair will be voted on by the members. Ms. Rodriguez thanked Mr. Truscott for his service on the LATC since September 2015.

Mr. Wreschinsky explained the meeting is being webcast and pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, a physical meeting location was not being provided.

C. Public Comment on Items Not on the Agenda

Mr. Wreschinsky invited members of the public to address the LATC, stating 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) – Carrie Holmes, Deputy Director, Board and Bureau Relations, DCA

DCA Deputy Director of Board and Bureau Relations, Carrie Holmes, provided an update on DCA's accomplishments and recent activities. She shared that the DCA Budget Office and Office of Information Services launched four new budget expenditure and revenue reports utilizing FI\$Cal information that are fast, detailed, and easy to generate using DCA's Quality Business Interactive Reporting Tool to aid Committee staff when providing budget reports. Ms. Holmes continued that DCA is prioritizing regulations to improve timelines and transparency by creating the Legal Office Regulations Unit to directly assist with regulation packages and the implementation of the Cherwell data system to manage, track, and streamline regulation package review. She updated that the business modernization for Cohort 2, in which the LATC is a part of, was in the middle of project planning when the pandemic occurred, and the project is currently re-planning to ensure it can be supportive from a staffing and fiscal perspective in the current environment. Ms. Holmes explained that DCA and its programs have been following safety guidelines and procedures to reduce the spread of COVID-19 by implementing telework plans and physical distancing for those that are not teleworking. Additionally, Ms. Holmes explained that SOLID moved many training sessions online and encouraged members to attend the New Board Member Orientation offered online.

E. Review and Possible Action on February 5, 2020 LATC Meeting Minutes

- **Andrew C. N. Bowden moved to approve the February 5, 2020 LATC Meeting Minutes**

Patricia M. Trauth seconded the motion.

There were no comments from the public.

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

F. Program Manager's Report

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

Ms. Rodriguez provided the members with personnel updates including Kourtney Nation being promoted from the Examination Analyst (Staff Services Analyst [SSA]) to the Special Projects Analyst (Associate Governmental Program Analyst [AGPA]) position, Blake Clark was promoted from Licensing and Administration Office Technician (OT) to Examination Analyst (SSA), and Enforcement Analyst, Stacy Townsend was promoted-in-place from SSA to AGPA. She also welcomed Harmony Navarro, Licensing and Administration OT, who started her employment with LATC on August 17, 2020.

Ms. Rodriguez introduced LATC's regulatory counsel, Karen Halbo, and informed that staff meets weekly with Ms. Halbo to discuss the progress of LATC's regulation packages. She also explained, in response to the members' request, a regulations chart was created to display the status of progress for the regulation packages, which is intended to supplement the details provided in the Program Manager's Report.

Ms. Rodriguez provided a detailed update on LATC's regulation packages and explained that at its February 5, 2020 meeting, the Committee approved the language amending California Code of Regulations (CCR) section 2611 (Abandonment of Application) to define the abandonment of an application; amending CCR section 2616 (Application for Licensure Following Examination) to provide for the abandonment of a candidate's application for licensure; and adopting CCR section 2611.5 (Retention of Candidate Files) to provide LATC authority for the retention and purging of candidate files. She continued that the Board approved the language at its February 28, 2020 meeting, and staff prepared the regulatory proposal which was submitted to DCA Legal Affairs for pre-review on April 10, 2020.

Additionally, Ms. Rodriguez provided that CCR section 2615 (Form of Examinations) and 2620 (Education and Training Credits) was originally published for public notice by the Office of Administrative Law (OAL) in 2016, however, after receiving substantial public comment, additional research was necessary and the rulemaking file was withdrawn in 2017, due to insufficient time to finalize the proposal within the one-year deadline imposed by Government Code section 11346.4. She reminded the

members the Education/Experience Subcommittee was appointed to further discuss expanding initial pathways to licensure and proposed regulatory language was approved by the Board in September 2018 and submitted to DCA Legal Affairs for pre-review in February 2019, in which DCA Legal concluded its prereview in June 2019 and began the initial analysis. Ms. Rodriguez further explained, during this period, the Department of Finance made changes to what information is required for analyzing the fiscal impact. She continued that DCA is working on updating and providing the requested information and, once complete and approved by the Director and Agency, staff will submit the final regulatory package to OAL, and publish for public notice, including a 45-day public comment period. She underscored that this rulemaking file is prioritized at the top of the other rulemaking files currently in process with DCA Legal.

Ms. Rodriguez updated the members on CCR section 2620.5 (Requirements for an Approved Extension Certificate Program) informing them the rulemaking package is currently with DCA Legal for pre-review and the current University of California, Los Angeles (UCLA) Extension Certificate Program's approval expires on December 31, 2020. She went on to say that a Self-Evaluation Report was received from the program and is being reviewed under the existing language within CCR section 2620.5 and will be presented to the LATC for approval at its next meeting.

