



## NOTICE OF MEETING Landscape Architects Technical Committee

### LATC MEMBERS

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

**August 4, 2021**

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

**The Landscape Architects Technical Committee (LATC or Committee) will  
meet by teleconference at**

**10:00 a.m., on Wednesday, August 4, 2021**

**NOTE:** Pursuant to Governor Gavin Newsom's Executive Order [N-08-21](#), issued on June 11, 2021, this meeting will be held by teleconference with no physical public locations.

**Important Notice to the Public: The Committee will hold a public meeting via WebEx Events. To participate in the WebEx meeting, please log on to this website the day of the meeting:**

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m3cce7b26ac1e052d30fe554714d121ee>

Instructions to connect to the meeting can be found at the end of this agenda.

Due to potential technical difficulties, please consider submitting written comments by August 1, 2021, to [latc@dca.ca.gov](mailto:latc@dca.ca.gov) for consideration.

### **Agenda 10:00 a.m. – 5:00 p.m. (or until completion of business)**

- A. Call to Order – Roll Call – Establishment of a Quorum
- B. Chair's Procedural Remarks and Committee 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)).*

*(Continued)*

- D. Update from the Department of Consumer Affairs (DCA) – Board and Bureau Relations, DCA
- E. Business Modernization Project Update by the Office of Information Services
- F. Review and Possible Action on April 29, 2021, Committee Meeting Minutes
- G. Review and Possible Action on May 25, 2021, Committee Meeting Minutes
- H. Program Manager’s Report
  - 1. Update on Committee’s Administrative/Management, Examination, Licensing, and Enforcement Programs
  - 2. Discuss and Possible Action on Annual Enforcement Report
- I. Review and Possible Action on Modified Proposed Regulatory Language for California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620 Education and Training Credits
- J. Review, Discussion, and Possible Action Regarding Staff Request to Reconsider Previously Approved Text to Amend Title 16, California Code of Regulations (CCR) Section 2680 (Disciplinary Guidelines) and Authorization to Initiate a New Rulemaking
- K. Review and Discuss 2021 Legislation
  - 1. Assembly Bill (AB) 107 (Salas) Department of Consumer Affairs (DCA): Boards: Temporary Licenses: Military Spouses
  - 2. AB 1010 (Berman) Architects: Continuing Education
  - 3. Senate Bill 607 (Roth) Professions and Vocations
- L. Presentations by DCA Office of Professional Examination Services (OPES) on the Examination Performance Statistics for the Landscape Architect Registration Examination and California Supplemental Examination
- M. Council of Landscape Architectural Registration Boards
  - 1. Review CLARB September 2021 Annual Meeting Agenda
  - 2. Review and Possible Action on 2021 CLARB Board of Directors and Leadership Advisory Council Elections Ballot
  - 3. Discuss and Possible Action on CLARB Uniform Standards, and Pre-Approval Process
- N. Discuss and Possible Action on 2019-2021 Strategic Plan Objectives to:
  - 1. Research the Need for Continuing Education for Licensees through LATC, the American Society of Landscape Architects (ASLA), or Another Organization, to Better Protect the Health, Safety, and Welfare of Consumers
- O. Review of Future Committee Meeting Dates

## P. Adjournment

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

The meeting will be webcast, provided there are no unforeseen technical difficulties or limitations. To view the webcast, please visit [thedcapage.wordpress.com/webcasts/](http://thedcapage.wordpress.com/webcasts/). The meeting will not be cancelled if webcast is not available.

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 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 their 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)).

This meeting is being held via WebEx Events. The meeting is accessible to the disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

**Person:** Harmony Navarro

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

**Email:** [Harmony.Navarro@dca.ca.gov](mailto:Harmony.Navarro@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 Committee 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).***

# HOW TO – Join – DCA WebEx Event

The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>

The screenshot shows a web browser window with the URL <https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>. The page header includes the California Department of Consumer Affairs logo and the text "California Department of Consumer Affairs".

**Event Information: 3/26**

**Event status:** Started  
**Date and time:** Thursday, March 26, 2020 10:30 am Pacific Daylight Time (San Francisco, GMT-07:00) [Change time zone](#)  
**Duration:** 1 hour  
**Description:**

By joining this event, you are accepting the Cisco Webex [Terms of Service](#) and [Privacy Statement](#).

**Join Event Now**

To join this event, provide the following information.

**First name:**   
**Last name:**   
**Email address:**   
**Event password:**

[Join Now](#)  
[Join by browser](#) **NEW!**  
If you are the host, [start your event](#).

2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.  
NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

# HOW TO – Join – DCA WebEx Event

California Department of Technology

dca-ca.webex.com/mw3300/mywebex/default.do?nomenu=true&siteurl=dca-ca&service=6&rnd=0.562003235914354&main\_url=https%3A%2F%2Fdca-ca.webex.com%2Fec3300%2Feventcenter%2Fevent%2FeventAction.do%3F

Apps PreProd SimpliGov Prod SimpliGov Christian Brothers... WS Web Content Acces... Ferris Bueller's Day... WS PDF Techniques | Te... DCA Password Rese...

**dca** **CA** **.GOV** California Department of Consumer Affairs

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**Join Event Now**

To join this event, provide the following information.

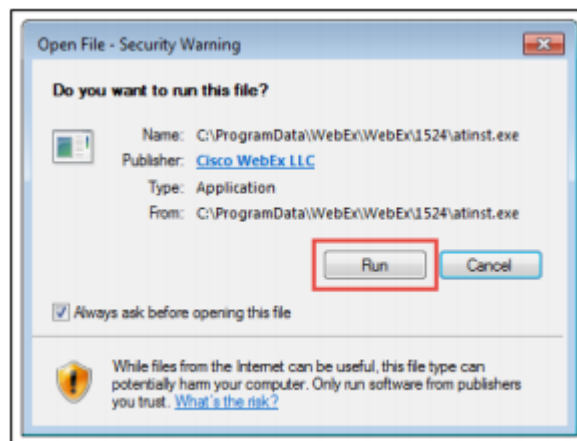
**First name:**   
**Last name:**   
**Email address:**   
**Event password:**

[Join Now](#)  
[Join by browser](#) **NEW!**  
If you are the host, [start your event](#).

3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

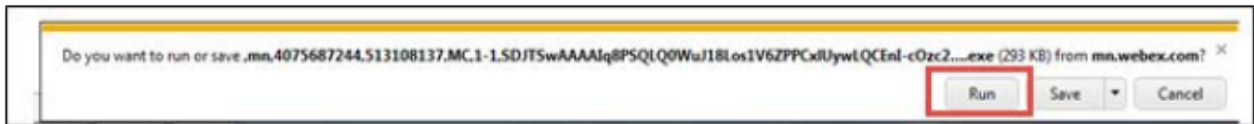
# HOW TO – Join – DCA WebEx Event

## Starting Webex...



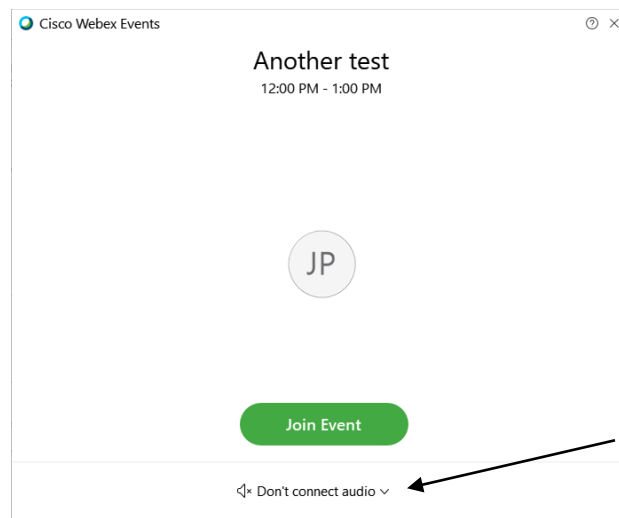
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.



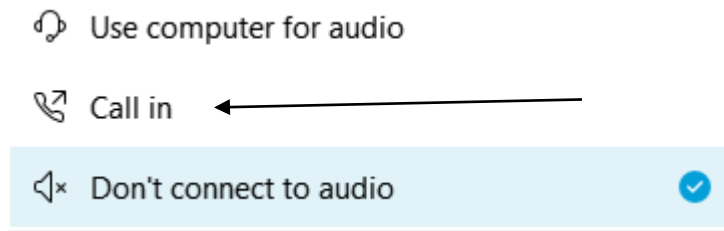
The temporary software will run, and the meeting window will open.

7. Click the audio menu below the green 'Join Event' button.

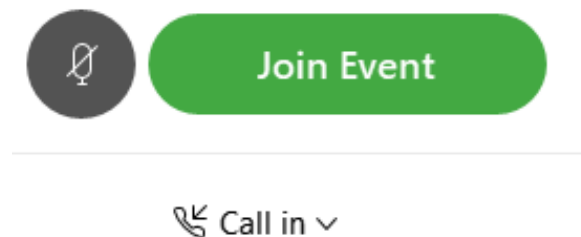


8. When the audio menu appears click 'Call in'.

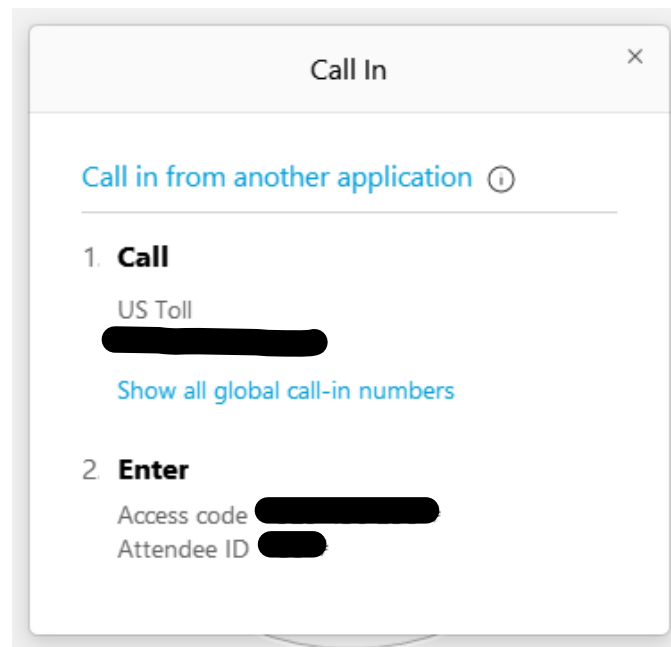
# HOW TO – Join – DCA WebEx Event



9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

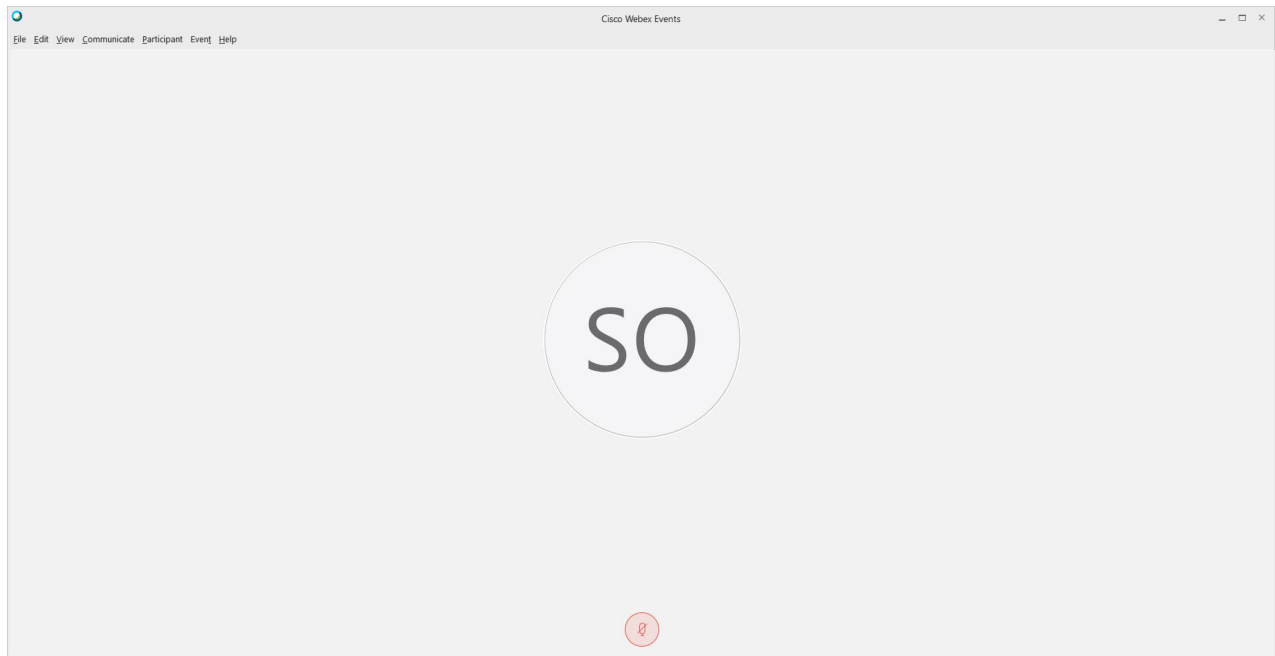


NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

# HOW TO – Join – DCA WebEx Event

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

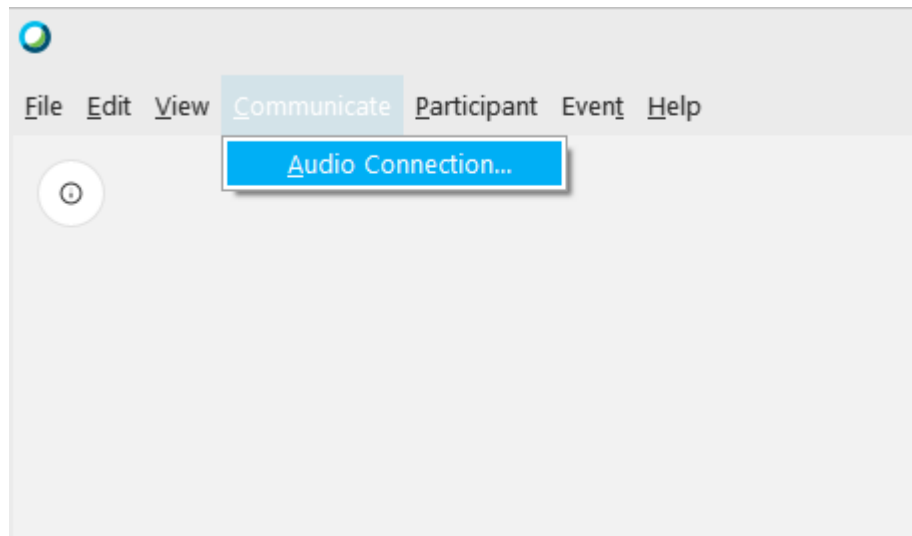


NOTE: Your audio line is muted and can only be unmuted by the event host.

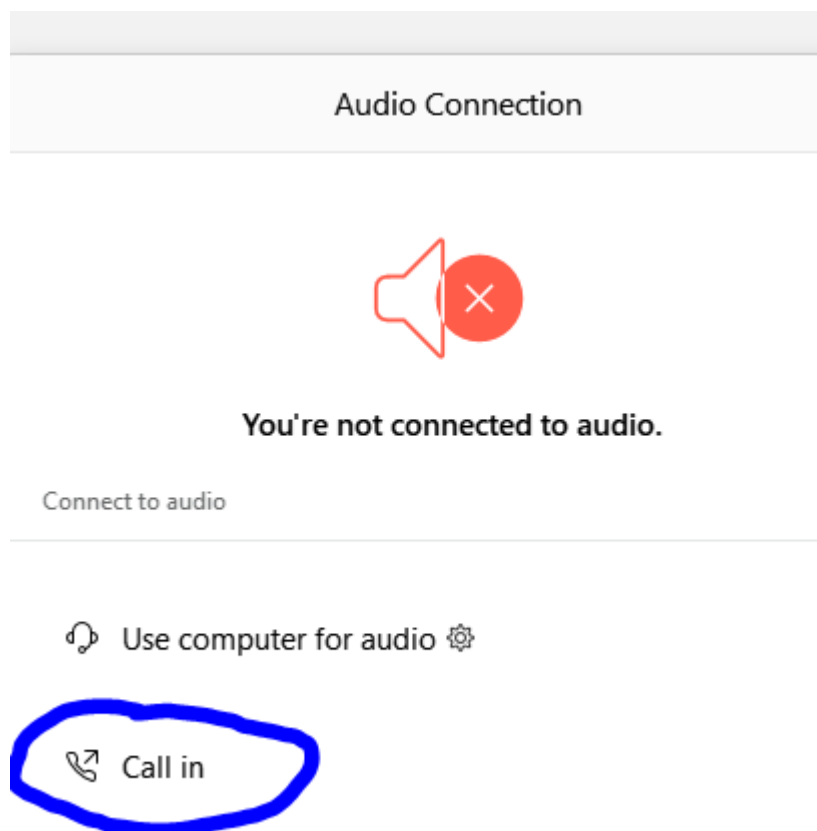
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.

# HOW TO – Join – DCA WebEx Event



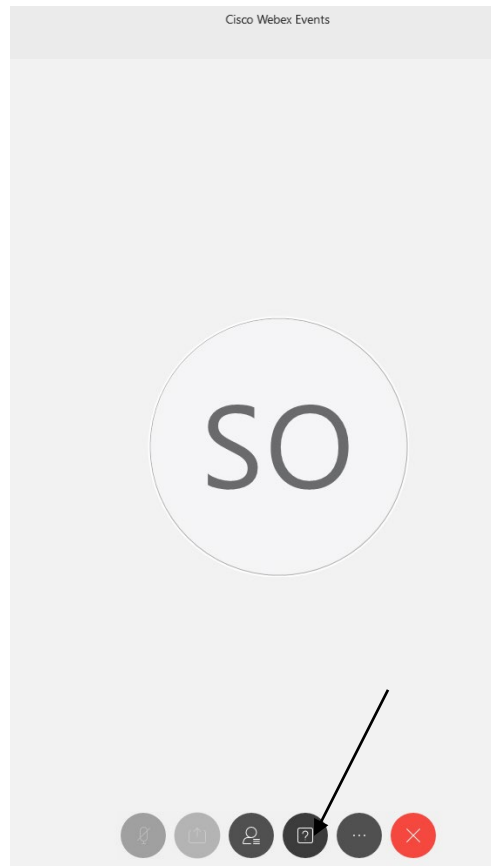
The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

## Participating During a Public Comment Period

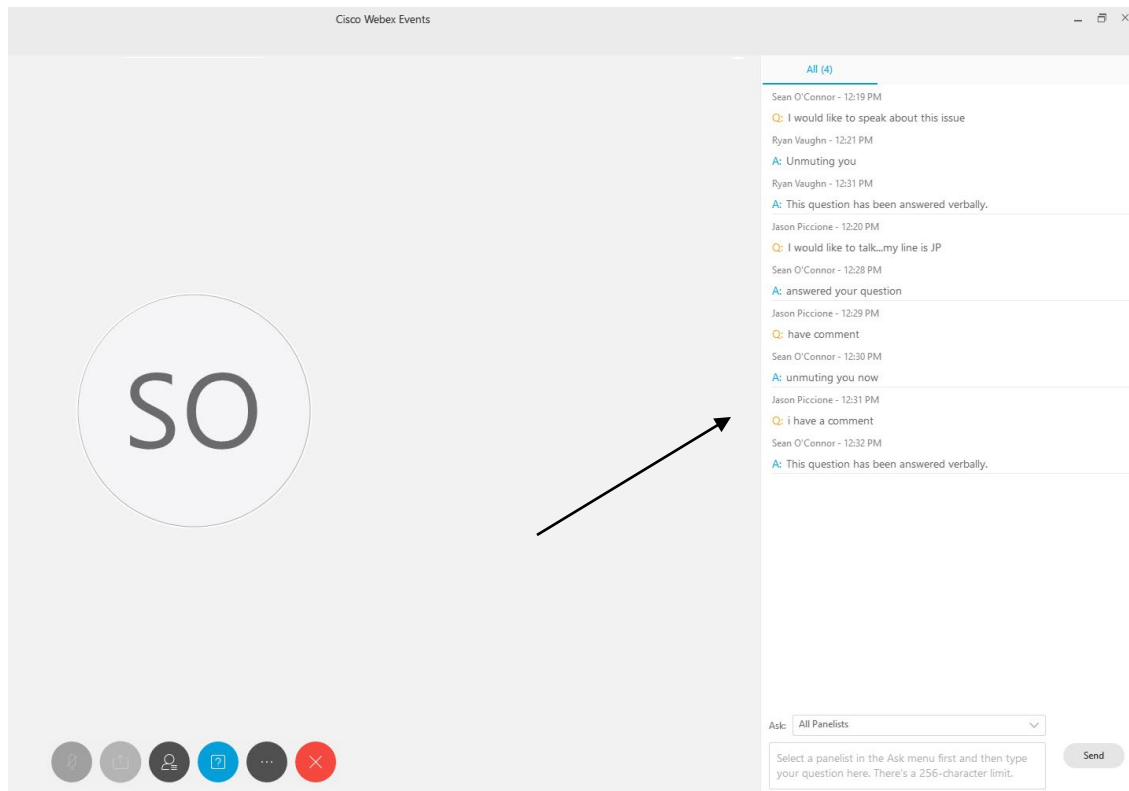
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

# HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.

## **AGENDA ITEM A: CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM**

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

### **LATC Member Roster**

Andrew C. N. Bowden  
Pamela S. Brief  
Susan M. Landry  
Patricia M. Trauth  
Jon S. Wreschinsky

## **AGENDA ITEM B: CHAIR'S PROCEDURAL REMARKS AND COMMITTEE MEMBER INTRODUCTORY COMMENTS**

LATC Chair Jon Wreschinsky 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) – BOARD AND BUREAU RELATIONS, DCA**

Board and Bureau Relations staff will provide the Committee with an update on the DCA.

## **AGENDA ITEM E: BUSINESS MODERNIZATION PROJECT UPDATE BY THE OFFICE OF INFORMATION SERVICES**

### **Summary**

Lisa Rangel, Project Director, Department of Consumer Affairs, Office of Information Services, Project Management Office will provide an update on the Business Modernization Project.

### **Action Requested**

None

### **Attachment**

None

## **AGENDA ITEM F: REVIEW AND POSSIBLE ACTION ON APRIL 29, 2021, COMMITTEE MEETING MINUTES**

### **Summary**

The Committee is asked to review and take possible action on the minutes of the April 29, 2021 LATC meeting.

### **Action Requested**

Approval of the April 29, 2021 LATC Meeting Minutes.

### **Attachment**

April 29, 2021 LATC Meeting Minutes (Draft)



# Landscape Architects Technical Committee

*Public Protection through Examination, Licensure, and Regulation*



## Draft Minutes

### CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee Meeting

April 29, 2021  
WebEx Teleconference

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

Jon S. Wreschinsky, Chair  
Andrew C. N. Bowden  
Pamela S. Brief  
Susan M. Landry

#### California Architects Board (Board) Members Present

Tian Feng, LATC Liaison, Board President  
Ronald A. Jones

#### Staff Present

Laura Zuniga, Executive Officer  
Trish Rodriguez, Program Manager  
Michael Kanotz, LATC Counsel, Attorney III, Department of Consumer Affairs (DCA)  
Karen Halbo, Regulatory Counsel, Attorney III, DCA  
Ryan Perez, Manager, DCA Board and Bureau Relations  
Stacy Townsend, Enforcement Analyst  
Blake Clark, Examination Analyst  
Kourtney Nation, Special Projects Analyst

#### Guests Present

Brandon Roosenboom, Water Resource Control Engineer, California State Water Resources Control Board  
Stephanie Landregan, Program Director, UCLA Extension Program  
Tracy Morgan Hollingworth, California Council of American Society of Landscape Architects

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

LATC Chair, Jon Wreschinsky called the meeting to order at 10:01 a.m. and called roll. Four members of LATC were present, thus a quorum was established.

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

Mr. Wreschinsky explained the meeting was held via webcast pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, and there was no physical meeting location.

Mr. Wreschinsky thanked the meeting participants for their attendance and introduced LATC's new legal counsel, Michael Kanotz.

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

Mr. Wreschinsky invited members of the public to address the LATC. There were no comments from the public.

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

Ryan Perez provided an update on DCA's accomplishments and recent activities. He shared that Boards and Bureaus are considering permanent changes for efficiency and employee wellbeing such as telework and eliminating paper processes. Mr. Perez also informed the Committee of current DCA initiatives launched to enhance service to all Boards and Bureaus, including establishing an Executive Officer Cabinet and the commencement of the Enlightened Licensing Project.

## **E. Review and Possible Action on December 2, 2020 LATC Meeting Minutes**

- **Susan Landry moved to approve the December 2, 2020 LATC Meeting Minutes.**

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

There were no comments from the public.

**Members Bowden, Brief, Landry, and Chair Wreschinsky voted in favor of the motion. Member Trauth was absent. The motion passed 4-0-1.**

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

Trish Rodriguez announced changes to the format of the Program Manager's Report provided within the meeting materials to better align with the LATC meeting schedule. She informed the Committee that an out-of-state travel request for the Council of Landscape Architectural Registration Boards' 2021 Annual Meeting was submitted to DCA and includes the Program Manager, LATC Chair and Executive Officer. Ms. Rodriguez shared that DCA's Business Modernization project recently received approvals from the Department of Technology and Department of Finance to proceed to Stage 3 of the Project Approval Cycle. She continued that LATC Examination Analyst Blake Clark recently coordinated an online student outreach presentation with former LATC Member Christine Anderson for students in the landscape architecture program at the University of California, Berkeley. Ms. Rodriguez continued her report with updates on the program's retention

schedule, social media outreach efforts, personnel training requirements, website modifications, proposed law changes, examination administration, and enforcement activity.

Susan Landry asked why the proposal to amend Business and Professions Code (BPC) section 5659 was resubmitted. Ms. Zuniga explained that legislators chose to pursue the proposal separately next year to eliminate need for review by two committees this year.

Mr. Wreschinsky inquired if the proposal to amend California Code of Regulations (CCR) section 2671 would grant a grace period for licensees to transition to the new requirement. Ms. Rodriguez confirmed that licensees would be required to meet the new requirements of 2671 by the regulatory change effective date. Mr. Wreschinsky asked if future reports could include Landscape Architect Registration Examination pass rate data from previous years. Ms. Rodriguez confirmed that recent pass rate data could be included in the next Program Manager's Report.

Stephanie Landregan questioned the justification for the proposal to amend BPC section 5659 and inquired if other professions encounter similar issues regarding licensure acceptance. Ms. Rodriguez clarified that licensees continue to have trouble submitting landscape architectural plans in certain local jurisdictions and that LATC staff previously assisted by directing licensees to a legal opinion to help educate local officials. She added that the intention of the current proposal is to provide further clarification to local jurisdictions in order to reduce rejection of landscape architecture plans.

Tracy Morgan Hollingworth commented that CCASLA did not take a formal position on the proposal to amend BPC section 5659, however, CCASLA members noted that it did not provide for a grace period. LATC Enforcement Analyst Stacy Townsend explained that LATC staff would attempt to educate licensees of the new provisions prior to issuing a citation.

**G. Review and Possible Action on Proposed Regulation to Adopt California Code of Regulations, Title 16, Division 26, Article 1, Section 2651, Regarding Waiver of Fees for Licensure, Renewal, or Replacement of License Upon Declaration of Emergency**

Ms. Rodriguez directed the Committee members to the regulatory proposal included in the meeting materials. Ms. Landry inquired if the proposal could be retroactive since the related law change took effect January 2020. Ms. Rodriguez explained that authority to promulgate regulations was effective January 2020, however, proposed regulatory language would go into effect once approved by the Office of Administrative Law. Ms. Landry added that she wanted to assist individuals who struggled over the last year. Ms. Rodriguez explained that staff intends to implement the regulation as soon as possible in case of another emergency. Mr. Wreschinsky asked if anyone had already applied for a fee waiver. Ms. Rodriguez shared that a couple of individuals impacted by the last fire wanted to know if there were provisions in place, however, LATC is not currently able to waive fees or assist in any way. Mr. Wreschinsky questioned the length of time the waiver would apply and the process for verifying financial hardship. Ms. Rodriguez

explained that the individual's address would determine if they were impacted. Mr. Wreschinsky inquired if penalty fees would not apply under the waiver. Ms. Rodriguez confirmed that the waiver would not apply to enforcement related fees. Karen Halbo advised that the allowances of the fee waiver are outlined in the proposed text. Mr. Wreschinsky questioned how Boards and Bureaus would be notified of an emergency and when it's lifted. Ms. Rodriguez advised that staff would notify individuals on the LATC's interested parties email distribution list. Pamela Brief requested clarification on the waiver time period. Ms. Halbo explained that the waiver would apply as long as the declared emergency is ongoing. Ms. Landregan opined that the proposal as written would not cover an ongoing emergency and asked if the Committee could change the language. Ms. Rodriguez explained that the proposal was drafted based on a template provided by DCA for consistency across Boards and Bureaus, and that the Committee could make changes. Ms. Landry opined that she would like to make the waiver retroactive to the start of the current emergency. Ms. Halbo advised that the language of the authority-granting statute requires that a fee waiver application be made within one year of the date the emergency is proclaimed or declared, and the regulations must align with the statute.

- **Susan Landry moved to approve the proposal to adopt CCR section 2651.**

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

There were no comments from the public.

**Members Bowden, Brief, Landry, and Chair Wreschinsky voted in favor of the motion. Member Trauth was absent. The motion passed 4-0-1.**

## **H. Review and Discuss 2021 Legislation**

### **1. Assembly Bill (AB) 107 (Salas) Department of Consumer Affairs (DCA): Boards: Temporary Licenses: Military Spouses**

Laura Zuniga provided an update on AB 107, regarding temporary licenses for military spouses. She explained that under existing law certain boards are required to issue temporary licenses, however, architects and landscape architects are not included. She added that the provision would not apply to Boards that have an expedited reciprocity licensure pathway available to military spouses.

### **2. AB 225 (Gray) DCA: Boards: Veterans: Military Spouses: Licenses**

Ms. Zuniga explained that AB 225 requires certain boards to issue temporary licenses to veterans within a certain amount of time after they have separated from the military. She clarified that this bill does not apply to the LATC.

### **3. AB 252 (R. Rivas) Department of Conservation: Multibenefit Land Repurposing Incentive Program: Administration**

Ms. Zuniga shared that AB 252 establishes an incentive program to provide grants to groundwater sustainability agencies and counties to fund local programs supporting or facilitating multibenefit land repurposing.

#### **4. AB 564 (Gonzalez) Biodiversity Protection and Restoration Act**

Ms. Zuniga explained that AB 564 would revise current policy to state that all state agencies, boards and commissions utilize their authorities to further biodiversity purposes and goals.

#### **5. AB 646 (Low) DCA: Boards: Expunged Convictions**

Ms. Zuniga reported that AB 646 would require licensing boards to update or remove online information about a revoked licensee within 90 days of receiving an expungement order related to that conviction.

#### **6. Senate Bill 607 (Roth) Professions and Vocations**

Ms. Zuniga explained that this bill pertains to implementation of the upcoming fingerprint requirement which is expected to become effective next year.

### **I. Presentations by the California State Water Resources Control Board**

#### **1. Review and Discuss Exam Process, Content Areas, and Requirements of Landscape Architects for Qualified Stormwater Pollution Prevention Plan Developer (QSD) Certification**

Ms. Townsend reminded the members that at the November 8, 2019 meeting, they discussed the Qualified Stormwater Pollution Prevention Plan (SWPPP) Developer (QSD) certification requirements and process for landscape architects. She added that at the Committee's request, California State Water Resources Control Board staff member, Brandon Roosenboom, provided a presentation during the September 4, 2020 LATC meeting regarding 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 and at the conclusion of the presentation, the members expressed interest in receiving more information on the examination process, examination subject areas, and stormwater requirements of landscape architects for QSD certification. She explained that Mr. Roosenboom returned to provide another presentation to the Committee addressing the additional information requested as well as a presentation on the proposed language amending the Construction General Permit.

#### **\*J. Update on Intra-Departmental Contracts (IDC) with the Office of Professional Examination Services (OPES) for Landscape Architects Technical Committee California Supplemental Examination (CSE) Written Examination Development**

Ms. Rodriguez informed the Committee that following postponement of the upcoming CLARB task analysis, OPES staff recommended that LATC amend the current IDC for CSE Development to include Examination Outline Development and

Passing Score workshops. Ms. Landregan commented that diversity, inclusion, and equity should be considered and that it is important that California exams are equitable and inclusive.

#### **\*L. Review of Future Committee Meeting Dates**

Ms. Rodriguez announced upcoming Board and LATC meeting dates and noted that LATC's next strategic planning session is tentatively scheduled as a one-day meeting in November.

Mr. Wreschinsky inquired when the LATC would elect a new Chair and Vice Chair. Ms. Rodriguez confirmed that LATC positions are normally discussed during the last meeting of the year and become effective at the following meeting. Ms. Landregan requested that LATC continue telecommunication opportunities for public meeting participation.

#### **\*I. Presentations by the California State Water Resources Control Board**

##### **1. Review and Discuss Exam Process, Content Areas, and Requirements of Landscape Architects for Qualified Stormwater Pollution Prevention Plan Developer (QSD) Certification**

Mr. Roosenboom provided a brief review of the QSD program explaining that the 2009 Construction Stormwater General Permit requires a QSD to develop the SWPPP detailing the construction site's management of pollutant sources and construction activities with regards to stormwater. He continued that the Construction General Permit training team determined that landscape architecture licensure was one of the prerequisite underlying registrations, or certifications, for the QSD certification. Mr. Roosenboom informed the Committee that the California Stormwater Quality Association (CASQA) and the Office of Water Programs at California State University, Sacramento are partners in administering the QSD program for the State Water Board.

Mr. Roosenboom explained there are four steps to earning QSD certification: complete a QSD training course, register for the QSD exam, pass the exam, and provide information on the underlying certification or registration held as a prerequisite. He outlined the QSD exam subject areas and stated the exam is a three-hour, 127-question, "open-book" exam hosted online through the Office of Water Program's website.

Mr. Roosenboom informed the Committee that landscape architects are expected to have fundamental knowledge of stormwater management such as erosion and sediment controls, hydrology, pollutant source controls, and soil science. He stated the QSD program is designed to direct landscape architect's experience towards complying with the requirements of the Construction Stormwater General Permit.

Member of the public, Stephanie Landregan, requested clarification that engineers and surveyors do not have to take the QSD training program or exam.

Mr. Roosenboom explained that engineers, engineering geologists, and geologists do not need to take the QSD training or exam and they are able to self-register as

QSDs since they possess the experience and training as part of their licensure. Ms. Landregan inquired on what the qualifications are specific to engineers and geologists that are not specific to landscape architects. Mr. Roosenboom explained that engineers and geologists were most likely participating in the design efforts of the stormwater programs, but noted that if it was determined that there was not significant difference in the experience and education that engineers and geologists receive compared to landscape architects a change could potentially be made to allow landscape architects to self-certify.

Mr. Wreschinsky inquired on how professionals inform the public of their qualifications to provide these services. Mr. Roosenboom explained that once a professional becomes QSD certified they will be issued a license number certifying they are a QSD. Mr. Wreschinsky also inquired if there has been issues regarding insurers for errors and omissions, or similar, or lawsuits against a QSD and their qualifications. Mr. Roosenboom responded that he was not aware of any such issues, however, he did recall a case against a Qualified SWPPP Practitioner (QSP) in which it was determined that due to their negligence they were no longer able to practice as a QSP. He continued that the State Water Board and CASQA are discussing the best processes for handling when a QSD is not performing up to standards or expectations, however, the current approach has been to discipline the underlying certifications.

## **2. Review and Possible Action on Preliminary Staff Draft of the Statewide Construction General Permit (20XX-XXXX-DWQ) Reissuance**

Mr. Roosenboom provided an overview of the proposed Construction Stormwater General Permit reissuance with a focus on QSD specific requirements as that relates to the potential responsibilities of landscape architects. He began by providing a brief background of the Construction General Permit (CGP) explaining that the Federal Clean Water Act prohibits certain discharges of stormwater containing pollutants to waters of the United States (US) except those that are in compliance with a National Pollutant Discharge Elimination System permit which is what the CGP is. He continued that the current permit expired in 2014 and has been administratively extended until the adoption of a new CGP and they are taking lessons learned to address some implementation concerns.

Mr. Roosenboom explained there are several topics of proposed changes including total maximum daily load (TMDL) implementation requirements, passive treatment technology use requirements, notice of non-applicability criteria, notice of termination process revisions, Statewide Water Quality Control Plan requirements, authorized dewatering activity requirements, demolition activity requirements, Sufficiently Sensitive Test Methods Rule, monitoring and reporting requirement revisions, removal of bioassessment monitoring requirements, and removal of rain event action plan requirements. He continued that the proposed passive treatment technology use requirements would prohibit the use of cation treatment chemicals, which can be detrimental to aquatic life, and limiting it to anion-type chemicals while also monitoring the chemical applications. Mr. Roosenboom added that another proposed addition to the CGP is authorized dewatering activity requirements which include mechanical pumping or syphoning of non-potable water from excavations, trenches, foundations, vaults, and the groundwater that accumulates. Additionally,

he provided that the proposed demolition activity requirements will include best management practices for the demolition of structures built, or renovated, between 1950 and 1980 as they may have PCB-containing materials which are considered a threat to water. Mr. Roosenboom provided that the implementation of the new Federal Sufficiently Sensitive Test Method Rule has been added to the CGP to incorporate the US Environmental Protection Agency's recently amended Clean Water Act regulations. He continued that revisions are being proposed to the existing CGPs monitoring and reporting requirements increasing the QSD and QSP's responsibilities. Lastly, Mr. Roosenboom explained that there is the proposed removal of bioassessment monitoring requirements, due to the biological integrity policy still under development and the intention to work with the Surface Water Ambient Monitoring Program, in addition to the removal of rain event action plan requirements, due to it being more of a "paper" exercise and being replaced with an action-based strategy with more QSD involvement.