Ms. Rodriguez continued with an update on CCR section 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) stating the proposed regulations would implement Assembly Bill (AB) 2138 which aims to reduce barriers to licensure for individuals with a criminal history and the regulations package is with the OAL as of June 24, 2020. She explained the proposal included a request for expedited review and will become effective when filed with the Secretary of State.

Next, Ms. Rodriguez reminded the members in order to comply with AB 2138, changes to CCR section 2680 (Disciplinary Guidelines) were necessary to reflect proposed changes to CCR sections 2655 and 2656. She explained that CCR section 2680 incorporates the Disciplinary Guidelines by reference and required changes to reflect the revised Disciplinary Guidelines. Ms. Rodriguez continued, in July 2019, the proposed regulations were submitted to DCA Legal for pre-review, in October for initial analysis, and the package is currently with DCA.

Lastly, Ms. Rodriguez updated on CCR section 2671 (Public Presentments and Advertising Requirements) explaining that LATC set an objective of researching the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers. She informed that, currently, CCR section 2671 requires a landscape architect only include their name and the words "landscape architect" in all forms of advertising or public presentments, and, in an effort to better inform and protect California consumers, the proposed changes will expand to include license numbers in all forms of advertising. Ms. Rodriguez explained the proposed language to amend CCR section 2671 was reviewed by the LATC on May 29, 2019, and the Board approved the LATC's recommendation at its June 12, 2019 meeting. She further stated staff submitted the regulatory proposal to

DCA Legal Affairs for pre-review in August 2019, for initial analysis by DCA Legal and Budget Office in February 2020, and the package is currently with DCA.

Ms. Rodriguez announced that the Office of Professional Examination Services has offered to attend an LATC meeting and address questions the LATC has regarding pass rates after the Linkage Study Report is complete.

2. Discuss and Possible Action on Annual Enforcement Report

Ms. Townsend reported in Fiscal Year (FY) 2019-20, LATC had nine pending enforcement cases, and the average time to complete an investigation was 70 days, which was significantly less than the goal of 270 days. She continued that tables and charts for FY 2019-20 were included in the meeting materials and demonstrate the types of complaints received; comparison of complaints received, closed, and pending by FY; comparison of ages of pending complaints by FY; summary of closed complaints by FY; summary of disciplinary and enforcement actions by FY; and most common violations of the Practice Act. Ms. Townsend clarified that statistics associated with pending cases indicates the number of open cases at the end of each FY.

G. Council of Landscape Architectural Registration Boards (CLARB)

1. Presentation by CLARB on Uniform Standard (Policy), Landscape Architect Registration Examination (LARE) Uniform Application (Process), and Time to Licensure (Procedure)

Ms. Rodriguez explained that CLARB is the national council for member boards across the United States, Canada, and Puerto Rico. She further explained they administer the national exam known as the LARE and they are currently undergoing efforts to standardize the licensure process for all candidates. Ms. Rodriguez announced LATC invited CLARB to present an overview of their initiative and answer any questions. She introduced CLARB Chief Executive Officer, Matt Miller, and Senior Director of Strategy, Veronica Meadows. Mr. Miller thanked the LATC for providing the opportunity to speak on the proposed standardization to policies, processes, and procedures for a uniform application and candidate pre-approval. He explained that CLARB began rethinking landscape architecture regulation which was inspired by the idea that the current licensure process could be more frictionless in a way to promote the viability of member boards, to better support licensees, and to look at the landscape architect profession as it relates to public health, safety, and welfare. Mr. Miller continued that the need to rethink regulation was determined by four main themes: advancements in technology, push for regulatory reform, changing stakeholder preferences, and changing demographics. He added that CLARB is focusing on reducing friction in terms of the steps, complications, and processes that do not have a direct impact on public protection. He continued that friction is different than rigor, and rigor is an essential piece in the licensure process which includes necessary checkpoints directly involved with public protection and acknowledging that not every candidate will pass. Mr. Miller explained CLARB has identified four points in the licensure process in which friction exists throughout member boards: inconsistency in the varying licensure requirements; redundancy in the duplication of

documentation; speed, with reference to the amount of time to licensure; and service, with reference to the levels of customer support. He further acknowledged this is a work in progress and will take time, contribution, and feedback. Mr. Miller explained CLARB is exploring the reduction of friction through harmonizing standards to demonstrate there are more similarities between jurisdictions than differences which would create a uniform standard enabling mobility; changing processes to eliminate duplication in documentation; revising procedures to increase the speed and time for licensure by allowing for administrative approval with a predetermined set of requirements which would enable an applicant to directly apply and register to take the LARE with CLARB; and improving customer service to better assist in navigating the path to licensure.

Ms. Meadows explained CLARB seeks to establish common criteria allowing for a uniform application and administrative approval for direct LARE registration; two-way data sharing with a uniform application; and administrative approval allowing applicants to register directly with CLARB to reduce the amount of time for licensure.

Mr. Bowden pointed out that California has multiple pathways to licensure and, in concept, felt that LATC can support CLARB's efforts within what California law requires, and requested CLARB to consider those parameters. Mr. Wreschinsky observed CLARB is primarily focusing on initial licensure which may be separate from reciprocity in establishing a set of criteria to qualify for initial licensure. He inquired if that standard would allow for an experience only pathway and encouraged that the question should be addressed up front. Mr. Wreschinsky additionally observed that education is primarily focused on Landscape Architectural Accreditation Board (LAAB) accredited programs and that there are numerous non-LAAB accredited programs equally qualified and should be considered. Ms. Meadows acknowledged, in CLARB's research, they would consider the various pathways to reduce friction. She explained most candidates have a LAAB accredited degree, which is where the uniform standards and application could be applied and that uniform standards allow for easier licensure in multiple states. Ms. Meadows clarified candidates using other pathways would be required to obtain pre-approval from LATC. She stated many member boards allow candidates to apply directly with CLARB to register for the exam if they have completed the education requirement but not the experience requirement. She presented that pass rates of candidates who obtain pre-approval after completing both education and experience requirements have minimal variance between those that complete the exam meeting only the education requirement. Mr. Bowden clarified LATC allows candidates to take sections 1 and 2 of the LARE upon graduating with an LAAB accredited degree, and sections 3 and 4 require completion of the experience requirement which can commence while taking sections 1 and 2. Ms. Meadows explained CLARB does not distinguish between whether a candidate can take some sections of the LARE prior to fulfilling all requirements, and obtains pre-approval from the local jurisdiction, or with direct registration, allowing candidates to take all sections of the LARE. She encouraged LATC, to consider if candidates are not performing any differently, to allow candidates with LAAB accredited degrees to apply directly with CLARB for the LARE.

Mr. Miller confirmed CLARB only accepts qualified candidates as to not expose the exam to individuals who are not qualified. He further encouraged LATC to research the philosophy, and the benefit, of requiring candidates to wait two years while gaining the experience requirement before taking sections 3 and 4. Mr. Wreschinsky responded that the experience component is used to qualify for the exam due to it exposing the candidate to the breadth of the profession and the different situations to be addressed looking at the health, safety, and welfare standpoint. He further opined that, with direct registration, a candidate who is a good test-taker could potentially sit for all four sections of the LARE and pass, but that does not necessarily make them competent to work with the public resulting in a lack of general experience leading to potential liabilities.

Ms. Meadows reiterated CLARB does not want to eliminate the experience requirement but rather it not be required prior to taking the exam, instead it can be gained concurrently while taking the exam. She explained that a uniform standard is intended to be based on education, experience, and examination. Mr. Bowden explained California schools have admitted they do not teach to the exam and expect the students to obtain knowledge to take the exam through their experience.

Mr. Miller explained the goal is to have a more uniform process reducing friction and redundancy in having to apply and provide duplicate documentation to both CLARB and LATC. Ms. Rodriguez informed that LATC is going through the business modernization process which she believes will address some of the friction surrounding duplicative documentation by allowing for the exchange of information between CLARB and LATC. She further confirmed that candidates are currently required to apply with both LATC and then CLARB resulting in duplicative documentation. Ms. Meadows pointed out that if California allowed for direct application, candidates would apply with CLARB; start their Council Record; take and pass the exam; and then apply with California for licensure after the exam and experience requirement have been successfully completed. Ms. Rodriguez commented that a council record would be most beneficial for reciprocity candidates to make the process of getting licensed in additional states easier.

Mr. Feng inquired whether there was more data about trends of what jurisdictions are moving towards direct registration and their reasons. Ms. Meadows explained that some states require statutory or regulatory change to move to direct registration whereas others have more of an internal procedural change which is typically easier.

Ms. Meadows thanked LATC for allowing CLARB to provide the presentation. The Committee members also thanked Mr. Miller and Ms. Meadows for their presentation. No further action requested by the members at this time.

2. Review CLARB September 10, 2020 Virtual Annual Meeting Agenda

Ms. Rodriguez announced the 2020 CLARB Annual Meeting would be held virtually on September 10, 2020. She explained during the meeting CLARB's 2021 Job Task Analysis would be discussed, as well as an update on remote proctoring which was

developed as a result of COVID-19 including a recent pilot study completed with jurisdictions in Canada. Ms. Rodriguez further provided there will be an elections announcement and leadership nominations at the annual meeting.

3. Review and Possible Action on 2020 CLARB Board of Directors and Leadership Advisory Council Elections Ballot

Ms. Rodriguez explained in June 2020, CLARB released the final slate of candidates for the 2020 Board of Directors and Leadership Advisory Council elections and directed members to the final slate of candidates in the meeting materials and each candidate's respective biography.