Ms. Landry inquired if the permit requirements were carried over after construction. Mr. Roosenboom explained that the permit is necessary during construction, however, there are some post-construction requirements and opined that is where landscape architects would use their expertise in low impact development and green designs. Ms. Landry also inquired on whether the new revisions will change the requirements for chemicals such as herbicides, pesticides, and fertilizers specific to the cannabis industry. Mr. Roosenboom explained that there may be some changes to the chemicals, but it would depend on the total maximum daily load for those chemicals which may not be established yet. However, he provided that the State Water Board has a Cannabis Order that regulates discharges from cannabis sites.

Mr. Wreschinsky inquired if the Notice of Termination was mandatory and if it was typically the last step at the end of the construction project. Mr. Roosenboom clarified that a Notice of Termination needs to be submitted otherwise the requirements of the CGP would need to continue to be complied with. Mr. Wreschinsky also inquired on the QSD's timeframe to collect stormwater samples, assess them, and report on them, especially if they are working on multiple projects. Mr. Roosenboom explained that the QSD would be required to take three samples over the course of the 30 minutes and in the proposed draft there is a provision to be able to assign the task to trained personnel that are on site and the results must be reported within 10 days of receipt of the results.

Ms. Brief requested information on where the list of Total Maximum Daily Loads that were excluded could be found and how it was determined that they should be excluded from the CGP. Mr. Roosenboom offered to follow-up to provide the list to the members and he explained that they were excluded if a waste load allocation applied or if there were no implementation requirements for stormwater discharges. Ms. Brief inquired on how the trained personnel taking stormwater samples are monitored and Mr. Roosenboom explained that even though the task is being delegated to a trained professional, the QSD is still in responsible control. Lastly, Ms. Brief requested clarification on the CGP in that it only regulates water discharge that leave the construction site and not standing water that may seep into the ground. Mr. Roosenboom confirmed that the CGP is for water discharge leaving the construction site but there are groundwater permits.

Mr. Wreschinsky recognized that Mr. Roosenboom is encouraging comments during the official public comment period for the CGP. Mr. Wreschinsky also recommended that the more ideal individuals to provide public comments would be the landscape architects who are actively involved in the CGP process and requirements. Mr. Roosenboom stated that he thought it would be prudent to have a landscape architect representative from the LATC on the Construction Stormwater General Permit training team to have an individual who is aware of the training requirements and to ensure that the base knowledge that is expected of the QSDs is captured accurately. Mr. Wreschinsky inquired on the time commitment that would be required to be on the training team. Mr. Roosenboom estimated that a full workday each month would be the time commitment. The members agreed that it would be beneficial to have a landscape architect involved with the training team, however, at this time none of the members are available. Mr. Roosenboom explained that it was an open invitation and if any of the members become available, they were welcome to become a part of the team. Mr. Wreschinsky suggested that perhaps a licensee not involved with LATC could potentially join the training team as the representative for landscape architects.

**K. Discuss and Possible Action on 2019-2021 Strategic Plan Objective to Research the Need for Continuing Education for Licensees through LATC, the American Society of Landscape Architects (ASLA), or Another Organization, to Better Protect the Health, Safety, and Welfare of Consumers**

Ms. Townsend explained that at the December Committee meeting, the members decided not to make a motion regarding continuing education (CE) for landscape architects and opted to discuss the matter further at another meeting. She reminded the Committee that in 2008 SB 1608 mandated architects to complete five hours of CE on disability access requirements prior to the renewal of their license. She continued that, most recently, the American Institute of Architects (AIA) California is sponsoring an assembly bill to require architects obtain an additional five hours of CE in Zero Net Carbon Design in which the Board is in support of.

Ms. Townsend also reported that LATC was recently contacted by the ASLA, Sierra Chapter requesting that a discussion begin on requiring landscape architects to complete CE prior to renewal of their license to ensure licensed landscape architects would be current with the latest code and industry updates. She continued that through research regarding CE requirements of other landscape architectural jurisdictions it was found approximately 75% require CE, and they all require minimum number of hours to be completed in health, safety, and welfare of the public while the remaining hours could be completed in other topics relating to the profession.

Ms. Townsend reminded LATC that at its last meeting, the members expressed the need for additional research regarding CE requirements in other jurisdictions, recently amended regulations, and the fiscal and time impact on staff. She explained that she conducted the additional research and found the majority of landscape architect registration boards requiring CE made the decision as a Board, rather than by a legislative mandate. She continued that it would be difficult to determine the fiscal and time impact CE requirements would have on staff,

however, factors would include whether LATC would approve courses or providers, the auditing of licensees for compliance, and enforcement of non-compliance. Ms. Townsend also acknowledged that it was requested to reach out to the Board of Professional Engineers, Land Surveyor, and Geologists (BPELSG) to inquire on why they did not require CE of their licensees, and she was informed that BPELSG could never justify requiring CE since studies conducted did not demonstrate a correlation between requiring CE and a reduction in complaints, or enforcement actions, however, BPELSG encourages its licensees to maintain their professional competency by remaining current with any changes.

Mr. Bowden acknowledged that CE would be a good idea, however, he feels that in order for it to be mandated it would require for there to be a demonstrated need and inquired if there were complaints against landscape architects in certain areas of practice that would lead to requiring CE in those aspects of the profession. He continued that in terms of the practice and guidance from legislature has been in Model Water Efficient Landscape Ordinance (MWELo) and opined that if CE were to be required a viable option would be in MWELo rather than allowing licensees to whichever courses they choose. Ms. Brief agreed that landscape architects should have to complete CE and it should not be so broad. She suggested considering the practice within the state and identifying the significant issues that landscape architects should be educated on. Ms. Brief provided a few examples, such as MWELo, stormwater mitigation, and resiliency against natural disasters. Ms. Landry also expressed support of requiring CE for landscape architects and agreed with Ms. Brief that CE should be limited to certain categories and added ADA as a potential category.

Ms. Townsend acknowledged the members' support of requiring CE but reminded them to determine if there is a need for CE. Ms. Landry pointed out that there are so few complaints against licensees that it would be best to consider legislative changes, as well as, the minimum qualifications to pass the California Supplemental Examination (CSE) versus what is required in the submission of drawings for approval, to justify the need for CE.

Mr. Bowden opined that although MWELo changes from time to time, once it has been learned, it does not need to be learned again and it may not be a necessary requirement for licensees to relearn it every two years.

Mr. Wreschinsky inquired on whether the CSE was robust enough and addresses the important aspects of the profession within California to establish minimum competency for licensure. He opined that establishing a need for CE could not be addressed without also reviewing the CSE. He also agreed with Mr. Bowden that it is important to encourage licensees to continue to educate themselves within the practice however, he was unsure if it can be mandated to require CE due to the profession being diverse and not all licensees may be involved in the areas that could potentially become the CE requirement. Mr. Bowden suggested reaching out to ASLA, Sierra Chapter to inquire on if they had any specific topics that they felt landscape architects would benefit from CE. He also agreed with Mr. Wreschinsky with the importance of reviewing the CSE due to the older licensee population not having any experience with the exam and could potentially benefit from CE on some of the tested topics. Ms. Landry informed the Committee that prior to being a

member she assisted with the development of the exam and found that the participants who had been in the profession longer were not doing well with answering the questions due to there being several new topics being addressed. She also pointed out that licensed architects are required to take CE in disability access due to new regulations and opined that new regulations would justify requiring CE. Ms. Zuniga confirmed that licensed architects are required to complete five hours of CE in disability access and reminded LATC that the requirement was not requested by the Board or industry but by other sources through legislation. She continued that it is more common for an association to push forward for CE rather than the licensing program which licenses for a minimal level of competency whereas CE is a way to elevate the profession beyond the level of minimum competency.

- **Jon S. Wreschinsky moved to direct staff to reach out to ASLA chapters throughout California to inquire on if they feel there is a critical need for CE; assess if there is any enforcement issues around specific areas of practice; reach out to the landscape architect registration boards that require CE to inquire on if there is an association between CE and enforcement or health, safety, and welfare issues; and asses the CSE and determine if there are specific areas of practice that could be a potential CE requirement.**

**Susan M. Landry seconded the motion.**

Mr. Bowden agreed with Mr. Wreschinsky's direction and added that a future discussion would need to be had regarding the number of required hours and where the CE courses could be taken.

- **Jon S. Wreschinsky amended his motion directing staff to reach out to the California Counsel of ASLA rather than to the individual chapters and to also send a survey to the licensee population to inquire on if they are currently taking CE and, if so, what types of providers are they taking the CE from.**

**Susan M. Landry seconded the amended motion.**

Ms. Brief cautioned when reaching out to the licensee population to make the survey less about the preferences of the licensees and more about the protection of the public.

Member of the public, Ms. Hollingworth explained that the ASLA San Diego chapter attempted to partner with their American Institute of Architects chapter in the requirement of CE in disability access. She explained that there were five parts to the requirement and only two sections were applicable to landscape architects, however she feels that CE on disability access would be beneficial for landscape architects.

**Members Bowden, Brief, Landry, and Chair Wreschinsky voted in favor of the motion. Motion passed 4-0.**

## **M. Adjournment**

The meeting adjourned at 2:35 p.m.

*\*Agenda items for this meeting were taken out of order due to technical issues. The order of business conducted herein follows the transaction of business.*

## **AGENDA ITEM G: REVIEW AND POSSIBLE ACTION ON MAY 25, 2021, COMMITTEE MEETING MINUTES**

### **Summary**

The Committee is asked to review and take possible action on the minutes of the May 25, 2021 LATC meeting.

### **Action Requested**

Approval of the May 25, 2021 LATC Meeting Minutes.

### **Attachments**

1. May 25, 2021 LATC Meeting Minutes (Draft)
2. LATC comments submitted on May 28, 2021 regarding the Landscape Architectural Accreditation Board Accreditation Standards 2021 Revisions



# Landscape Architects Technical Committee

*Public Protection through Examination, Licensure, and Regulation*



## Draft Minutes

### CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee Meeting

May 25, 2021  
WebEx Teleconference

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

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

#### California Architects Board (Board) Member Present

Tian Feng, Board President  
Ronald A. Jones, LATC Liaison

#### Staff Present

Laura Zuniga, Executive Officer  
Michael Kanotz, LATC Counsel, Attorney III, Department of Consumer Affairs (DCA)  
Stacy Townsend, Enforcement Analyst  
Blake Clark, Examination Analyst  
Kourtney Nation, Special Projects Analyst

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

LATC Chair, Jon Wreschinsky called the meeting to order at 10:02 a.m. and called roll. Four members of LATC were present, thus a quorum was established.

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

Mr. Wreschinsky explained the meeting was held via webcast pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, and there was no physical meeting location.

Tian Feng announced that the Board recently appointed Ronald A. Jones to serve as the new LATC Liaison. Mr. Feng reflected on the past six years that he served as liaison and thanked the Committee for the experience. Mr. Jones greeted the

members and expressed his interest in supporting the LATC in this new capacity. The Committee members thanked Mr. Feng for his support and welcomed Mr. Jones.

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

Mr. Wreschinsky invited members of the public to address the LATC. There were no comments from the public.

### **D. Review and Possible Action on Landscape Architectural Accreditation Board Accreditation Standards 2021 Revisions**

Mr. Wreschinsky shared that the Landscape Architectural Accreditation Board (LAAB) recently solicited comments on the proposed Accreditation Standards 2021 Revisions and announced that Pamela Brief was appointed to initiate LATC's response to LAAB. He continued that the primary purpose of the current meeting is to allow for all LATC members to have direct input in the response to LAAB.

Ms. Brief directed the Committee members to a handout listing her recommended comments on the LAAB Accreditation Standards 2021 Revisions while she presented each comment. Following Ms. Brief's presentation, the Committee members collectively reviewed the LAAB Accreditation Standards 2021 Revisions noting where comments could be added or expanded.

Following the Committee's review, Michael Kanotz advised the LATC to make a motion directing Member Brief to consolidate the mentioned comments and submit to LAAB.

- **Susan M. Landry moved to direct Member Brief to proceed with finalizing the comments and preparing the delivery to LAAB.**

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

There were no comments from the public.

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

### **E. Adjournment**

The meeting adjourned at 12:03 p.m.

Comments Submitted to LAAB on May 28, 2021 via Survey Monkey Form

### 1. Comments for Core Values:

- Environmental Health, Sustainability, Resilience and Stewardship  
 This aligns with the Mission of LATC and their focus on health, safety and welfare of the consumer.
- Diversity, Equity, and Inclusion  
 This aligns with the LATC Mission.  
 Perhaps under-represented populations could be expanded upon by listing those specific groups. Because landscape architecture is tied to the land, I would want to be sure we are including indigenous people.
- Human and Community Health  
 This aligns with the LATC Mission.
- Professional Ethics and Responsibility  
 This aligns with the LATC Mission as it relates to health.

### 2. Comments for Standard 1: Program Mission and Goals

- A: I do not see anything that should be an issue for LATC here. The program will of course need to follow the overarching Mission of the Institution it is associated with. In the state of California, I do not see this as an issue or a conflict of any sort.
- B: By asking for achievable goals and effective benchmarks and procedures for measuring goals, LAAB is enabling and ensuring professional programs achieve the Core Values set forth.
- C: A commitment to DEI is necessary. However, we are not clear how LAAB will evaluate the success. For example: some programs could have more resources available for scholarships. Will that be a potential issue under the new Core Values? If so, this could reward programs with more financial resources the accreditation they seek and leave behind programs with less funding.
- E(c): Similar comment as above. Not all programs have assistantship and scholarship opportunities or financial support options.
- E(g) and (h): Addresses equity in a very necessary way.

- E: Suggest expanding the list of required Program Disclosures to include a straight forward description of the professional program's acceptance policy for transfer students.

### **3. Comments for Standard 2: Program Autonomy, Governance, and Administration**

- Once again, the financial support may not always be there for some institutions that wish to have a landscape architectural program. I would hate to see a program lose accreditation because of this issue.
- Ensuring programs are not greater than 15:1 may not be possible if they are underfunded.
- Consider requiring faculty to hold valid licensure.

### **4. Comments for Standard 3: Professional Curriculum**

- B.1 - Knowledge
  - Add regenerative practices under c. Resilience.
  - Add wording about TEK (Traditional Ecological Knowledge).
  - d. Legal Context of the Profession – Clarify legal expectations of new licensees and the importance of professional licensure.
- B.2 - Skills and Competencies
  - c. Communication – add subsection outlining core value computer and standard industry technology related design skills.
  - e. Landform/Landscape Engineering – rephrase section to replace the word “manipulation”.
  - f. Numeracy/Quantification – could use more description as to what this includes.
  - g. Landscape Performance – especially important as it has a direct impact on communities and our natural resources.

- C.2 - General Studies

Remove or rephrase this section. It seems far reaching for LAAB to require a MLA degree student to require humanities, arts, technologies, mathematics, natural sciences, social sciences if they do not hold an undergraduate degree. Don't MLA programs require undergraduate degrees?

- D.3 - Delivery of and Augmentation to Curricular Experience

If this is requiring all students to participate in service learning, perhaps some consideration should be given to how much service learning is required. Some students who work might not have much free time. Something to consider.

#### **5. Comments for Standard 4: Student Outcomes and Experiences**

Suggestions are thoughtful and enhance the student experience and opportunities. Suggest clarifying the interrelatedness of the profession and the health, safety, and welfare of the public.

#### **6. Comments for Standard 5: Faculty**

Agree with this addition. It is important the DEI success in each program.

#### **7. Comments for Standards 6: Outreach to the Institution, Communities, Alumni, and Practitioners**

Agree with this addition. Suggest revising section A to add recognition of regulating agencies and section B to add expectations of professional licensees.

#### **8. Comments for Standards 7: Facilities, Equipment, and Technology**

Agree with this addition. Include assessment of provision and use of technology within courses.

## **AGENDA ITEM H.1: 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**

Program Manager's Report Dated July 1, 2021



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

CALIFORNIA ARCHITECTS BOARD

# Landscape Architects Technical Committee

Public Protection through Examination, Licensure, and Regulation

Governor  
Gavin Newsom

## MEMORANDUM

<b>DATE</b>	July 1, 2021
<b>TO</b>	Landscape Architects Technical Committee (LATC) Members
<b>FROM</b>	Trish Rodriguez, Program Manager
<b>SUBJECT</b>	<b>Program Manager Report</b>

The following information is provided as an overview of Committee activities and projects as of June 30, 2021.

### Administrative/Management

Budget The Legislature passed the 2021-2022 budget bill which was signed by Governor Newsom on July 12. The LATC Out of State Travel Blanket Request was approved to attend the Council of Landscape Architectural Registration Boards (CLARB) Annual Meeting in September.

Business Modernization Cohort 2 project members consisting of LATC, California Architects Board, Structural Pest Control Board, Cemetery and Funeral Bureau, and the Bureau of Household Goods and Services is in California Department of Technology's third stage of four, for Project Approval Lifecycle. A solicitation for System Integration services will be released in the Fall of 2021. All responses will be scored by an evaluation team and those Bidders with highest scores will be invited to the negotiation phase. At the conclusion of the negotiation phase, the contract will be awarded to the highest scoring bidder. Project start is anticipated to commence late Winter or early Spring of 2022.

LATC continues to process license renewals online since the credit card payment portal and renewal process was implemented in 2019. Online renewals are processed within one day. License processing data, including average timeframes for license renewals received by mail and online, are available in accordance with Business and Professions Code section 139.5 on the LATC website.

California Architects Board The Board met on June 11, 2021 via teleconference. Future meeting dates for this calendar year are September 9-10, and December 10. The latest issue of the California Architects newsletter was posted on the board's website on July 12, 2021.

Committee The next LATC meetings are scheduled for August 4 via teleconference, and November 4-5 in Sacramento. DCA SOLID will facilitate strategic planning for 2022-2024 on November 5. An environmental scan will be conducted over the summer and will include interviews with stakeholders, committee members, and staff. The data will be analyzed and reviewed with the LATC in November.

Coronavirus (COVID-19) After the Regional Stay Home Orders were issued in December by Governor Newsom, the Board was able to re-open to the public on January 26, 2021. Staff whose duties can be performed remotely continue to telework as well as in the office and follow Centers for Disease Control and Prevention guidelines while in the office. Further guidance regarding telework policies is being developed by CalHR. Public access and phone services continue to be provided 8:00am – 5:00pm, Monday-Friday.