Mr. Wreschinsky initiated discussion on which Committee member would be available to attend the virtual CLARB Annual Meeting along with Mses. Rodriguez and Zuniga, and the Committee members proceeded to discuss their availability.

- **Susan M. Landry moved to approve Patricia M. Trauth as Delegate and Trish Rodriguez and Laura Zuniga as representatives in attendance on the Letter of Delegate Credentials for the September 10, 2020 CLARB Annual Meeting.**

Jon S. Wreschinsky seconded the motion.

Mr. Bowden advised the members that he had previously signed up to attend the CLARB Annual Meeting.

- **Susan M. Landry amended the motion to approve Andrew C. N. Bowden as Delegate and Mses. Rodriguez and Zuniga as representatives in attendance on the Letter of Delegate Credentials for the September 10, 2020 CLARB Annual Meeting.**

Patricia M. Trauth seconded the amended motion.

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

Ms. Trauth explained that she had also signed up to attend the CLARB Annual Meeting and inquired if she could still attend. Ms. Rodriguez confirmed Ms. Trauth could attend the meeting as well and she would advise CLARB. Mr. Wreschinsky explained that his understanding was that there was no limit on the number of members who could attend, but that only one member could vote.

Mr. Wreschinsky initiated discussion regarding the elections ballot, and the Committee members proceeded to discuss the candidates and shared their knowledge of their backgrounds. Mr. Wreschinsky inquired on whether CLARB actively reaches out to the member boards requesting nominations or if the nominees submit applications. Mr. Bowden explained the Leadership Advisory Council discusses potential candidates which are obtained by CLARB. He further explained

CLARB allows for member boards to submit names of individuals who might be interested in serving and those candidates are then vetted. Mr. Wreschinsky explained he had reached out to CLARB offering to volunteer to serve, but he deduced the earliest he would be able to serve would be late 2021. He pointed out that one of the candidates for the Leadership Advisory Council, Carrie Rybczynski, is from California, but he was not aware of her being involved with LATC and inquired if any members knew of her or her background. Mr. Feng provided he was not familiar with her and inquired if CLARB leadership nominees from California should be involved with LATC. Mr. Wreschinsky explained he assumed most individuals that served with CLARB are on a licensing board with their state but acknowledged that is not a condition. He further informed the members he had reviewed information provided by CLARB regarding changes to the nomination process with Ms. Rodriguez and opined that the intent of the changes was to expand the pool of candidates to serve as CLARB leadership. Ms. Trauth confirmed CLARB did change their bylaws allowing individuals who are not involved with one of the member boards, or a landscape architect, to become a member of CLARB leadership. Mr. Bowden pointed out, although candidate Ms. Rybczynski has experience working with CLARB, she has no involvement with LATC, and that should be taken into consideration when casting votes.

Mr. Wreschinsky prompted the members to discuss the President-Elect nominees and decide whom to support. Ms. Landry and Mr. Bowden informed the members they were leaning towards a vote for President-Elect Chuck Smith with Mr. Bowden explaining Mr. Smith is well-spoken and presented himself well at last year's CLARB Annual Meeting, which he attended. Mr. Wreschinsky opined the Committee should take into consideration which of the President-Elect nominees would better represent LATC's interests regarding the proposed uniform application. Ms. Trauth agreed with Ms. Landry and Mr. Bowden in support of President-Elect Mr. Smith.

Mr. Wreschinsky prompted the members to discuss the Leadership Advisory Council Member nominees and reiterated the Committee should take into consideration which nominee would better represent LATC's interests. Mr. Bowden expressed his support of candidates Julie Hildebrand and Bob Mercier due to the extent of their experience with CLARB and the American Society of Landscape Architects. Ms. Landry indicated that the third candidate, Ms. Rybczynski, has experience working on the exam with CLARB to which Mr. Bowden acknowledged her experience, but pointed out that she has insufficient experience working with other landscape architecture organizations. Ms. Landry emphasized that the other two candidates are not from California whereas Ms. Rybczynski is. Mr. Bowden opined that experience was more important than the state of residency. Ms. Landry and Mr. Wreschinsky agreed with Mr. Bowden's opinion that experience of the supported candidates was important.

- **Andrew C. N. Bowden moved to support Chuck Smith for President-Elect, and Julie Hildebrand and Bob Mercier for Leadership Advisory Council Members.**

Susan M. Landry seconded the motion.

There were no comments from the public.

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

I.* Presentation on Qualified Stormwater Pollution Prevention Plan Developer (QSD) Certification by State Water Resources Control Board

Ms. Rodriguez reminded the members at the November 8, 2019 meeting, they discussed the QSD certification requirements and process for landscape architects as a result of receiving correspondence from a licensee. She continued that the members expressed further interest and requested a presentation at a future meeting on the extent of the QSD certification training program, requirements to become QSD certified, importance of being QSD certified, and how landscape architects can become QSD certified.

Ms. Rodriguez introduced State Water Board staff and Qualified Industrial Storm Water Practitioner, Brandon Roosenboom. Mr. Roosenboom informed the Committee that Senior Environmental Scientist and Unit Chief of the Industrial and Construction Stormwater Permitting Program, Amy Kronson, was also present. He provided that the presentation would cover the background on the Construction Stormwater General Permit, role of the Qualified Stormwater Pollution Prevention Plans (SWPPP) Developer or Practitioner, process of becoming a Qualified SWPPP Developer or Practitioner, and landscape architects in relation to the certification.

Mr. Roosenboom explained the Construction Stormwater General Permit (CGP) is part of the National Pollutant Discharge Limited Elimination System Program which was created through the adoption of the Federal Clean Water Act in the 1970s. He went on to say the United States Environmental Protection Agency delegated its permitting authority to the State Water Resources Control Board. Mr. Roosenboom explained the current permit was adopted in 2009, amended in 2010 and 2012, and has been administratively extended since 2014. He informed the Committee the CGP is required for construction projects that disturb one or more acres of land or, less than one acre, but part of a larger common plan of development and requires the development of SWPPP by a certified QSD. Mr. Roosenboom explained a QSD is expected to be knowledgeable in identifying pollutant sources and threats to stormwater quality associated with the unique topography, geology, materials, and activities involved in the project and implementing best management practices recommending solutions to address those pollutant sources. He further provided the QSD is expected to prepare a monitoring program which is used to assess the discharger's compliance with the permit requirements.

Mr. Roosenboom expanded that Qualified SWPPP Practitioners (QSP) are responsible for implementing the SWPPP elements developed by the QSD including inspections, maintenance of best management practices, and the collection of stormwater and non-stormwater samples to be analyzed for contaminants. He clarified that while QSDs prepare the SWPPPs, QSPs prepare Rain Event Action Plans which are documents specific to each rain event and construction phase to be

prepared within 48 hours prior to any likely precipitation event. Mr. Roosenboom explained QSPs are typically more familiar with the day-to-day activities of a site and should be able to quickly transition sites to protect water quality if precipitation is expected.

Mr. Roosenboom continued there are four steps to becoming a QSD or QSP: (1) take a QSD/QSP training course, ranging from 16 to 24 hours of instruction, offered by a Trainer of Record who is recognized by the California Stormwater Quality Association as an experienced stormwater professional capable of instructing new QSDs and QSPs; (2) register for the QSD and/or QSP examination through the Office of Water Programs; (3) Pass the exam with a score of 70% or higher; and (4) provide information on their underlying certification or registration being used as a pre-requisite. He further provided there are several underlying pre-requisites including a California landscape architect license. Mr. Roosenboom explained licensed landscape architects are considered an acceptable pre-requisite due to the expectation they are knowledgeable in the potential impact stormwater can have on a project both during and post construction and understanding topography, geology, drainage, and how to design projects around those constraints. He informed the members currently there are approximately 115 landscape architects who are also QSDs and 11 landscape architects who are QSPs. Additionally, he clarified that every QSD is also, technically, a QSP.

Ms. Landry requested clarification on whether landscape architects are required to take the training course and the number of hours associated. Mr. Roosenboom clarified that possessing a landscape architect license is considered a pre-requisite for registration and that completion of either the QSD or QSP training course is also required. He explained that the QSD training course consists of 24 hours of instruction and the QSP training course consists of 16 hours of instruction, both of which highlight the requirements of the CGP.

Mr. Wreschinsky inquired on whether a QSD or QSP certified landscape architect can provide those required services on their own project. Mr. Roosenboom responded that there are no limitations and the landscape architect would be able to be the QSD or QSP for their project and Ms. Kronson confirmed.

Mr. Feng inquired on whether projects funded by State Water Resources Control Board grants require the same or more specific certifications to meet the satisfaction of the grant. Ms. Kronson clarified the QSD and/or QSP certification is required to perform the construction and manage the stormwater and does not have implications on reporting or funding. Mr. Feng further inquired on who enforces the SWPPPs and ensures a certified professional prepared them. Mr. Roosenboom explained the regional Water Quality Control Boards are the enforcement branch who visit construction sites for inspection and review of the SWPPPs. He continued if the SWPPPs were not prepared by a QSD, or being implemented by a QSP, a notice of violation of the CGP would be issued.

Mr. Wreschinsky requested an example of a less than one-acre project, but part of a larger common plan of development that would require a SWPPP. Mr. Roosenboom

provided that an example of this requirement would be for subdivisions that have been broken out for different property owners or developers. Ms. Trauth requested clarification that the requirement is only for one acre of disturbance, not necessarily for a one-acre project, and Mr. Roosenboom confirmed it is for one acre of disturbance. Ms. Trauth requested further clarification on what is meant by disturbance. Mr. Roosenboom explained when there is any grading or activity that is changing the soil of the project it is considered disturbance.