Outreach An outreach presentation was held on April 15, 2021 for students enrolled in a professional practice course at the University of California, Berkeley. The presentation was provided remotely and included 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. There were 20 students who attended the outreach presentation. Students were asked to complete a survey about the outreach presentation. Overall, the students found the information regarding the pathways to licensure and the importance of licensure to be helpful. Survey results are provided below:

Statement:	Strongly Agree	Agree	Disagree	Strongly Disagree	N/A
The presentation was informative. I learned more about pathways to licensure than I already knew.	13 65%	5 25%	0 0%	0 0%	2 10%
I understand the importance of licensure and how it relates to the public's health, safety, and welfare	13 65%	6 30%	0 0%	0 0%	1 5%
I know what I have to do to become licensed.	11 55%	8 40%	1 5%	0 0%	0 0%
I could have used this information earlier.	4 20%	14 70%	1 5%	0 0%	2 5%
The presentation answered all of my questions.	9 45%	8 40%	1 5%	0 0%	2 10%

Personnel The Assistant Executive Officer position remains vacant. LATC established a new limited-term Associate Governmental Program Analyst position effective July 1, 2021, to assist during Business Modernization implementation.

Social Media LATC maintains a Twitter account that currently has 215 followers. This account largely permits the LATC to have active social media participation with the public and professionals.

Training Mandated training including Defensive Driver, Ethics, and Sexual Harassment Prevention (SHP), along with policy acknowledgement forms are due. 2021 is the Department's compliant year for SHP which must be taken by everyone. Staff continues to receive training. Courses completed since the April LATC meeting are as follows:

July 20, 2021                      Overview of Enforcement (Kourtney Nation, Special Projects Analyst)

Website On April 16, 2021 the 45-day public comment period for the regulatory proposal amending CCR section 2671 (Public Presentments and Advertising Requirements) was posted to LATC's website under Proposed Regulation and sent to interested parties, notifying the public.

On May 7, 2021 the 45-day public comment period for the regulatory proposal amending CCR sections 2615 (Form of Examinations) and 2620 (Education and Training Credits) was posted to LATC's website under Proposed Regulation and sent to interested parties, notifying the public.

On June 4, 2021 the 45-day public comment period for the regulatory proposal amending CCR sections 2611 (Abandonment of Application), 2611.5 (Retention of Candidate Files) and 2616

(Application for Licensure Following Examination) was posted to LATC's website under Proposed Regulation and sent to interested parties, notifying the public.

On July 9, 2021 the 45-day public comment period for the regulatory proposal amending CCR section 2620 (Requirements for an Approved Extension Certificate Program) was posted to LATC's website under Proposed Regulation and sent to interested parties, notifying the public.

On June 24, 2021 the 15-day public comment period for the regulatory proposal amending CCR section 2620 (Education and Training Credits) was posted to LATC's website under Proposed Regulation and sent to interested parties, notifying the public.

Assembly Bill (AB) 434 requires state agencies to have all documents posted on their website compliant with specified accessibility standards to ensure compatibility with Assistive Technologies (screen reading software, refreshable braille displays, screen magnifiers). DCA set July 1, 2021 as the deadline for all programs to be in compliance with this requirement. LATC staff attended training offered by the California Department of Technology on the document remediation process and worked together to identify and remediate all inaccessible documents on LATC's website. As of June 28, 2021, the LATC website is in full compliance with AB 434.

Legislative Proposal **BPC section 5659 (Inclusion of License Number – Requirement)** LATC set an objective to educate the different jurisdictional agencies about landscape architecture licensure and its regulatory scope of practice to allow licensees to perform duties prescribed within the regulations. Staff reviewed the Landscape Architects Practice Act and BPC section 460 (Local Government Entities – Powers), which prevents local government entities from prohibiting a licensed professional from engaging in the practice for which they are licensed while also allowing those entities to adopt or enforce local ordinances. Staff worked with DCA legal counsel to add language to section 5659 to coincide with section 460 specifically referencing landscape architects. The proposed additional language would prohibit local jurisdictions from rejecting plans solely based on the fact they are stamped by a licensed landscape architect; however, they could still reject plans based on defects or public protection from the licensee.

Proposed language to amend BPC section 5659 was presented to the LATC on February 5, 2020, and the Board approved the LATC's recommendation at its February 28, 2020 meeting. Staff proceeded with the proposal and submitted it to legislative staff in mid-March 2020, however the bill proposal was late and not accepted. The bill was resubmitted to legislative staff in January 2021 however proposed language in the omnibus bill would delay review for other programs, thus removed. At this time, LATC is planning to find an author for a stand-alone bill and resubmit in 2022.

<b>Date</b>	<b>Action Taken</b>
February 28, 2020	Proposed language approved by Board
March 18, 2020	Bill proposal provided to EO for review and submittal
Mid-March 2020	Bill proposal submitted to legislative staff
January 2021	Submitted to the Business, Professions, and Economic Development Committee
March 2021	Resubmitted to Senate Business, Professions, and Economic Development Committee

Regulatory Proposals **CCR Sections 2611 (Abandonment of Application), 2611.5 (Retention of Candidate Files), and 2616 (Application for Licensure Following Examination)** The LATC's retention schedule was updated and approved in January 2020. While updating the

retention schedule staff identified that the abandonment of an application required definition within CCR 2611 and developed proposed changes. Legal counsel recommended adding a new section 2611.5 to provide LATC authority for the retention and purging of candidate files. Additionally, counsel recommended amending CCR section 2616 to include the abandonment of a candidate's application for licensure. LATC approved proposed changes on February 5, 2020, which were adopted by the Board on February 28, 2020. Staff proceeded with the regulatory proposal process and on May 20, 2021 the package was submitted to OAL to publish Notice of the 45-day comment period which commenced on June 4, 2021 and end on July 20, 2021. No public comments were received.

Following is a chronology of the regulatory proposal for CCR sections 2611, 2611.5 and 2616:

<b>Date</b>	<b>Action Taken</b>
February 28, 2020	Proposed regulatory language approved by Board
April 10, 2020	Proposed regulation submitted to DCA Legal
November 2, 2020	DCA Legal completed pre-review
November 13, 2020	Proposed regulation submitted to DCA Legal Affairs Division for Initial Analysis and Budget Office for review
March 10, 2021	Staff submitted additional documents for Initial Analysis
March 29, 2021	Submitted to Agency for review and approval
May 20, 2021	Proposed regulation submitted to OAL to publish notice of 45-day comment period
July 20, 2021	End of public comment period. No comments received.

### ***CCR Sections 2615 (Form of Examinations) and 2620 (Education and Training Credits)***

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 Board approved the LATC's proposed regulatory language at its meeting on September 12, 2018. Staff proceeded with the regulatory proposal process and on April 27, 2021 the package was submitted to OAL to publish Notice of the 45-day comment period which commenced on May 7, 2021 and ended on June 22, 2021. In response to public comment received on June 7, 2021, LATC staff worked with DCA Legal to prepare modified proposed regulatory language for CCR section 2620. This new proposal was provided to the public on June 24, 2021 and the related public comment period ended on July 9, 2021. No comments were received regarding the modified regulatory proposal. The LATC and Board will consider the modified regulatory proposal at their upcoming meetings on August 4, 2021 and September 9, 2021, respectively.

Following is a chronology of LATC's regulatory proposal for CCR sections 2615 and 2620:

<b>Date</b>	<b>Action Taken</b>
September 12, 2018	Board approved proposed amendments and directed the EO to proceed with the combined rulemaking file.
February 7, 2019	Proposed regulation submitted to DCA Legal for pre-review
June 6, 2019	Proposed regulation to DCA Legal Affairs for initial analysis
June 14, 2019	Proposed regulation submitted for Budget Office review
February 6, 2020	Budget approved Economic and Fiscal Impact Statement (Std. 399). Pending Legal Review of Initial Analysis
November 5, 2020	Budget re-approved (STD. 399).
November 18, 2020	Proposed regulation submitted to Agency for review
April 27, 2021	Proposed regulation submitted to OAL to publish notice of 45-day comment period
June 22, 2021	End of public comment period

June 24, 2021  
July 9, 2021

Modified Text issued, commencing 15-day comment period  
End of 15-day public comment period. No comments received.

**CCR Section 2620.5 (Requirements for an Approved Extension Certificate Program)** At the December 6, 2018 LATC meeting, LATC 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 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. Staff proceeded with the regulatory proposal process and on June 24, 2021 the package was submitted to OAL to publish Notice of the 45-day comment period which will commence on July 9, 2021 and end on August 24, 2021.

At the December 2, 2020 LATC meeting, the Committee recommend to the Board approval of the extension certificate program within the University of California, Los Angeles effective through December 31, 2025.

Following is a chronology of LATC's regulatory proposal for CCR section 2620.5:

<b>Date</b>	<b>Action Taken</b>
June 12, 2019	Proposed regulatory language approved by Board
July 31, 2019	Proposed regulation submitted to DCA Legal for pre-review
October 22, 2019	Proposed regulation submitted to DCA Legal for additional pre-review
November 25, 2019	Proposed regulation submitted to DCA Legal Affairs Division for initial analysis
February 5, 2020	Proposed regulation submitted to Budget Office for approval
April 8, 2020	DCA Legal Affairs Division returned proposed regulation to LATC staff for review
May 6, 2020	Proposed regulation submitted to DCA Legal Affairs Division for continued initial analysis
October 9, 2020	Underlying data for proposed regulation provided to DCA Legal Affairs Division
February 3, 2021	Budgets reviewed and revised Budget Language
March 24, 2021	Budget approved Economic and Fiscal Impact Statement (Std. 399). Pending Legal Review of Initial Analysis
May 24, 2021	Proposed regulation submitted to Agency for review
June 24, 2021	Proposed regulation submitted to OAL to publish notice of 45-day comment period
August 24, 2021	End of public comment period

**CCR Sections 2630 (Issuance of Citations) and 2630.2 (Appeal of Citations)** To be more in line with the Board's procedures for the appeal of citations, staff proposed edits to LATC's appeal of citations regulation. Additionally, it was advised by legal counsel that additional edits needed to be made to the issuance of citations regulation. Language has been added clarifying the Board's existing ability to issue orders of corrections to cease unlawful advertising under BPC section 149, clarifying that the 30-day deadlines are counted as calendar days, amending the appeal of citations process. The proposed language was presented to the LATC on December 2, 2020 and adopted by the Board at its December 11, 2020 meeting. DCA Legal completed their pre-review on April 5, 2021. The package was submitted for Initial Analysis on April 6, 2021. The next step will be to submit to Agency for approval.

Following is a chronology of the regulatory proposal for CCR sections 2630 and 2630.2:

<b>Date</b>	<b>Action Taken</b>
December 11, 2020	Proposed regulatory language approved by Board
March 2, 2021	Proposed regulation package submitted to DCA Legal for pre-review
April 5, 2021	DCA Legal Affairs Division completed pre-review
April 6, 2021	Proposed regulation submitted to DCA Legal for Initial Analysis and Budget Office for approval

**CCR Section 2651 (Waiver of Fees for Licensure, Renewal, or Replacement of License Upon Declaration of Emergency)** Effective January 1, 2020, section 11009.5 of the Government Code allows state licensing entities to reduce or waive licensing fees for people affected by a proclaimed or declared emergency in the previous year. Licensing programs within DCA may, but are not required to, establish a process for reducing or waiving the licensing fees of those impacted by federal, state, or local emergencies.

In February 2021, staff worked with DCA regulations counsel to prepare a draft regulatory proposal that would implement an emergency fee waiver by adopting CCR, title 16, division 26, article 1, section 2651. Waiver of Fees for Licensure, Renewal, or Replacement of License Upon Declaration of Emergency. The proposed language was presented to the LATC on April 29, 2021 and adopted by the Board at its June 11, 2021 meeting. DCA Legal initiated their pre-review on July 6, 2021. The next step will be to submit the package for Initial Analysis.

Following is a chronology of the regulatory proposal for CCR section 2651:

<b>Date</b>	<b>Action Taken</b>
June 11, 2021	Proposed regulatory language approved by Board
July 6, 2021	Proposed regulation package submitted to DCA Legal for pre-review

**CCR Section 2671 (Public Presentments and Advertising Requirements)** As part of the Strategic Plan established by LATC at the December 2018 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.

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. 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 on May 29, 2019, and 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 on April 6, 2021 the package was submitted to OAL to publish Notice of the 45-day comment period which commenced on April 16, 2021 and ended on June 2, 2021. No adverse comments were received, and draft documents for the final regulation package were submitted for review on June 16, 2021.

Following is a chronology of LATC's regulatory proposal for CCR section 2671:

<b>Date</b>	<b>Action Taken</b>
June 12, 2019	Amended proposed regulatory language approved by the Board
June 27, 2019	Proposed regulation submitted to DCA Legal for prereview
August 6, 2019	DCA Legal concluded prereview
August 12, 2019	Proposed regulation submitted to DCA Legal Affairs Division for initial analysis
September 3, 2019	Proposed regulation submitted to Budget Office
February 5, 2020	Budget approved Economic and Fiscal Impact Statement (STD. 399)
October 9, 2020	Underlying data provided to DCA Legal Affairs Division
November 18, 2020	Package submitted to DCA Legal Affairs Division with updated budget language
January 25, 2021	DCA Budget office approved Economic and Fiscal Impact Statement and regulatory budget language
February 2, 2021	Proposed regulation submitted to Agency for approval
April 6, 2021	Proposed regulation submitted to OAL to publish notice of 45-day comment period
June 2, 2021	End of public comment period
June 16, 2021	Draft documents for the final regulation package submitted to DCA Legal Affairs Division for review

**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*. Staff worked closely with Board staff to update their respective guidelines to mirror each other wherever appropriate.

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. DCA guidance due to the passage of AB 2138 as well as proposed changes to CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) required staff to make revisions to the *Disciplinary Guidelines*. 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 rulemaking file is with the DCA Legal Affairs Office for Initial Analysis. During Initial Analysis, DCA Legal Affairs found that additional amendments were necessary. The LATC and Board will consider the additional amendments to the proposed regulatory language at their upcoming meetings on August 4, 2021 and September 9, 2021, respectively.

Following is a chronology of LATC's regulatory proposal for CCR section 2680:

<b>Date</b>	<b>Action Taken</b>
September 10, 2015	Proposed regulatory language to LATC's Disciplinary Guidelines approved by Board
October 21, 2015	Board staff provided suggested edits to the Board's Disciplinary Guidelines to DCA Legal for review
November 12, 2015	DCA Legal notified Board staff that the edits to their Disciplinary Guidelines were sufficient and substantive, and would require re-approval by the Board
December 10, 2015	Amended proposed regulatory language to Board's Disciplinary Guidelines approved by Board
March 15, 2016	Board staff prepared the regulatory package for DCA Legal Affairs Division's review and approval
April 8, 2016	DCA Legal Affairs Division advised Board staff that further substantive changes to the Disciplinary Guidelines were necessary prior to submission to OAL
December 15, 2016	Amended proposed regulatory language of the Board's Disciplinary Guidelines approved by Board
July 13, 2017	Amended proposed regulatory language to LATC's Disciplinary Guidelines based on the Board's Disciplinary Guidelines approved by LATC
September 5, 2017	DCA Legal Affairs Division informed staff that additional substantive changes were necessary for both LATC's and Board's Disciplinary Guidelines
September 7, 2017	Amended proposal of LATC's Disciplinary Guidelines, with additional substantive changes approved by Board
December 7, 2017	Amended proposal for the Board's Disciplinary Guidelines approved by Board; however, the Board requested additional research on its statutory authority to impose fines
May 4, 2018	LATC reviewed proposed regulatory language to LATC's Disciplinary Guidelines, including language on statutory authority to impose fines, and recommended Board approval
June 13, 2018	Proposed regulatory language to LATC's Disciplinary Guidelines approved by Board
February 8, 2019	Revised proposed regulatory language to LATC's Disciplinary Guidelines, due to the passing of AB 2138, approved by LATC
February 27, 2019	Revised proposed regulatory language to both LATC's and Board's Disciplinary Guidelines approved by Board
July 30, 2019	Proposed changes to LATC's Disciplinary Guidelines submitted to DCA Legal for prereview
October 8, 2019	DCA Legal Affairs Division concluded pre-review of LATC's Disciplinary Guideline's regulatory package
October 15, 2019	Proposed regulation package to DCA Legal for initial analysis
April 17, 2020	DCA Budget Office approved Economic and Fiscal Impact Statement (Std. 399)
October 19, 2020	Signed revised Economic and Fiscal Impact Statement (Std. 399) provided to DCA Budget Office

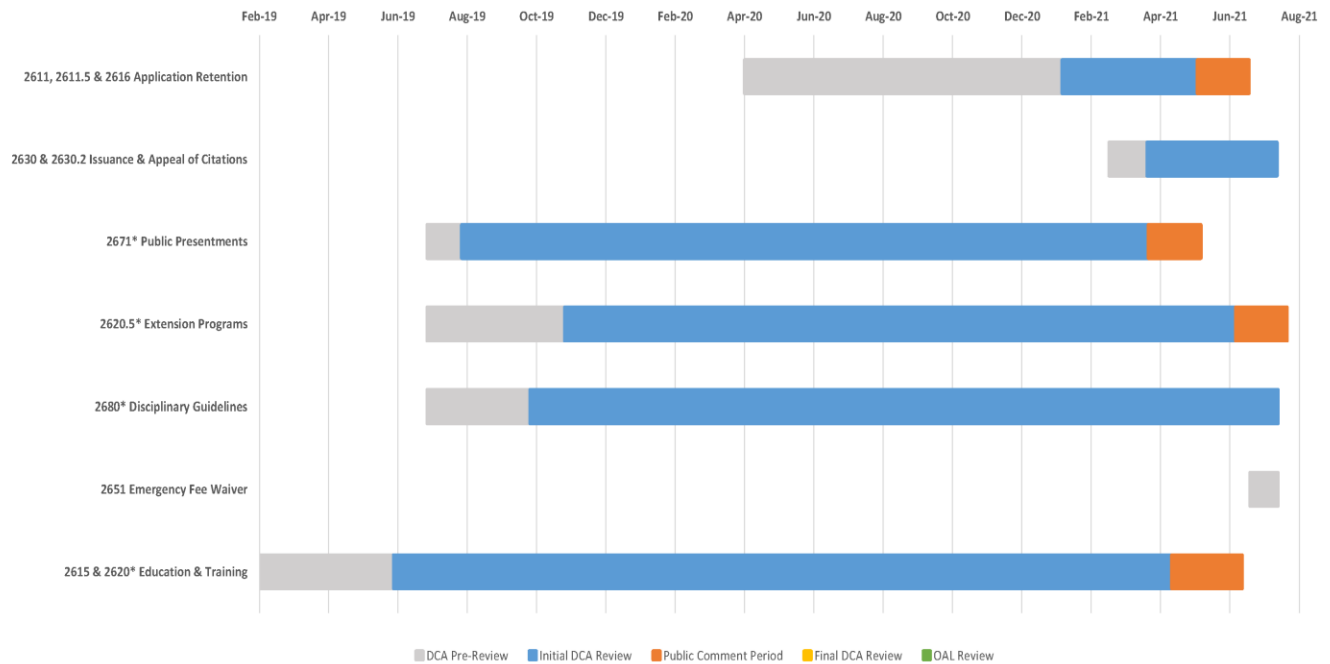
Regulation Proposals Tracker In response to LATC's request, the attached chart was created and displays the status of progress for the regulation packages as they advance through the initial DCA review, public comment period, final DCA review, and OAL review stages. This chart allows at-a-glance tracking of the pending regulation packages.

Landscape Architects Practice Act The LATC 2019-2021 Strategic Plan contains an objective to publish an updated Practice Act booklet to provide the public and licensees with current information. To fulfill this objective, staff worked with the Department of Consumer Affairs' Legal Affairs Division and the Department of General Services' Office of State Publishing to update and publish a Practice Act booklet with rules and regulations in effect as of April 1, 2021. The current Practice Act is available on the LATC website and the new booklets will be distributed at LATC student outreach events and included in initial licensure mailings to all new licensees.

**Landscape Architects Technical Committee  
Status of Pending Regulations**

Regulatory Proposals	DCA Pre-Review			Initial DCA Review			Public Comment Period			Final DCA Review			OAL Review		
	Start Date	Current/End Date	Days	Start Date	Current/End Date	Days	Start Date	Current/End Date	Days	Start Date	Current/End Date	Days	Start Date	Current/End Date	Days
2611, 2611.5 & 2616 Application Retention	Apr-20	Jan-21	284	Jan-21	May-21	121	Jun-21	Jul-21	46			0			0
2630 & 2630.2 Issuance & Appeal of Citation	Mar-21	Apr-21	34	Apr-21	Jul-21	116			0			0			0
2671* Public Presentments	Jul-19	Aug-19	31	Aug-19	Apr-21	614	Apr-21	Jun-21	47			0			0
2620.5* Extension Programs	Jul-19	Nov-19	123	Nov-19	Jun-21	600	Jul-21	Aug-21	46			0			0
2680* Disciplinary Guidelines	Jul-19	Oct-19	92	Oct-19	Jul-21	669			0			0			0
2651 Emergency Fee Waiver	Jul-21	Jul-21	25			0			0			0			0
2615 & 2620* Education & Training	Feb-19	Jun-19	120	Jun-19	Apr-21	696	May-21	Jul-21	63			0			0

Tracking of Pending LATC Regulatory Proposals



\*Note: Initial DCA review delayed to allow processing of priority rulemakings (AB 2138-related and others)

## LATC EXAMINATION PROGRAM

California Supplemental Examination (CSE). The Intra Departmental Contract (IDC) with Office of Professional Examination Services (OPES) for examination development for FY 20/21 expired on June 30, 2021. Staff coordinated with OPES and executed a new IDC for FY 21/22, July 1, 2021 through June 30, 2022, in the amount of \$30,968. Performance data for the CSE during the current and prior FYs is displayed in the following tables.

### CSE Performance by Candidate Type (April 1, 2021 to June 30, 2021)

Candidate Type	Passed	Rate	Failed	Rate	Total
First-time	23	77%	7	23%	30
Repeat	5	63%	3	37%	8
Total	28	74%	10	26%	38

### CSE Performance by Candidate Type (FY 20/21)

Candidate Type	Passed	Rate	Failed	Rate	Total
First-time	75	68%	35	32%	110
Repeat	20	67%	10	33%	30
Total	95	68%	45	32%	140

Landscape Architect Registration Examination (LARE). The first LARE administration in 2021 was held from April 5-17, 2021. The next LARE administration is scheduled to be held August 2-14, 2021. Examination results for all LARE administrations are released by CLARB within six weeks of the last day of administration.

The pass rates for LARE sections taken by California candidates during the April 5-17, 2021 administration are shown in the following table:

### LARE Pass Rates by CA Applicants (April 5-17, 2021)

Section	CA Applicants	Passed	Rate	Failed	Rate
Project and Construction Management	69	48	70%	21	30%
Inventory and Analysis	68	40	59%	28	41%
Design	55	29	53%	26	47%
Grading, Drainage and Construction	58	31	53%	27	47%

During the April 29, 2021, LATC meeting, the LATC requested to include historical pass rate information in order to review the trends between California and National candidates. Included below are the national pass rates for the most recent LARE sections taken during the April 5 - 17, 2021 administration along with 2018 to 2020 data:

### **LARE National Pass Rates (April 5-17, 2021)**

<b>Section</b>	<b>CA Applicants</b>	<b>Pass Rate</b>	<b>National Applicants</b>	<b>Pass Rate</b>	<b>▲ %</b>
Project and Construction Management	69	70%	447	64%	+6%
Inventory and Analysis	68	59%	391	64%	-5%
Design	55	53%	335	63%	-10%
Grading, Drainage and Construction	58	53%	356	64%	-11%

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

### **LARE National Pass Rates (2018 to 2020)**

National pass rates for LARE sections taken in 2020 are shown in the following table:

<b>Section</b>	<b>CA Applicants</b>	<b>Pass Rate</b>	<b>National Applicants</b>	<b>Pass Rate</b>	<b>▲ %</b>
Project and Construction Management	138	62%	877	64%	-2%
Inventory and Analysis	122	57%	850	66%	-9%
Design	94	63%	778	66%	-3%
Grading, Drainage and Construction	98	60%	769	65%	-5%

▲ % 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:

<b>Section</b>	<b>CA Applicants</b>	<b>Pass Rate</b>	<b>National Applicants</b>	<b>Pass Rate</b>	<b>▲ %</b>
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.

National pass rates for LARE sections taken in 2018 are shown in the following table:

<b>Section</b>	<b>CA Applicants</b>	<b>Pass Rate</b>	<b>National Applicants</b>	<b>Pass Rate</b>	<b>▲ %</b>
Project and Construction Management	220	66%	1,187	71%	-5%
Inventory and Analysis	200	62%	1,172	68%	-6%
Design	181	62%	1,169	64%	-2%
Grading, Drainage and Construction	191	69%	1,156	69%	0%

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

## LATC ENFORCEMENT PROGRAM

Enforcement Actions No new enforcement actions.

<u>Enforcement Statistics</u>	<u>Current Quarter</u> Apr-Jun 2021	<u>Prior Quarter</u> Jan-Mar 2021	<u>FYTD</u> 20/21	<u>5-FY Avg</u> 2016/17- 2020/21
<b>Complaints</b>				
Received/Opened (Reopened):	3 (0)	10 (0)	29 (0)	34 (0)
Closed:	6	6	31	34
Average Days to Close:	123 days	147 days	86 days	109 days
Pending:	6*	9*	8*	10
Average Age (Pending):	67 days*	93 days*	83 days	106 days
<b>Citations</b>				
Issued:	0	0	0*	2
Pending:	0*	0*	0*	0
Pending AG: †	0*	0*	0*	0
Final:	0	0	1	2
<b>Disciplinary Actions</b>				
Pending AG:	0*	0*	0*	0
Pending DA:	0*	0*	0*	0
Final:	0	0	0	0
<b>Settlement Reports (§5678)**</b>				
Received/Opened:	0	2	3	2
Closed:	0	0	0	2
Pending:	1*	1*	1*	0

\* Calculated as a quarterly average of pending cases.

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

† Also included within "Pending Citations"

## **AGENDA ITEM H.2: DISCUSS AND POSSIBLE ACTION ON ANNUAL ENFORCEMENT REPORT**

### **Summary**

The Landscape Architects Technical Committee (LATC) maintains an ongoing goal of reducing its average enforcement case completion timeline and seeking greater efficiencies in the handling of all enforcement cases. As part of the Department of Consumer Affairs' Consumer Protection Enforcement Initiative, the LATC's enforcement completion goal for cases not referred to the Attorney General's Office is 270 days. At the end of Fiscal Year (FY) 20/21, the LATC had 7 pending enforcement cases. The average time to complete an internal investigation in FY 20/21 was 86 days.

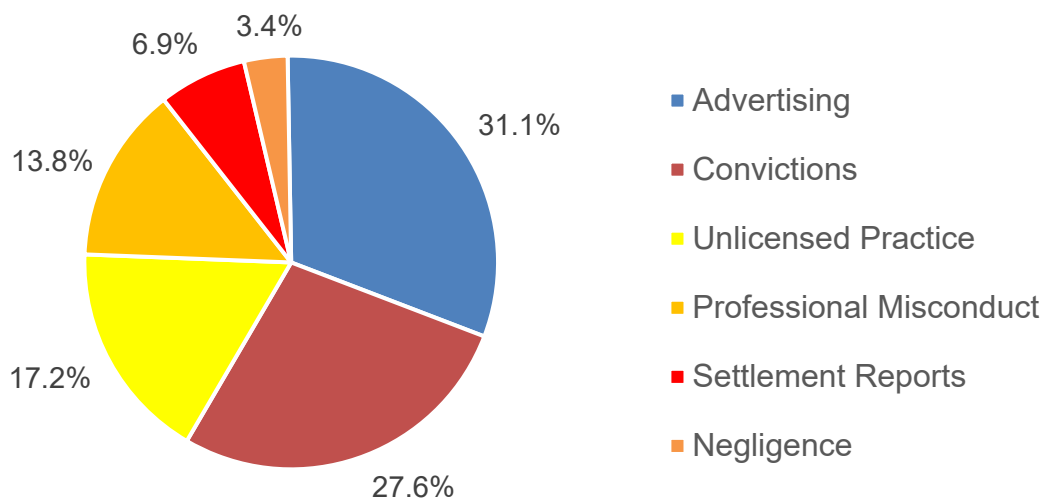
The attached Enforcement Program Report includes tables and graphs with the following information: 1) types of complaints received by the LATC during FY 20/21; 2) comparison of complaints received, closed, and pending by FY; 3) comparison of age of pending complaints by FY; 4) summary of closed complaints by FY; 5) summary of disciplinary and enforcement actions by FY; and 6) most common violations of the Landscape Architects Practice Act and regulations that resulted in enforcement action during FYs 18/19-20/21.

### **Attachment**

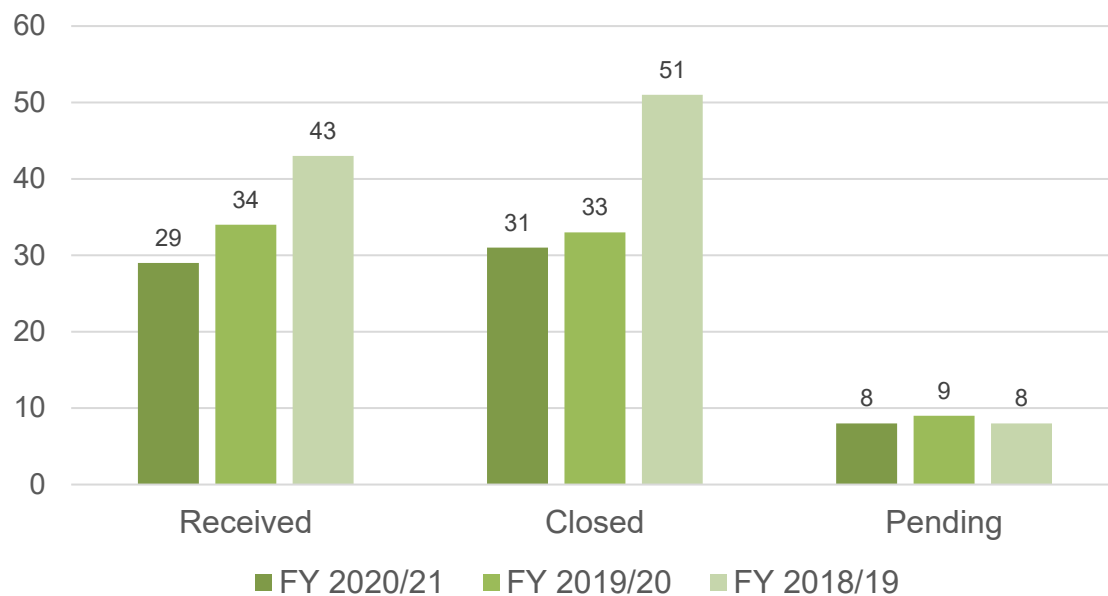
Enforcement Program Report

## **ENFORCEMENT PROGRAM REPORT**

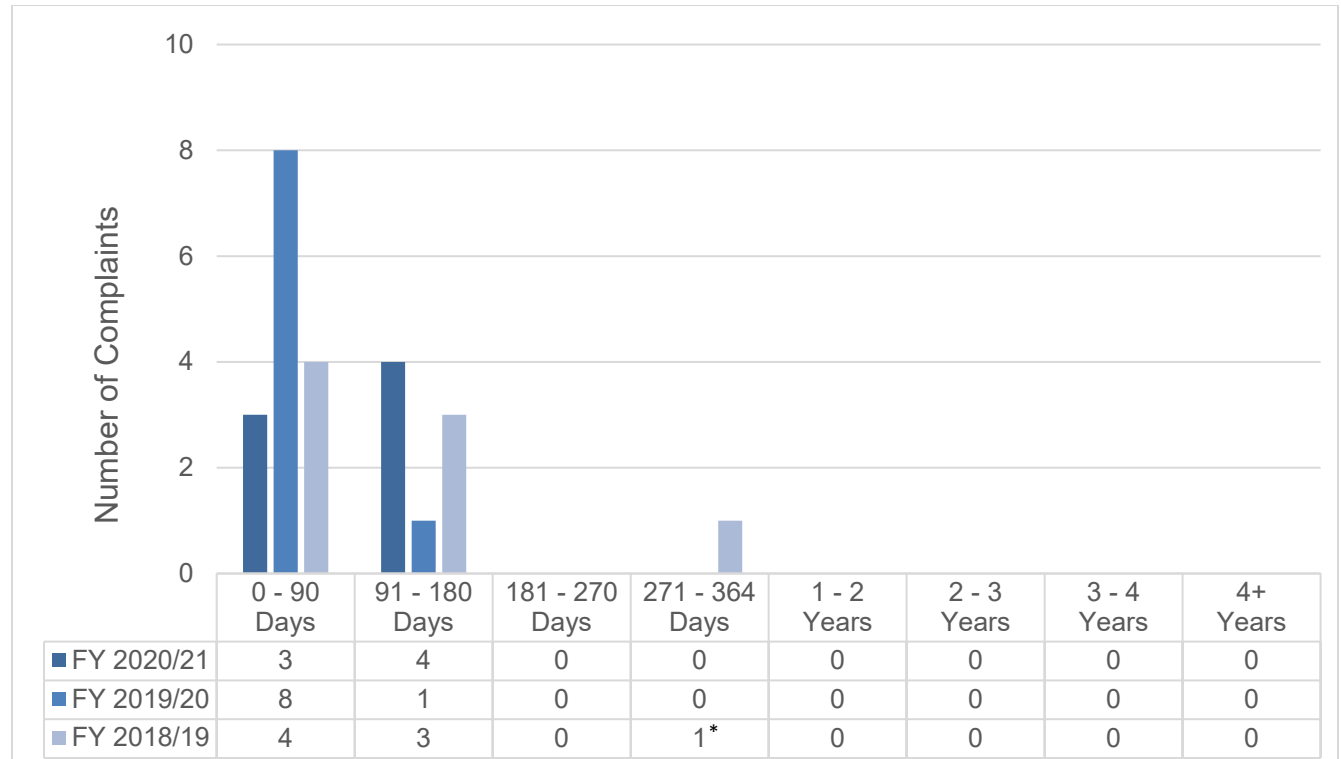
### **Types of Complaints Received Fiscal Year (FY) 2020/21**



### **Complaints Received, Closed, and Pending by FY**



## **Comparison of Age of Pending Complaints by FY**



\*A more complex case that needed expert review, resulting in a longer than average investigation time.

## **Closure of Complaints by FY**

Type of Closure	FY 2020/21	FY 2019/20	FY 2018/19
Citation Issued	0	2	3
Insufficient Evidence	1	0	2
Letter of Advisement	14	19	17
No Jurisdiction	0	0	4
No Violation	13	12	24
Other (i.e., Deceased, Error, etc.)	2	0	1

### **Disciplinary and Enforcement Actions by FY**

<b>Action</b>	<b>FY 2020/21</b>	<b>FY 2019/20</b>	<b>FY 2018/19</b>
Disciplinary Cases Initiated	0	0	0
Pending Disciplinary Cases	0	0	0
Final Disciplinary Orders	0	0	1
Final Citations	1	1	3
Administrative Fines Assessed	\$1,000	\$2,000	\$2,250

### **Most Common Violations by FY**

The most common violations that resulted in enforcement action during the last three fiscal years are listed below.

<b>Business and Professions Code (BPC) Section</b>	<b>FY 2020/21</b>	<b>FY 2019/20</b>	<b>FY 2018/19</b>
BPC § 5616 – Landscape Architecture Contract - Contents, Notice Requirements	0 (0%)	1(50%)	1 (25%)
BPC § 5640 – Unlicensed Person Engaging in Practice - Sanctions	0 (0%)	1 (50%)	2 (50%)
BPC § 5675 – Felony Conviction - Disciplinary Action	0 (0%)	0 (0%)	1 (25%)

**AGENDA ITEM I: REVIEW AND POSSIBLE ACTION ON MODIFIED PROPOSED REGULATORY LANGUAGE FOR CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2620 EDUCATION AND TRAINING CREDITS**

**Summary**

On June 7, 2021, during the 45-day public comment period, LATC received a comment from Stephanie Landregan, Director of the Landscape Architecture Program at the UCLA Extension, concerning proposed CCR section 2620(a)(11). Specifically, Ms. Landregan advised staff that the proposed subdivision did not capture the original intent of the regulation and that, if approved, the pathway outlined in subdivision (a)(11) would exclude UCLA Extension experience because the program does not consist of at least a four-year curriculum.

In response to Ms. Landregan's comment, LATC staff worked with DCA Legal Counsel to revise the subdivision language to accurately reflect the original intent of LATC and the Board. This new proposal was provided to the public on June 24, 2021 and the related public comment period ended on July 9, 2021. No comments were received regarding the modified regulatory proposal.

**Action Requested**

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

**Attachment**

Modified Proposed Regulatory Language to Amend CCR section 2620 (Education and Training Credits)

**Department of Consumer Affairs  
Title 16. CALIFORNIA ARCHITECTS BOARD  
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

**MODIFIED TEXT  
Education and Training Credits**

Proposed Amendments are indicated with an underline for new text and a ~~single strikethrough~~ for deleted text.