The Committee members thanked Mr. Roosenboom and Ms. Kronson for their presentation. No further action requested by the members at this time.

H. Review and Discuss 2020 Legislation

1. Assembly Bill (AB) 2028 (Aguiar-Curry) State Agencies: Meetings

Ms. Zuniga presented AB 2028, which would require meeting materials for state agencies to be posted on their respective websites at least 10 days in advance. She explained this bill did not make it out of the Legislature by the end of the session, making the bill dead, and would have to be reintroduced as a new bill in the next session.

2. AB 2113 (Low) Refugees, Asylees, and Special Immigrant Visa Holders: Professional Licensing: Initial Licensure Process

Ms. Zuniga reviewed AB 2113, which requires all boards within DCA to expedite licensure for applications from refugees, asylees, and Special Immigrant Visa holders. She continued that she did not think neither the Board nor LATC received many applicants in this category; however, the bill gives the ability to adopt regulations to implement the requirement. Ms. Zuniga explained the Board and LATC would need to check with DCA on how they would like the requirement to be implemented and if applications need to be modified to request this information. She provided this bill should not have a significant impact on operations.

3. AB 2257 (Gonzalez) Worker Classification: Employees and Independent Contractors: Occupations: Professional Services

Ms. Zuniga continued with AB 2257 (Gonzalez), which is a follow-up to legislation last year related to the Dynamex decision about the classification of workers as to whether they are independent contractors. She explained this bill contains additional exemptions, but primarily applies to music performances and careers in that area and does not appear to apply to landscape architecture. Mr. Bowden requested clarification on whether landscape architects were added to the exempt list. Mr. Wreschinsky confirmed that landscape architects were added to the exempt list and his understanding is the bill was approved and is with the Governor for signature. Ms. Zuniga explained the language of the bill has been amended since the version in the meeting materials and she would need to review further. Mr. Bowden reiterated that it would be important to know if landscape architects were added to the language of the bill so the public could be informed. Ms. Zuniga requested to return to this item at the end of the meeting.

4. Senate Bill (SB) 878 (Jones) Department of Consumer Affairs: License: Application: Processing Timeframes

Ms. Zuniga provided an update on SB 878, which requires all boards within DCA to post online their average processing times for applications, explaining she does not believe the Board or LATC currently does this but that it should not be difficult to do.

5. SB 1474 (Committee on Business, Professions and Economic Development) Business and Professions

Ms. Zuniga presented SB 1474, which contained language that would have allowed LATC to implement the fingerprinting requirement that was proposed in 2019 by SB 608. She explained language was removed towards the end of the legislative session due to concerns the Department of Justice (DOJ) had about changes that need to be made regarding how the fingerprint program operates. Ms. Zuniga explained that SB 1474 delays for one year the fingerprint requirement for LATC to work out the issues with implementation resulting in the fingerprinting requirement to begin January 1, 2022. She explained next year LATC will seek the legislation again to allow for the implementation and will work with DOJ to determine what the issue was. Ms. Zuniga informed the members that the Board will begin fingerprinting January 1, 2021 for new applicants only.

J. Update on Intra-Departmental Contracts (IDC) with the Office of Professional Examination Services (OPES) for Landscape Architects California Supplemental Examination (CSE) Written Examination Development, and Review of LARE and Linkage Study

Ms. Rodriguez pointed the members to the interagency contracts for exam development and linkage study contained in the meeting materials. She explained these contracts have already been executed and were provided as an update. Ms. Rodriguez informed members exam development workshops have commenced for the CSE and the first workshop was held remotely, whereas future workshops are planned to be held in person adhering to physical distancing guidelines. She continued referring to CLARB's presentation which included information regarding their linkage study currently in process. She explained that OPES will commence LATC's linkage study for the CSE and LARE in early 2021, to compare and analyze CLARB's national study.

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

Ms. Rodriguez explained this item was a carry-over from LATC's February 5, 2020 meeting, in which the Committee was presented with proposed changes to the Landscape Architect's section of the Board's *Building Official Information Guide (Guide)* in an effort to fulfill the Strategic Plan objective addressing issues some landscape architects are having with the acceptance of their stamp by local

jurisdictions. She reminded the members that Ms. Trauth was appointed to work with staff to enhance the information discussed and proposed during the February meeting, as well as develop a distribution methodology for the information.

Ms. Rodriguez further explained the members had inquired if the Board received input from building officials on the *Guide* to which Ms. Zuniga explained the Board received a few general comments in favor of having a newer version of the *Guide* but there were no questions or concerns. Ms. Rodriguez asked LATC to review and approve the proposed language being presented, as well as the distribution methodology.