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

Omitted text is indicated by (\* \* \* \*)

Amend Section 2620 of Article 1 of Division 26 of Title 16 of the California Code of Regulations to read as follows:

**§ 2620. Education and Training Credits**

(a) Experience Equivalents. The Board's evaluation of a candidate's ~~training and~~ educational and training experience is based on the following table:

<b>Experience Description</b>	<b>Education Max. Credit Allowed</b>	<b>Training and/ or Practice Max. Credit Allowed</b>
<del>(a) Experience Equivalent:</del>		
* * * *		
( <del>811</del> ) Partial completion, <u>as defined in subdivision (b)(1),</u> of an extension certificate in landscape architecture from an <u>Extension Certificate Program that meets the requirements of section 2620.5</u> <del>and the Extension Certificate Program</del> approved school where the applicant <del>has a degree from a university or college which along with a degree from an educational institution where the degree program consists of at least a four-year curriculum.</del>	1 year	
* * * *		

\* \* \* \*

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

**AGENDA ITEM J: REVIEW, DISCUSSION, AND POSSIBLE ACTION REGARDING STAFF REQUEST TO RECONSIDER PREVIOUSLY APPROVED TEXT TO AMEND TITLE 16, CALIFORNIA CODE OF REGULATIONS (CCR) SECTION 2680 (DISCIPLINARY GUIDELINES) AND AUTHORIZATION TO INITIATE A NEW RULEMAKING**

**SUMMARY**

LATC's Disciplinary Guidelines (Guidelines) were initially adopted in regulation under CCR, title 16, section 2680 on August 11, 1997. 16 CCR section 2680 requires the Board, in reaching a decision on a disciplinary action under the Administrative Procedures Act (APA), to consider the Guidelines. The Guidelines are incorporated by reference in 16 CCR section 2680 because of the length of the document. The regulation and the Guidelines [Rev. 2000] were subsequently amended on April 13, 2001.

LATC's current Guidelines contain many outdated terms and conditions of probation and, in many instances, do not reflect recent updates to statutory law and other changes that have occurred in the probationary environment since the last update in 2000. If the Guidelines are amended, the corresponding regulation, 16 CCR section 2680, must also be amended to incorporate by reference the revised 2021 Guidelines adopted by the Board in 2021.

At an April 25, 2013 meeting, the Regulatory Enforcement Committee (REC) reviewed changes to the California Architects Board's (Board's) Disciplinary Guidelines (*Guidelines*) and requested staff make edits and bring back to the REC for further review. A year later at the REC's April 24, 2014 meeting, the Board's edited *Guidelines* were presented and to which the REC requested additional edits but with the recommendation that the *Guidelines* be presented to the Board. At a December 10, 2014 meeting, the Board reviewed the *Guidelines* and approved final language directing staff to proceed with a regulatory proposal to update the *Guidelines*. The LATC updated its Guidelines to align with the Board's and presented them at the LATC's February 10, 2015 meeting, at which time the LATC approved its Guidelines with minor edits. At a June 10, 2015 meeting, the Board reviewed the draft regulatory proposal for its *Guidelines*.

At its August 6, 2015 meeting, the LATC reviewed additional amendments made to its Guidelines and adopted the proposed revisions. At its September 10, 2015 meeting, the Board reviewed, and adopted, the proposed amendments to the LATC's Guidelines. At its December 10, 2015 meeting, the Board reviewed and adopted recommended revisions to both the Board's and LATC's Disciplinary Guidelines respectively. At a November 8, 2016 meeting, the REC reviewed additional revisions to the Board's *Guidelines* and made a recommendation to the Board to

approve the additional revisions. At a December 15, 2016 meeting, the Board reviewed, and adopted, the proposed amendments to the *Guidelines*. At an April 18, 2017 meeting, the LATC was provided with an update on its Guidelines indicating revisions were necessary, and the Guidelines would be presented at a later date. At a July 13, 2017 meeting, the LATC reviewed proposed amendments to its Guidelines and recommended the Board approve LATC's Guidelines. At a September 7, 2017 meeting, the Board reviewed and adopted the proposed amendments to the LATC's Guidelines. At a December 7, 2017 meeting, the Board reviewed its own *Guidelines* and requested revisions be made to the language. At a March 1, 2018 meeting, the Board reviewed and adopted the proposed amended *Guidelines*. At a May 4, 2018 meeting, the LATC reviewed its Guidelines and adopted the additional proposed amendments. At a June 13, 2018 meeting, the Board reviewed and adopted proposed amendments to the LATC's Guidelines. At a February 8, 2019 meeting, the LATC reviewed amendments to its Guidelines in connection with the passage of Assembly Bill (AB) 2138 and recommended the Board to approve the LATC's Guidelines. At its February 27, 2019 meeting, the Board reviewed and approved revisions regarding AB 2138 to both the Board's *Guidelines* and LATC's Guidelines.

The Legal Affairs Division (LAD) has conducted a review of the proposed language with all amendments, the Notice of Regulatory Action, and the Initial Statement of Reasons and has raised concerns and recommended revisions to the Guidelines. To resolve LAD's concerns, attached is 16 CCR section 2680 and the revised Guidelines for LATC to consider recommending approval to the Board. If the Board approves the changes and adopts the revised language, this rulemaking package will proceed to DCA Director and Agency review, and upon approval, be filed with the Office of Administrative Law for notice publication.

## **CHANGES REQUESTED BY LEGAL**

Title Page: Legal recommends the term "Model Orders" be added to the name of the document so it is clear to Administrative Law Judges (ALJs) and Deputy Attorney Generals (DAGs) that this document contains the Model Orders the Board would like them to follow. Hereafter the Guidelines and Model Orders will be referred to as the "Guidelines."

Table of Contents: Changes should be made to the Table of Contents to be consistent with changes made within the document. The words "General Considerations" are added to the heading of section IIB. Also added is a new Section IIF. with the title "Mitigation and Rehabilitation Evidence." The Attachment A that consisted of the "Quarterly Probation Report" form is removed from the Guidelines, so the reference to it within the Table of Contents is also removed. Once the strikeouts and underlines that are required for text changes get adopted, the page numbers on the Table of Contents will be revised to reflect the new pagination. For discussion purposes, references in this memo to pages are references to the page on which the language is presently located, and those page numbers will change when the regulation is adopted.

Introduction: At the end of the fourth paragraph of the Introduction on page 3, the sentence: "All disciplinary actions will be published on the Internet to facilitate access under the California Public Records Act" is added. A DCA board has been (unsuccessfully) sued by a disciplined licensee complaining that the record of their disciplinary action is accessible on the Internet. This is a good

place within the Guidelines to make clear to licensees that disciplinary actions are public records are accessible on the Internet.

In the fifth paragraph of the Introduction on page 3, Legal urges LATC to add the fact that the Guidelines are accessible on LATC's website. LATC's legal authority is limited to charging for making paper copies as a "direct cost of duplication" allowed under Government Code section 6253(b), so the language is revised to make it clear to the Office of Administrative Law that LATC has the authority to impose the charge.

Section II. A. Citations: The lengthy discussion of Citations is deleted and the reader is referred to LATC's regulation on Citations for more information. The Guidelines concern discipline, and a citation is not discipline. LATC could choose to place the eliminated discussion of Citations on LATC's website to be a resource for licensees.

Section II. B. Proposed Decisions - General Considerations: "General Considerations" is added to the title to make it more descriptive, and a gendered reference to "he or she" is removed from subdivision c. to comply with Assembly Concurrent Resolution 260, Chapter 190, September 5, 2018, which favors the use of gender-neutral pronouns.

Section II. C. Stipulated Settlements: The existing text is deleted and a more appropriate description of stipulated settlements is added. Written communications between the AG's office and LATC are protected under attorney-client privilege. The mention of such documents is removed to discourage public records act requests and unnecessary litigation. Settlements are reached by negotiation. Stating in the Guidelines that LATC seeks to obtain cost recovery in matters resolved by stipulation does not require the Committee to impose cost recovery when doing so isn't appropriate given the facts of the case, but having the policy stated in the Guidelines provides those negotiating on behalf of LATC with a good place from which to start.

Section II. E. Criteria to be Considered: AB 2138 (Chu, Ch. 995, 2018) was adopted while the Board's *Guidelines* and LATC's Guidelines were undergoing revision. A paragraph is added referring the reader to LATC's regulation on whether a criminal conviction has a substantial relationship to the profession of landscape architecture. A second paragraph is added referring the reader to the regulations that specify the criteria LATC must consider when considering the rehabilitation of an applicant or licensee with a criminal conviction.

Section II. F. Mitigation and Rehabilitation Evidence: This title and new content is being added to the Guidelines. Including a list of mitigating evidence clarifies for ALJs what factors LATC wants to have considered when determining penalties in proposed decisions. The list provides examples of the types of acceptable rehabilitation evidence a licensee or applicant may submit to demonstrate their rehabilitation and competence. Providing this information will assist applicants, licensees, staff and LATC have a better understanding on how LATC seeks to implement the changes in the law made by the passage of AB 2138. Providing this information in the Guidelines should also reduce staff time answering questions on the topic. The previous list of factors to consider when determining if revocation, suspension, or probation is most appropriate previously provided in Section II. E. is deleted because it does not accurately reflect the changes in the law.

Section III. Definition of Penalties: Within the definitions of the terms revocation, suspension, stayed revocation, stayed suspension, and probation, gendered pronouns are removed, in keeping with Assembly Concurrent Resolution 260, Chapter 190, September 5, 2018, which favors the use of gender-neutral pronouns. The definition of public reproof is revised to clarify that a reproof is a part of the public record and is noted as a disciplinary action taken against the licensee in their LATC file.

Section IV. Disciplinary Guidelines: Throughout this section from pages 8 to 16, the headings of each Business and Professions Code (BPC) section are revised. A law, when passed by the legislature, does not have a heading or title. Publishers such as Lexis/Nexis, Thomson Reuters, or Parker's all write their own titles or headings for each section of law to assist the reader in searching for specific topics in the published compilations. Therefore, the headings for many of the BPC sections cited in the Guidelines are revised to avoid copyright violation.

Below in the sections VI. and VII. regarding conditions of probation, standard and optional conditions of probation are changed to move former optional condition #16, Cost Reimbursement, to be listed as standard condition #11. This change is made because of LATC's policy to seek cost reimbursement so that the fiscal impact of a wrongdoer's action is borne by the wrongdoer, not by other licensees. Making this a mandatory condition of probation does not create injustice, as LATC reserves the right to waive conditions of probation on a case-by-case basis. The action of moving "cost reimbursement" from being an optional condition of probation when it would be applied only occasionally, to making it a mandatory condition in all cases unless waived by LATC is more in line with LATC's philosophy and policy on cost reimbursement. Due to this change, in all entries the numbering of mandatory terms of probation had to be changed. This also means in the many entries where the first optional condition of probation had been cost reimbursement (former optional condition #16) that optional condition had to be deleted (because cost reimbursement is now included as a mandatory condition of probation). Striking the first optional condition required subsequent conditions to be re-labelled. The phrase "if warranted" is added to the standard language used to describe minimum penalties to provide greater clarity that the optional conditions are completely optional and can be omitted from a respondent's probation order.

In the section labelled BPC section 5666 on page 9, the described minimum and maximums are deleted and the reader is directed to look to the specific statute or regulation violated for determining the recommended penalty.

In the section labelled BPC 5678 on page 13, the minimum penalty is revised from stayed revocation and 3 years' probation to be only the imposition of a civil penalty, as explained in more detail within the Model Orders section. The definition of a civil penalty below this BPC section is deleted and moved below into the Model Orders section.

In the section labelled BPC 480(a) on page 14, the former paragraph providing additional description of the law is removed, as this information is found in the statute itself and is covered previously in the Guidelines on page 6 in Section II. General Considerations, subdivision E.

Criteria to be Considered. This paragraph is also removed for consistency, as none of the other sections of law cited in this section have this sort of additional description.

Former Section V. Violation of Probation: This heading on page 18 is relabeled as Section IV Disciplinary Guidelines, subdivision D. Violation of Probation.

Section V. Model Orders: The unnecessary term "Disciplinary" is removed from the title so that it reads: "Model Orders."

Subdivision A. Licensee: Several sub-paragraphs within "Revocation of License" on pages 18 to 19 had gendered references that are removed and replaced with gender-neutral language, in compliance with Assembly Concurrent Resolution 260, Chapter 190, September 5, 2018.

In the sub-paragraph formerly headed "Surrender Of License," the phrase "in Lieu of Revocation" is added to make more clear the circumstances to which this sub-paragraph pertains, and gendered references are removed and replaced with gender-neutral language, in compliance with Assembly Concurrent Resolution 260, Chapter 190, September 5, 2018.

Subdivision B. Petition for Reinstatement: On page 19 and 20, in the sub-paragraph with the heading "Grant Petition and Place License on Probation after Completion of Conditions Precedent," examples are provided so ALJs and DAGs have a clearer understanding what can be required as a condition precedent to be satisfied before a license is reinstated. In the second paragraph of this condition, the sentence "and satisfaction of all statutory and regulatory requirements for issuance of a license" is added to clarify how a condition precedent must be satisfied as it is imposed as a part of discipline. At the end of the sentence to which this is added, the instructions "(list standards and applicable optional conditions of probation)" is added to improve this paragraph as a "drag and drop" item for ALJs to use when drafting an order.

Subdivision C. Petition to Revoke Probation: On pages 20-21, in the subparagraph headed "Revocation of Probation" the sentence "Petitioner is not eligible to apply for reinstatement or reduction of penalty for one year from the effective date of this decision," restates the restriction on such applications set out in Government Code section 11522. This sentence is added to clarify this to potential applicants and reduce the waste of staff time on applications for reinstatement or reduction of penalty that are barred by Government Code section 11522.

In several different sub-paragraphs in this subdivision, an "s" is added to make clear it is the phrase "landscape architect's license" for clarity.

Subdivision D. Applicant: On page 21, in the sub-paragraph with the heading "Grant Application and Place Licensee on Probation After Completion of Conditions Precedent," examples are provided so ALJs and DAGs have a clearer understanding what can be required as a condition precedent to be satisfied before a license is reinstated. At the end of the second sub-paragraph the instructions "(list standards and applicable optional conditions of probation)" is added to improve this sub-paragraph as a "drag and drop" item for ALJs to use when drafting an order.

A subparagraph headed “Civil Penalty” is added to reiterate the civil penalties that can be used in lieu of revocation that are described in BPC section 5678. The language added duplicates the language of BPC section 5678 so that this information concerning the civil penalties that the Board may assess in certain circumstances is included in the Guidelines and placed in this section for clarity.

## Section VI. CONDITIONS OF PROBATION:

Subdivision A. Standard Conditions: On page 21, a sentence is added at the start of this section to clarify that the Board may waive any conditions of probation on a case-by-case basis. The paragraph with the heading “Severability Clause” on page 21 and the discussion are deleted as both are unnecessary and not in LATC’s best interests. Having a unilateral statement about each condition of probation standing alone doesn’t have the legal effect of making it true and can be seen to suggest respondents consider litigation and the possibility that a condition may not be legal. Respondents can do their own legal research on this subject, and there is no benefit to having this severability language in the Model Orders.

Paragraph 2. Submit Quarterly Reports: In this paragraph on pages 21-22, the incorporation by reference of a Quarterly Probation Report of Compliance form at the end of the Guidelines is removed and instead all information requested in the form is added here. Staff will still make the form available on the website. However, by specifying the information requested in the form, should LATC move to all-electronic forms, no additional regulatory action is needed for converting this form to an all-electronic format.

Paragraphs 4, 6, and 7: On pages 22-23 the gendered references are removed and replaced with gender-neutral language, in compliance with Assembly Concurrent Resolution 260, Chapter 190, September 5, 2018.

Paragraph 5 Maintain Active and Current License: On page 22, a sentence is added to this subparagraph clarifying that if a respondent’s license has expired by the time the Board’s decision becomes effective, the license must be renewed within 30 days of the effective date of the decision. Adding this clarification saves both staff and respondents’ time and effort trying to determine what is required under these particular circumstances.

Paragraph 7 – Tolling for Out-of-State Practice, Residence or In-State Non-Practice: On pages 22 and 23, the first paragraph consisting of added language is deleted. While the information requested in this paragraph could generally be useful to LATC, a respondent is already being investigated and LATC has no separate need for respondent to provide this information during their probationary period. A sentence stating non-practice doesn’t relieve a respondent of the responsibility to comply with the terms and conditions of probation is added for clarity. Two sentences that had been moved from the center of the previous subparagraph and reintroduced as a separate final subparagraph are deleted as they contain information not relevant to Paragraph 7, which covers tolling.

Paragraph 9 - License Surrender While On Probation: At pages 23 to 24, the first paragraph previously added here is removed and replaced with the three subparagraphs that follow. The first paragraph more clearly explains the circumstances in which a probationer may consider surrendering their license, and what information must be provided for a Probationer to request the Board accept their surrendered license.

The second paragraph clearly sets out that accepting a probationer's surrendered license is a matter of the Board's discretion and clarifies that a probationer cannot surrender their license to get out from under the requirements of their probation. The third sub-paragraph clarifies what happens if the Board accepts the surrender of a probationer's license, that it will be treated as a disciplinary action, and how re-application for a new license will be treated. By separating the information in the deleted paragraph into three paragraphs, the information provided is clearer and easier for staff and probationers to follow.

Paragraph 11 - Cost Reimbursement: At page 24, the former optional condition #16 is moved up to be standard condition #11. This better aligns the Guidelines with LATC's policy to prioritize seeking cost reimbursement so that the wrongdoer, not all licensees, bears the costs of the inappropriate action. As mentioned above, the Disciplinary Guidelines section above is revised to reflect this change. In Subdivision B. Optional Conditions below, the conditions are renumbered to reflect the insertion of a standard condition #11.

Subdivision B – Optional Conditions, Paragraph 13, California Supplemental Examination (CSE): On pages 24-25, gendered references are removed and replaced with gender-neutral language in both Option 1 and Option 2, in compliance with Assembly Concurrent Resolution 260, Chapter 190, September 5, 2018.

In Option 1 (Condition Subsequent) on pages 24-25, language added during the development of this regulation package is removed and new language is added to make clear respondent must pass the CSE within three years or will be considered in violation of probation. The revisions also make clear respondent must comply with tolling provisions discussed in standard condition #7 and respondent must pay for all costs of the CSE exam. As re-written, the revised language clarifies for staff and respondents all of the ramifications of imposing this optional condition for of probation. In Option 2 (Condition Precedent), the extraneous language “take and” is removed in two places.

Paragraph 13 - Written Examination: On page 24, gendered references are removed and replaced with gender-neutral language in both Option 1 and Option 2, in compliance with Assembly Concurrent Resolution 260, Chapter 190, September 5, 2018.