Ms. Landry expressed her satisfaction with the *Guide* and opined that LATC's goal has been accomplished. Ms. Trauth questioned whether the *Guide* would be available on LATC's website as it potentially could be a resource for landscape architects to address issues with local jurisdictions. Ms. Rodriguez confirmed the *Guide* will be available on LATC's website under its Publications link and sent electronically to jurisdictions. Ms. Rodriguez further explained that hard copies of the *Guide* would also be mailed to the identified jurisdictions in which the landscape architect stamp has not been accepted.

Mr. Bowden referred to question 6 of the *Guide* regarding whether an unlicensed person can advertise landscape architectural services, stating the continuing issue regarding advertising websites that only provide the categorical option of landscape architect and not landscape designer, causing landscape designers to identify as a landscape architect without a license. Mr. Bowden explained he was questioned on whether LATC was still addressing this issue. He acknowledged this issue was addressed in the past by LATC but questioned whether there has been additional follow-up. Ms. Rodriguez confirmed LATC sent letters to the various platforms explaining the category issue; however, LATC does not have authority over those platforms to enforce the changes LATC requested. She further provided she did not believe any changes were made, although multiple attempts were made requesting an additional category for unlicensed individuals. Ms. Rodriguez explained staff has not been tasked to do anything further with this issue. Ms. Townsend confirmed that multiple attempts were made to reach out to the various platforms and since LATC does not have authority over such websites she is unaware of any additional actions LATC can attempt. Mr. Wreschinsky questioned whether LATC received any response from the various platforms as a result of the letter and Ms. Townsend answered that LATC did not receive any responses. Mr. Bowden questioned Ms. Welch if LATC, or the State of California, can do anything since unlicensed individuals are given no other option but to advertise as landscape architects when they are not licensed. Ms. Landry expressed her agreement and opined that it could be a form of false advertising due to the websites not providing the ability for the unlicensed person to be placed in a category other than "landscape architect." Mr. Wreschinsky questioned whether this would also be an issue of aiding and abetting if the websites, aware of the law, are not providing unlicensed individuals a more appropriate option. Ms. Welch explained, as far as aiding and abetting, LATC would have to prove intent on the part of the website to allow the individual to participate in unlicensed practice. She further acknowledged that cease and desist letters have been sent to the various websites in the past but there is very little that can be done to a private entity who is presumably using a computer system to assign

categories. Ms. Welch explained LATC has jurisdiction over an individual who is characterizing themselves as a landscape architect or describing their types of services as landscape architectural for unlicensed practice in that they are advertising a service they are not licensed to provide.

Ms. Welch transitioned to question 5 with respect to local building officials rejecting landscape architect stamps. She explained the description of the response coincides with the legislative amendment the Board approved in February 2020 to amend Business and Professions Code (BPC) section 5659, Inclusion of License Number, to specifically prohibit local building officials from rejecting landscape architect stamped plans, which is not in effect at this time. Ms. Welch expressed her concern for including the response when it is known that LATC is attempting to better clarify the statute. She is in favor of continuing to press for amendments to BPC section 5659, hopefully in the next legislative session, to provide the prohibition landscape architects need to file their documents with county recorders and get their permits issued. Mr. Wreschinsky questioned whether the Landscape Architects Practice Act (Act) authorizes landscape architects to submit stamped drawings within their scope of practice. Ms. Welch explained there is a requirement for landscape architects to stamp their plans providing the limitations that unlicensed individuals cannot stamp plans. She further explained, however, there is no directive to building officials or county recorders that they cannot require another licensee to then stamp the plans, which is why LATC is attempting to provide that clarity in the Act. Mr. Wreschinsky suggested the option of striking the reference, at this time, and then in the future if, and when, revisions to BPC section 5659 becomes effective, the reference can be added to the response for question 5. Ms. Trauth inquired on the timeframe if the reference is removed, to amend the response in the future. Ms. Welch informed LATC, assuming the amendments can be folded into a Business and Professions bill, it will take a minimum of a year and wouldn't be effective until January 2022. Mr. Wreschinsky requested confirmation if the process for the amendments commenced but was not introduced in time for a bill this year. Ms. Zuniga confirmed the amendments were submitted to the Legislature; however, they were submitted past the deadline and were not accepted as anticipated. She further expressed there were no concerns raised about the amendments so it is likely it will be included in next year's Omnibus Bill by the Senate Business and Professions Committee.

Ms. Trauth inquired whether it made a difference that the *Guide* is titled a Building Official *Information* Guide and not a "Law." Ms. Welch responded that it does not make a difference that it is being called a *Guide* but, rather, it is that the response for question 5 is representing the law prohibits local building officials from rejecting plans stamped by landscape architects and until that is clarified in the law, she does not feel confident LATC can make that claim. Ms. Rodriguez inquired on whether question 5 could remain in the *Guide* while providing background and LATC's intent to amend BPC section 5659. Ms. Welch recommended that the best option is LATC state the law, which is the second sentence of the response providing that landscape architects are authorized to prepare and stamp these plans as part of their services and nothing else. She further explained, by stating the law, LATC is highlighting the point that landscape architects can provide those services while implying that local building officials should be accepting the documents. Mr. Wreschinsky clarified the response

to question 5 should be amended to strike all other sentences except for the second sentence and then revisit the response later, if, and when, the legislative change amending BPC section 5659 occurs.