On page 25, language added during the development of this regulation package is removed and new language is added to make clear a respondent must pass the Landscape Architect Registration Examination (LARE) within one year or within two attempts or will be considered in violation of probation. The revisions also make clear that respondent must comply with tolling provisions discussed in standard condition #7, and that respondent must

pay for all costs of the LARE exam. As re-written, the revised language clarifies for staff and respondents all the ramifications of imposing this optional condition of probation.

Paragraph 15 – Ethics Course: On pages 25 and 26, the phrase “or its designee” is added to provide more options for the Board in granting approval of ethics courses submitted by respondents, and to expedite the process.

Paragraph 16 – Continuing Education Courses: On page 26, the phrase “or its designee” is added to provide more options for the Board in granting approval of professional education courses submitted for approval by respondents, and to expedite the process.

Original Paragraph 1#1, then #16 Cost Reimbursement: This paragraph is moved up to become standard condition #11, and so is deleted here.

Paragraphs 18 and 19: On page 26 and page 27, gendered references are removed and replaced with gender-neutral language in compliance with Assembly Concurrent Resolution 260, Chapter 190, September 5, 2018.

Added Paragraph 20 – Civil Penalty: This paragraph on page 27 is moved up to page 21, where it is the last model order in Section V. Model Orders, and so the paragraph is deleted here.

The information requested in the form “Quarterly Probation Report of Compliance,” Attachment A to the Guidelines, have been set out in section VI. CONDITIONS OF PROBATION, subdivision A. Standard Conditions, paragraph 2 – Submit Quarterly Reports, and thus this form is deleted here. Staff will still have the form available on the website.

### **Action Requested**

LATC is asked to consider and approve the above-described revisions to the Guidelines recommended by Legal, and please entertain a motion to approve and recommend approval the attached revised proposed regulatory language to adopt 16 CCR section 2680, to the Board.

### **Attachments**

1. Revised 16 CCR Section 2680
2. Revised Disciplinary Guidelines.

**CALIFORNIA ARCHITECTS BOARD**

**LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

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

**PROPOSED REGULATORY LANGUAGE**

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

Amend Section 2680 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

**Section 2680. Disciplinary Guidelines.**

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines" ~~[Rev 2000]~~ (Revised 2021) which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

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

Start Face Page:

Landscape Architects Technical Committee  
Disciplinary Guidelines and Model Orders  
(Revised 8/2021)



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*California Architects Board  
Landscape Architects Technical Committee*  
**DISCIPLINARY GUIDELINES**

## **I. INTRODUCTION**

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

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

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

The Board ~~(CAB)~~ recognizes ~~that~~ these recommended penalties and conditions of probation are merely guidelines, and ~~that~~ mitigating or aggravating circumstances ~~and~~ or other factors, may necessitate deviations, as discussed herein. If there are deviations from the guidelines, the Board would request that the Administrative Law Judge hearing the matter include an explanation in the Proposed Decision so that the circumstances can be better understood and evaluated by the Board upon review of the Proposed Decision and before final action is taken. All disciplinary actions will be published on the Internet to facilitate access under the California Public Records Act.

Additional copies of this document may be obtained by contacting the LATC~~CAB~~ at its office in Sacramento, California or accessing the document on-line at [www.latc.ca.gov](http://www.latc.ca.gov). There may be a charge assessed for providing paper copies sufficient to cover the direct costs of duplication~~production and distribution of copies.~~

## **II. GENERAL CONSIDERATIONS**

### **A. Citations**

This document covers considerations of disciplinary restrictions or penalties following the filing of an Accusation. For standards related to citations, please consult the Board's regulations commencing at Section 2630 of Title 16 of the California Code of Regulations.  
The Board may issue a citation pursuant to sections 125.9 or 148 of the Business and Professions Code, and in accordance with section 2630 of article 1 of division 26 of title 16 of the California Code of Regulations, as an alternate means to address relatively minor violations not necessarily warranting discipline.

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

Citations shall be in writing and shall describe the particular nature and facts of the violation, including a reference to the statute or regulation allegedly violated. In assessing a fine, the Board shall give due consideration to the factors enumerated in subsection (b) of section 2630.1 of article 1 of division 26 of title 16 of the California Code of Regulations.

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

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

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

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

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

After a citation is issued, the person may:

- 1) Pay the fine and comply with any order of abatement and the matter will be satisfactorily resolved.

- 2) Request an informal conference. Following the informal conference, the citation may be affirmed, modified, or dismissed, including any fine levied or order of abatement issued.
- 3) Request an administrative hearing to appeal the citation regardless of whether or not an informal conference was held.

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

## **B. Proposed Decisions - General Considerations**

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

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

## **C. Stipulated Settlements**

The Board will consider stipulated settlements to promote cost effectiveness and to expedite disciplinary decisions if such agreements achieve its disciplinary objectives. Deputy Attorneys General should inquire as to Respondent's interest in stipulated settlement promptly after receipt of a notice of defense. If stipulated settlement appears unlikely, the case should be set for hearing. It is the Board's policy that matters resolved by stipulation include cost recovery. The Board will consider agreeing to stipulated settlements to promote cost effective consumer protection and to expedite disciplinary decisions. The respondent should be informed that in order to enter into a stipulated settlement with the Board, he or she they may be required to admit to the violations set forth in the accusation or statement of issues. All proposed stipulated settlements must be accompanied by a memorandum from the Deputy Attorney General addressed to Board members explaining the background of the case and defining the allegations, mitigating circumstances, admissions, and proposed penalty, along with a recommendation for the Board to adopt the stipulated settlement.

## **D. Cost Reimbursement**

The Board seeks reimbursement of its investigative and prosecution costs in all disciplinary cases in which the licensee is found to have committed a violation. The costs include all charges incurred from the Office of the Attorney General, the Division of Investigation, and Board services, including but not limited to, expert consultant opinions and services. The Board seeks reimbursement of these costs because the burden for payment of the costs of investigation and

prosecution of disciplinary cases should fall upon those whose proven conduct required investigation and prosecution, not upon the profession as a whole.

## **E. Criteria Factors to be Considered**

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

Rehabilitation Criteria. When considering the denial, revocation, or suspension of a license on the ground that the applicant or licensee has been convicted of a crime, or disciplined for professional misconduct, the denial is based on one or more of the grounds specified in Business and Professions Code section 5653, a suspension or revocation of a licensee on the grounds of a disciplinary action as described in Business and Professions Code section 141, or one or more of the grounds specified in Business and Professions Code Article 5 of Chapter 3.5 of Division 3 of the Code, the Board shall consider whether the applicant or licensee has made a showing of rehabilitation based on the criteria specified in section 2656 of article 1 of division 26 of title 16 of the California Code of Regulations.

## **F. Mitigation and Rehabilitation Evidence**

The following are among mitigating circumstances that may be taken into account by ALJs in providing for penalties in proposed decisions:

- The licensee has cooperated with the CBA's investigation, other law enforcement or regulatory agencies, and/or the injured parties.
- The passage of considerable time since an act of professional misconduct occurred with no evidence of recurrence or evidence of any other professional misconduct.
- Convincing proof of rehabilitation
- Demonstration of remorse by the licensee.
- Recognition by licensee of their wrongdoing and demonstration of corrective action to prevent recurrence.
- Violation was corrected without monetary losses to consumers and/or restitution was made in full.

The following are examples of types of evidence which the licensee/applicant (respondent) may submit to the Board to demonstrate their rehabilitative efforts and competency:

- Recent, dated, written statements and/or performance evaluations from persons in positions of authority who have on-the-job knowledge of the respondent's work as a landscape architect that include the period of time and capacity in which the person worked with the respondent. Such reports must be signed under penalty of perjury and will be subject to verification by Board staff.
- Recent, dated, letters from counselors regarding the respondent's participation in a rehabilitation or recovery program, which should include at least a description and requirements of the program, a therapist or mental health professional's diagnosis of the condition and current state of recovery, and the therapist or mental health professional's basis for determining rehabilitation. Such letters and reports will be subject to verification by Board staff.

- Recent, dated letters describing the respondent's participation in support groups, (e.g., Alcoholics Anonymous, Narcotics Anonymous, professional support groups, etc.). Such letters and reports will be subject to verification by Board staff.
- Recent, dated, letters from probation or parole officers regarding the respondent's participation in and/or compliance with terms and conditions of probation or parole, which should include at least a description of the terms and conditions, and the officer's basis for determining compliance. Such letters and reports will be subject to verification by Board staff.
- Recent, dated, letters from persons familiar with respondent in either a personal or professional capacity regarding their knowledge of: the respondent's character; the respondent's rehabilitation, if any; the conduct of which the respondent is accused; or any other pertinent facts that would enable the Board to better decide the case. Such letters must be signed under penalty of perjury and will be subject to verification by Board staff.

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

1. Nature and severity of the act(s), offense(s), or crime(s) under consideration.
2. Actual or potential harm to any consumer, client or the general public.
3. Prior disciplinary record.
4. Number and/or variety of current violations.
5. Mitigation evidence.
6. Rehabilitation evidence.
7. In the case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.
8. Overall criminal record.
9. Time passed since the act(s) or offense(s) occurred.
10. Whether or not the respondent cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties.
11. Recognition by respondent of his or her wrongdoing and demonstration of corrective action to prevent recurrence.

### III. DEFINITION OF PENALTIES

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

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

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

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

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

**Public Reproval:** A condition of probation whereby the respondent is required to appear before the Board to review in public the violation which he or she/they were determined to have committed and the penalties imposed. A form of written censure or reprimand placed in a public document that is served on the licensee. It is considered part of the licensee's disciplinary history and public record with the Board.

#### IV. DISCIPLINARY GUIDELINES

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

##### A. Business and Professions Code Sections

**Section 5616:** Requirements for Landscape Architecture Contract – Contents, Notice Requirements

Maximum: Revocation  
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

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

**Section 5640:** Unlicensed Person Sanctions For Engaging in Practice – Sanctions

~~Applicant~~ **Maximum:** Revocation or Denial of application for a license application  
~~Applicant~~ **Minimum:** Ninety (90) days actual suspension Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

- a. All standard conditions of probation [#1-#7] Ethics course [#154]
- b. Cost reimbursement [#16]
- c. Restitution [#17] (if applicable)

**Section 5642: ~~Partnership, Corporation – Unlicensed Person~~ in a Partnership or Corporation**

**Maximum:** Revocation  
**Minimum:** Stayed Revocation, 90 days' actual suspension [#124], and probation for 5 years' probation on all standard conditions [#1-110] and the following optional conditions:  
  
a. All standard conditions of probation [#1-#7]  
ba. Cost reimbursement [#1116]

**Section 5659: ~~Failure to Include~~ design of License Number – Requirement**

**Maximum:** Revocation  
**Minimum:** Stayed revocation and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:  
  
a. Ethics course [#154]  
  
b. Cost reimbursement [#16]  
  
c. Restitution [#17] (if applicable)

**Section 5666: Practice in Violation of ~~Chapter Practice Act Provisions~~**

The appropriate disciplinary action depends on the nature of the offense.

**Maximum/Minimum:** See section of these guidelines showing specific statute/regulation violated for recommended penalty  
**Revocation**  
**Minimum:** Stayed revocation and 3 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:  
  
a. Cost reimbursement [#16]  
  
b. Restitution [#17] (if applicable)

**Section 5667: ~~Fraud, Misrepresentation – Obtaining~~ License Obtained by Fraud, Misrepresentation**

**Maximum/Minimum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:  
  
a. Ethics course [#154]

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

**Section 5668: Person Impersonating Landscape Architect ~~— Practice Or~~ Under Assumed Name**

~~Licensee~~ **Maximum:** Revocation

~~Licensee~~ **Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

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

~~ba. Continuing education courses~~ Ethics course [#10154]

~~eb. Cost reimbursement [#1116]~~

~~ec. Restitution [#1217] (if applicable)~~

**Section 5669: Licensee Aiding, Abetting ~~—~~ Unlicensed Practice**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] ~~and~~ if warranted, the following optional conditions:

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

~~ba. Continuing education courses~~ Ethics course [#10154]

~~eb. Cost reimbursement [#1116]~~

~~ec. Restitution [#1217] (if applicable)~~

**Section 5670: Fraud, Licensee Deceit in Practice or Fraud**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] ~~and~~ if warranted, the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~ Ethics course [#154]

~~b. Continuing education courses~~ [#10165]

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

~~d.~~ Restitution [#4217] (if applicable)

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

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] ~~and if warranted,~~ the following optional conditions:

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

~~b.~~ Continuing education courses [#10165]

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

~~d.~~ Restitution [#4217] (if applicable)

**Section 5671: Willful Misconduct in Practice**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] ~~and if warranted,~~ the following optional conditions:

a. Ethics course [#154]

b. Continuing education courses [#165]

c. Cost reimbursement [#16]

~~d.~~ Restitution [#17] (if applicable)

**Section 5672: Licensee Gross Incompetence in Practice**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] ~~and if warranted,~~ the following optional conditions:

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

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

a. California Supplemental Examination [#132]

~~b.~~ Continuing education courses [#10165]

~~dc.~~ **Cost reimbursement** [#1116]

~~ed.~~ Restitution [#1217] (if applicable)

**Section 5673: Licensee's False Use of Signature, Stamp**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] **and if warranted**, the following optional conditions:

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

~~ba.~~ Continuing education courses Ethics course [#10154]

~~cb.~~ **Cost reimbursement** [#1116]

~~de.~~ Restitution [#1217] (if applicable)

**Section 5675: Sanctions for Licensee Felony Conviction ~~Sanctions~~**

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

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] **and if warranted**, the following optional conditions:

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

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

~~ca.~~ **Cost reimbursement** [#1116]

~~d.~~ Restitution [#12]

~~eba.~~ Criminal **P**robation **R**eports [#1318]

**Section 5675.5: Public Agency ~~Disciplinary Action~~ By Public Agency**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] **and if warranted**, the following optional conditions:

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

~~ba.~~ Continuing education courses [~~#10~~165]

~~eb.~~ Cost reimbursement [~~#11~~16]

~~de.~~ Restitution [~~#12~~17] (if applicable)

**Section 5676: ~~Plea of Nolo Contendere –~~ Sanctions for Criminal Conviction – Sanctions**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [~~#124~~], and 5 years' probation on all standard conditions [~~#1-110~~] ~~on and if warranted,~~ the following optional conditions:

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

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

~~ca.~~ Cost reimbursement [~~#11~~16]

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

~~eba.~~ Criminal Pprobation Rreports [~~#13~~18]

**Section 5678: ~~Licensee Failure to Report of Settlement or Arbitration Award –~~ Licensee**

**Maximum:** Revocation

**Minimum:** Civil Penalty (see Model Orders section) Stayed revocation and 3 years' probation on all standard conditions [~~#1-10~~]. ~~on and the following optional condition:~~

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

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

**B. General Provisions of Business and Professions Code**

**Section 125.6: ~~Licensee's Discrimination Against Individuals Based upon Personal Characteristics by Licensee~~**

**Maximum:** Revocation

**Minimum:** Stayed revocation, ~~60~~ 90 days' actual suspension [~~#124~~], and 5 years' probation on all standard conditions [~~#1-110~~]. ~~on and the following optional condition:~~

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

~~ba. Cost reimbursement [#1116]~~

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

**Maximum:** Revocation

**Minimum:** Stayed revocation and 3 years' probation on all standard conditions [#1-110] ~~and the following optional condition:~~

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

**Section 141:** **Effect of Disciplinary Action Taken Against Licensee by Another State, an Agency of the Federal Government, or Another Country**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] ~~and if warranted,~~ the following optional conditions:

a. Continuing education courses [#165]

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

~~c. Restitution [#17] (if applicable)~~

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

**Maximum:** Revocation

**Minimum:** Stayed revocation and 3 years' probation on all standard conditions [#1-110] ~~and if warranted,~~ the following optional conditions:

a. Ethics course [#154]

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

**Section 480 (a):** **Applicant's Grounds for Denial of the License Application of Licenses**

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

**Maximum/Minimum:** Denial of license application  
**Minimum:** Issue initial license, stayed revocation, and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

- a. Ethics course [#154]
- b. Continuing education courses [#165]
- c. Cost reimbursement [#16]
- d. Restitution [#17] (if applicable)

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

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

- a. Cost reimbursement [#16]
- b. Criminal probation reports [#18]

**Section 496:** **Subversion of Licensing Examinations or Administration of Examinations**

**Maximum/Minimum:** Revocation or denial of license application  
**Minimum:** Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

- a. Ethics course [#154]
- b. Continuing education courses [#165]
- c. Cost reimbursement [#16]
- d. Restitution [#17] (if applicable)

**Section 499:** **Licensee's False Statement in Support of Another Person's Application Not Their Own**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

a. Ethics course [#154]

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

**C. California Code of Regulations ~~CALIFORNIA CODE OF REGULATIONS~~  
~~Division 2, Title 16, Division 2, Chapter 26, Article 1. General Provisions~~**

**Section 2670: Rules of Professional Conduct**

**(a) Competence**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, on the following optional conditions:

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

a. California Supplemental Examination [#132]

b. Continuing education courses [#40165]

c. Cost reimbursement [#1116]

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

**(b) Willful Misconduct**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

a. Ethics course [#154]

b. Continuing education courses [#165]

c. Cost reimbursement [#16]

~~d. Restitution [#17] (if applicable)~~

**(b)(c) Full Disclosure**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

- a. ~~All standard conditions of probation~~ [#1-#7] Ethics course [#154]
- b. ~~Continuing education courses~~ [#10]
- c. Cost reimbursement [#1116]
- d. Restitution [#1217] (if applicable)

**(e) Informed Consent**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

- a. ~~All standard conditions of probation~~ [#1-#7]
- b. ~~Continuing education courses~~ [#10] 65
- c. Cost reimbursement [#1116]
- d. Restitution [#1217] (if applicable)

**(e) Conflict of Interest**

**Maximum:** Revocation  
**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

- a. ~~All standard conditions of probation~~ [#1-#7] Ethics course [#154]
- b. ~~Continuing education courses~~ [#10]
- c. Cost reimbursement [#1116]
- d. Restitution [#1217] (if applicable)

**(f) Copyright Infringement**

**Maximum:** Revocation

**Minimum:** Stayed revocation, 90 days' actual suspension [#124], and 5 years' probation on all standard conditions [#1-110] and if warranted, the following optional conditions:

- a. All standard conditions of probation [#1-#7] Ethics course [#154]
- b. Continuing education courses [#40165]
- c. Cost reimbursement [#1116]
- d. Restitution [#1217] (if applicable)

#### **V.D. Violation of Probation**

##### **Maximum Penalty**

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

##### **Minimum Penalty**

Actual suspension and/or extension of probation.

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

#### **V. MODEL DISCIPLINARY ORDERS**

##### **A. Licensee**

##### **Revocation of License**

Landscape Architect License No. \_\_\_\_\_, issued to respondent \_\_\_\_\_, is revoked.

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

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

**Option:** As a condition precedent to reinstatement of his or her their revoked license, respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of

\$ \_\_\_\_\_. Said amount shall be paid in full prior to the reinstatement of his or her license unless otherwise ordered by the Board.