- **Andrew C. N. Bowden moved to approve the revisions to the Building Official Information Guide with the specified edits to the response of question 5 and to recommend approval to the Board.**

Patricia M. Trauth seconded the motion.

There were no comments from the public.

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

L. Discuss and Possible Action on New LATC Logo

Ms. Rodriguez explained this item was a carry-over from LATC's February 5, 2020 meeting, in which the LATC reviewed 12 black and white draft logos designed by DCA's Office of Publications, Design & Editing (PDE). She further explained the members expressed interest in a simplified logo that clearly represented California landscape architecture rather than architecture. Ms. Rodriguez stated members were to develop feedback outlining their overall design expectations to be discussed at the meeting.

Ms. Landry explained she was not able to attend the previous meeting; however, she provided public comment and maintains that none of the logos were good options for LATC's new logo. She opined the design included in attachment L.2.3 most closely represents LATC, however, the trees should be updated. Mr. Bowden agreed with Ms. Landry, the trees could be better depicted, but he liked the font and the organization of the words. Mr. Bowden also felt the design included in attachment L.2.11 held merit with some landscape design, except he did not agree with the building or the font. He suggested to, perhaps, combine the font of attachment L.2.3 with the picture of attachment L.2.11 and modify the building. Ms. Landry added the three curved lines of the design in attachment L.2.3 should be narrower.

Ms. Trauth recalled the discussion of LATC's February 2020 meeting in which members discussed keeping the design simple. She further stated none of the presented designs are simple and seem too complicated. Ms. Trauth opined the design needs to be simple, clean, and more representative of the profession of landscape architecture. She continued with the designs in attachments L.2 and L.2.8 being the preferred options for LATC's new logo.

Ms. Landry inquired whether LATC reached out to the public to design LATC's new logo. Ms. Trauth explained there was discussion on allowing students to design possible logos and Ms. Welch clarified to LATC that designing the logo was not extended to students due to trademark concerns. Ms. Trauth pointed out the Board's new logo does not contain a building, therefore, LATC's does not need to be real

literal either. Mr. Feng recalled the conversation at the February 2020 meeting and the discussion on a literal design versus an abstract design and opined the design in attachment L.2 contained all the elements of landscape architecture.

Ms. Trauth suggested narrowing down the options to three choices, requesting PDE to provide additional options focusing on editing the chosen designs. Mr. Wreschinsky agreed with Ms. Trauth and recommended the designs in attachments L.2.2, L.2.3, and L.2.11. Ms. Landry expressed her reserves of narrowing down to three choices leading to three variations of each design, totaling nine designs. She suggested narrowing down to just two choices, the designs in attachments L.2 and L.2.3, and request variations on those. The remaining members agreed with Ms. Landry on the design choices.

LATC directed staff to work with PDE to provide variations of the designs in attachments L.2 and L.2.3 addressing the spacing and thickness of the lines, as well as the trees, while also simplifying the designs.

M. Review of Future LATC Meeting Dates

Ms. Rodriguez reminded the members CLARB's Annual Meeting would be held virtually on September 10, 2020 in which Mr. Bowden would be attending. She further announced the Board would be holding their meeting on September 18, 2020 in which Mr. Wreschinsky would be attending as the Chair of LATC. Ms. Rodriguez provided that LATC's next meeting on December 2, 2020 would be held virtually and, at that meeting, the members could discuss who will be attending the Board meeting on December 11, 2020.

Mr. Wreschinsky inquired if any members had specific requests of items to be discussed at the next meeting. Ms. Rodriguez explained there are a few items on the agenda including member elections for the Chair and Vice Chair, the UC Extension review for approval by LATC, and a presentation by OPES. Mr. Bowden inquired when LATC's next Strategic Planning session would take place. Ms. Rodriguez explained that LATC's current Strategic Plan is through 2021 and the next planning session would be in November or December 2021.

Ms. Trauth commented that she noticed the Board issues newsletters and inquired on whether LATC could be included in the newsletter. Ms. Rodriguez explained that LATC has provided articles for the newsletters in the past and would be open to discussion to do so more frequently. Ms. Zuniga provided the Board could include LATC in the newsletter articles if LATC would like.

Mr. Wreschinsky referred to the legislative update on AB 2257 and whether Ms. Zuniga could clarify whether landscape architects were included in that bill. Ms. Zuniga explained the bill had been rewritten since the document was included in the meeting materials, but that landscape architects were included as exempt.

N. Adjournment

The meeting adjourned at 2:26 p.m.

** Agenda items for this meeting were taken out of order to accommodate presenters of items. The order of business conducted herein follows the transaction of business.*