### **Revocation Stayed and Licensee Placed on Probation**

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

### **Public Reproval**

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

### **Surrender of License in Lieu of Revocation**

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

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

## **B. Petition for Reinstatement**

### **Grant Petition with No Restrictions on License**

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

### **Grant Petition and Place Licensee on Probation**

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

### **Grant Petition and Place Licensee on Probation After Completion of Conditions Precedent**

The petition for reinstatement filed by petitioner \_\_\_\_\_ is hereby granted, and petitioner's landscape architect license shall be fully reinstated upon completion of the following conditions precedent (examples would be: paying restitution, cost reimbursement, completion of CE, completion of rehabilitation program, take the California Supplemental Examination, and/or specified sections of the LARE):

Upon completion of the conditions precedent above, and satisfaction of all statutory and regulatory requirements for issuance of a license, petitioner's landscape architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed, and petitioner shall be placed on probation for a period of \_\_\_\_\_ years on the following terms and conditions (list standard and applicable optional conditions of probation):

### **Deny Petition**

The petition for reinstatement filed by petitioner \_\_\_\_\_ is hereby denied.

### **C. Petition to Revoke Probation**

#### **Revocation of Probation**

Landscape Architect License No. \_\_\_\_\_, issued to respondent \_\_\_\_\_, is revoked. Petitioner is not eligible to apply for reinstatement or reduction of penalty for one year from the effective date of this decision.

#### **Extension of Probation**

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

### **D. Applicant**

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

#### **Grant Application with No Restrictions on License**

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

#### **Grant Application and Place Licensee on Probation**

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

#### **Grant Application and Place Licensee on Probation After Completion of Conditions Precedent**

The application filed by respondent \_\_\_\_\_ for initial licensure is hereby granted, and a landscape architect's license shall be issued to respondent upon the following conditions

precedent (examples would be: paying restitution, cost reimbursement, completion of CE, completion of rehabilitation program, take the California Supplemental Examination, and/or specified sections of the LARE):

Upon completion of the conditions precedent above and successful completion of all licensing requirements, including payment of all fees, respondent shall be issued a landscape architect's license. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for \_\_\_\_\_ years on the following terms and conditions (list standard and applicable optional conditions of probation):

### **Deny Application**

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

### **Civil Penalty**

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

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

## **VI. STANDARD CONDITIONS OF PROBATION**

### **A. Standard Conditions**

(~~I~~to be included in all cases of probation)

The Board reserves the discretion to waive any conditions of probation on a case-by-case basis.

#### **Severability Clause**

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

#### **1. Obey All Laws**

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

#### **2. Submit Quarterly Reports**

Respondent, within 10 days of completion of the quarter, shall submit completed quarterly written reports to the Board, on ~~using the Board's Quarterly Probation Report of Compliance form (10/98Rev. 2/2019)~~ using the Board's Quarterly Probation Report of Compliance form (10/98Rev. 2/2019) obtained from the Board (Attachment A). Respondent's quarterly written report to the Board shall include the following:

1. Respondent's full legal name, telephone number, and address of record,
2. Name of the firm respondent works for, respondent's title, firm address and telephone number,
3. A statement of all of Respondent's landscape architecture activities during this reporting period. The statement shall include: the client's name, address and telephone number, project title/address, project description, project's start and end date and a description of Respondent's involvement.
4. A list of any other of Respondent's activities related to the practice of landscape architecture by activity and date; and,
5. A certification under penalty of perjury that the information provided in the report is true and correct.

### **3. Personal Appearances**

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

### **4. Cooperate During Probation**

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

### **5. Maintain Active and Current License**

Respondent shall maintain an active and current license to practice landscape architecture in California for the length of the probation period. Failure to pay all renewal fees prior to respondent's license expiration date shall constitute a violation of probation. If the license is expired at the time the Board's decision becomes effective, the license must be renewed within 30 days of the effective date of the decision.

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

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

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

Respondent shall provide a list of each state, district, commonwealth, territory, or possession of the United States and all political jurisdictions outside the United States where he or she have ever been licensed as a landscape architect or held any landscape architecture related professional license or registration within 30 calendar days of the effective date of this Decision. During the term of probation, respondent shall provide information regarding the status of each license and registration and any changes in the license or registration status within 10 calendar days. During the term of probation, respondent shall inform the Board if he or she apply for or obtain a landscape architectural license or registration outside of California within 10 calendar days.

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

Periods of non-practice do not relieve Respondent of the responsibility to comply with the terms and conditions of probation. All provisions of probation other than the quarterly report requirements, examination requirements, cost reimbursement, restitution, and education requirements, shall be held in abeyance until respondent resumes practice in California. All other provisions of probation shall recommence on the effective date of resumption of practice in California.

## **68. Violation of Probation**

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

## **9. License Surrender While on Probation**

During respondent's term of probation, if respondent ceases practice due to retirement or health reasons, or is otherwise unable to satisfy any condition of probation, respondent may surrender his or her license to the Board. The Board reserves the right to evaluate respondent's request and exercise its discretion in determining whether to grant the request, or take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation. All costs incurred (i.e., cost reimbursement) are due upon reinstatement or relicensure. Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board.

Following the effective date of this probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request, in writing, the voluntary surrender of Respondent's license to the Board. Respondent's written request to surrender their license shall include

the following: their name, license number, case number, address of record, and an explanation of the reason(s) why Respondent seeks to surrender their license.

The Board reserves the right to evaluate the Respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Respondent shall not be relieved of the requirements of their probation unless the Board or its designee notifies respondent in writing that Respondent's request to surrender their license has been accepted.

Upon formal acceptance of the surrender, Respondent shall, within 15 days, deliver Respondent's wall certificate to the Board or its designee and shall no longer practice as a landscape architect. Respondent will no longer be subject to the terms and conditions of probation and the surrender of Respondent's license shall be deemed disciplinary action. If Respondent re-applies for a landscape architect's license, the application shall be treated as a petition for reinstatement of a revoked license.

#### **710. Completion of Probation**

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

#### **11. Cost Reimbursement**

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

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

### **~~VII. OPTIONAL CONDITIONS OF PROBATION~~**

#### **B. Optional Conditions**

#### **8124. Suspension**

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

#### **132. California Supplemental Examination**

##### Option 1 (Condition Subsequent)

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

If respondent fails to pass said examination within six months, respondent shall notify the Board and shall cease practice until respondent takes and passes said examination, has submitted proof of same to the Board, and has been notified by the Board that ~~he or~~ she/they may resume practice. ~~Tolling provisions apply during any period of non-practice due to respondent's failure to take and pass said examination. It shall be a violation of probation for~~ Respondent's to be unable to pass the CSE probation to remain tolled

pursuant to this condition for a period exceeding a total of three years. Respondent must comply with tolling provisions contained in paragraph 7 (Tolling for Out-of-State Practice, Residence or In-State Non-Practice) of this order while not practicing and is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

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

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

**9143. Written Examination**

Option 1 (Condition Subsequent)

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

If respondent fails to pass said examination within one year or within two attempts, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or she they may resume practice. It shall be a violation of probation for Respondent to be unable to pass the LARE Tolling provisions apply during any period of non-practice due to respondent's failure to take and pass said examination. It shall be a violation of probation for respondent's probation to remain tolled pursuant to this condition for a period exceeding a total of three years. Failure to pass the required examination no later than 100 days prior to the termination of probation shall constitute a violation of probation. Respondent must comply with tolling provisions contained in paragraph 7 (Tolling for Out-of-State Practice, Residence or In-State Non-Practice) of this order while not practicing and is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

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

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

**154. Ethics Course**

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

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

#### **~~40165.~~ Continuing Education Courses**

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

Failure to satisfactorily complete the required courses as scheduled or failure to complete same no later than one year ~~400 days~~ prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board or its designee for its approval the specifics of each course required by this condition, and for paying all costs of such courses.

#### **~~1116.~~ Cost Reimbursement**

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

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

#### **~~4217.~~ Restitution**

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

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

#### **~~4318.~~ Criminal Probation Reports**

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

#### **~~14.~~ Relinquish License and Wall Certificate**

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

#### **4519. Notification to Clients/Cessation of Practice**

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

#### **20. Civil Penalty**

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

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

#### **II. REHABILITATION CRITERIA**

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

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

- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.
- (c) When considering a petition for reinstatement of the license of a landscape architect, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

**CALIFORNIA ARCHITECTS BOARD**

**LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

400 R Street, Suite 4000

Sacramento, CA 95814

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

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

State of California

Department of Consumer Affairs

Gray Davis, Governor



**Attachment A**

**QUARTERLY PROBATION REPORT OF COMPLIANCE**

1. NAME: \_\_\_\_\_ TELEPHONE #: (\_\_\_\_) \_\_\_\_\_  
 \_\_\_\_\_ (Last/First/Middle) \_\_\_\_\_ (Residence)  
 RESIDENCE ADDRESS  
 OF RECORD: \_\_\_\_\_  
 \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

2. NAME OF FIRM: \_\_\_\_\_ YOUR TITLE: \_\_\_\_\_  
 \_\_\_\_\_  
 FIRM ADDRESS: \_\_\_\_\_  
 \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_  
 \_\_\_\_\_  
 TELEPHONE #: (\_\_\_\_) \_\_\_\_\_

3. On the back second page of this form detail your landscape architectural activities for the probation period beginning:  
 \_\_\_\_\_ beginning \_\_\_\_\_ and ending \_\_\_\_\_  
 \_\_\_\_\_ Mo. Day Year \_\_\_\_\_ Mo. Day Year

4. SiteList any other activities related to the practice of landscape architecture:

ACTIVITY	DATE

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

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

(Rev. 2/2019)

DATE: \_\_\_\_\_ QUARTER: \_\_\_\_\_ YEAR: \_\_\_\_\_

CLIENT NAME: \_\_\_\_\_ TELEPHONE #: (\_\_\_\_)  
\_\_\_\_\_  
(Last/First/Middle)

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START COMPLETE	YOUR INVOLVEMENT

CLIENT NAME: \_\_\_\_\_ TELEPHONE #: (\_\_\_\_)  
\_\_\_\_\_  
(Last/First/Middle)

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START COMPLETE	YOUR INVOLVEMENT

CLIENT NAME: \_\_\_\_\_ TELEPHONE #: (\_\_\_\_)  
\_\_\_\_\_  
(Last/First/Middle)

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START COMPLETE	YOUR INVOLVEMENT

(Rev. 2/2019)

## **AGENDA ITEM K: REVIEW AND DISCUSS 2021 LEGISLATION**

### **Summary**

An update to the 2021 legislative items listed below will be presented to the LATC.

### **Action Requested**

None

### **Attachments**

1. [Assembly Bill \(AB\) 107 \(Salas\)](#) Department of Consumer Affairs (DCA): Boards: Temporary Licenses: Military Spouses
2. [AB 1010 \(Berman\)](#) Architects: Continuing Education
3. [Senate Bill 607 \(Roth\)](#) Professions and Vocations

AMENDED IN SENATE JULY 15, 2021

AMENDED IN SENATE JUNE 21, 2021

AMENDED IN ASSEMBLY APRIL 20, 2021

AMENDED IN ASSEMBLY MARCH 24, 2021

AMENDED IN ASSEMBLY FEBRUARY 25, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

## ASSEMBLY BILL

**No. 107**

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**Introduced by Assembly Member Salas**  
**(Coauthors: Assembly Members Bauer-Kahan, *Gabriel*, Gallagher,**  
**Muratsuchi, and Smith)**  
**(Coauthor: Senator Dodd)**  
*(Coauthors: Senators Dodd and Jones)*

December 16, 2020

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An act to amend Sections 115.6, 2946, and 5132 of, and to add ~~Section~~ *Sections 115.8 and 115.9* to, the Business and Professions Code, relating to licensure, and making an appropriation therefor.

### LEGISLATIVE COUNSEL'S DIGEST

AB 107, as amended, Salas. Licensure: veterans and military spouses.

Under existing law, the Department of Consumer Affairs (department), under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires a board within the department to issue, after appropriate investigation, certain types of

temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant submits an application to the board that includes a signed affidavit attesting to the fact that the applicant meets all of the requirements for a temporary license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. Under existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated. Existing law authorizes a board to adopt regulations necessary to administer these provisions.

This bill would expand the requirement to issue temporary licenses to practice a profession or vocation to include licenses issued by any board within the department, except as provided. The bill would require an applicant for a temporary license to provide to the board documentation that the applicant has passed a California law and ethics examination if otherwise required by the board for the profession or vocation for which the applicant seeks licensure. The bill would require a board to issue a temporary license within 30 days of receiving the required documentation if the results of a criminal background check do not show grounds for ~~denial~~. *denial and would require a board to request the Department of Justice to conduct the criminal background check and to furnish the criminal background information in accordance with specified requirements.* The bill would specifically direct revenues from fees for temporary licenses issued by the California Board of Accountancy to be credited to the Accountancy Fund, a continuously appropriated fund. The bill would require, if necessary to implement the bill's provisions, a board to submit to the department for approval draft regulations necessary to administer these provisions by June 15, 2022. The bill would exempt from these provisions a board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year or is able to receive an expedited license by endorsement with no additional requirements superseding those for a temporary license, as described above. The bill would make conforming changes. By

expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue temporary licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

Existing law provides that these temporary licenses shall expire 12 months after issuance, upon issuance of an expedited license, or upon denial of the application for expedited licensure by the board, whichever occurs first.

This bill would instead provide that these temporary licenses shall expire 12 months after issuance, upon issuance of a standard license, upon issuance of a license by endorsement, or upon issuance of an expedited license, whichever occurs first.

This bill would ~~also~~ require *the Department of Consumer Affairs, the Department of Real Estate, and the Commission on Teacher Credentialing to compile an annual report to the Legislature containing specified information relating to the professional licensure of veterans, servicemembers, and their spouses. The bill would also require the Department of Consumer Affairs and each board within the department to post specified information on their internet websites relating to licensure for military spouses, the availability of temporary licenses, and permanent licensure by endorsement or credential for out-of-state applicants.*

Existing law, the Psychology Licensing Law, provides for the licensure and regulation of psychologists by the Board of Psychology. Existing law authorizes a psychologist certified or licensed in another state or Canadian province who has applied to the board for licensure to provide activities and services of a psychological nature without a valid license for a period not to exceed 180 days from the time of submitting their application or from the commencement of residency in the state, whichever occurs first, subject to specified conditions and requirements.

This bill would also authorize a psychologist certified or licensed in another state or Canadian province who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States and who has applied to the board for licensure to perform activities and services of a psychological nature without a valid license for a period not to exceed 12 months.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 115.6 of the Business and Professions  
2     Code is amended to read:

3     115.6. (a) (1) Except as provided in subdivision (i), a board  
4     within the department shall, after appropriate investigation, issue  
5     a temporary license to practice a profession or vocation to an  
6     applicant who meets the requirements set forth in subdivisions (c)  
7     and (d).

8     (2) Revenues from fees for temporary licenses issued by the  
9     California Board of Accountancy shall be credited to the  
10    Accountancy Fund in accordance with Section 5132.

11    (b) The board may conduct an investigation of an applicant for  
12    purposes of denying or revoking a temporary license issued  
13    pursuant to this section. This investigation may include a criminal  
14    background check.

15    (c) An applicant seeking a temporary license pursuant to this  
16    section shall meet the following requirements:

17    (1) The applicant shall supply evidence satisfactory to the board  
18    that the applicant is married to, or in a domestic partnership or  
19    other legal union with, an active duty member of the Armed Forces  
20    of the United States who is assigned to a duty station in this state  
21    under official active duty military orders.

22    (2) The applicant shall hold a current, active, and unrestricted  
23    license that confers upon the applicant the authority to practice,  
24    in another state, district, or territory of the United States, the  
25    profession or vocation for which the applicant seeks a temporary  
26    license from the board.

27    (3) The applicant shall submit an application to the board that  
28    shall include a signed affidavit attesting to the fact that the  
29    applicant meets all of the requirements for the temporary license,  
30    and that the information submitted in the application is accurate,

1 to the best of the applicant's knowledge. The application shall also  
2 include written verification from the applicant's original licensing  
3 jurisdiction stating that the applicant's license is in good standing  
4 in that jurisdiction.

5 (4) The applicant shall not have committed an act in any  
6 jurisdiction that would have constituted grounds for denial,  
7 suspension, or revocation of the license under this code at the time  
8 the act was committed. A violation of this paragraph may be  
9 grounds for the denial or revocation of a temporary license issued  
10 by the board.

11 (5) The applicant shall not have been disciplined by a licensing  
12 entity in another jurisdiction and shall not be the subject of an  
13 unresolved complaint, review procedure, or disciplinary proceeding  
14 conducted by a licensing entity in another jurisdiction.

15 (6) (A) The applicant shall, upon request by a board, furnish  
16 a full set of fingerprints for purposes of conducting a criminal  
17 background check.

18 (B) *The board shall request a fingerprint-based criminal history*  
19 *information check from the Department of Justice in accordance*  
20 *with subdivision (u) of Section 11105 of the Penal Code and the*  
21 *Department of Justice shall furnish state or federal criminal history*  
22 *information in accordance with subdivision (p) of Section 11105*  
23 *of the Penal Code.*

24 (d) The applicant shall pass a California law and ethics  
25 examination if otherwise required by the board for the profession  
26 or vocation for which the applicant seeks licensure.

27 (e) A board shall issue a temporary license pursuant to this  
28 section within 30 days of receiving documentation that the  
29 applicant has met the requirements specified in subdivisions (c)  
30 and (d) if the results of the criminal background check do not show  
31 grounds for denial.

32 (f) A temporary license issued pursuant to this section may be  
33 immediately terminated upon a finding that the temporary  
34 licenseholder failed to meet any of the requirements described in  
35 subdivision (c) or (d) or provided substantively inaccurate  
36 information that would affect the person's eligibility for temporary  
37 licensure. Upon termination of the temporary license, the board  
38 shall issue a notice of termination that shall require the temporary  
39 licenseholder to immediately cease the practice of the licensed  
40 profession upon receipt.

(g) An applicant seeking a temporary license as a civil engineer, geotechnical engineer, structural engineer, land surveyor, professional geologist, professional geophysicist, certified engineering geologist, or certified hydrogeologist pursuant to this section shall successfully pass the appropriate California-specific examination or examinations required for licensure in those respective professions by the Board for Professional Engineers, Land Surveyors, and Geologists.

(h) A temporary license issued pursuant to this section shall expire 12 months after issuance, upon issuance of a standard license, upon issuance of a license by endorsement, or upon issuance of an expedited license pursuant to Section 115.5, whichever occurs first.

(i) A board shall submit to the department for approval, if necessary to implement this section, draft regulations necessary to administer this section by June 15, 2022. These regulations shall be adopted pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(j) (A) This section shall not apply to a board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year or is able to receive an expedited license by endorsement with no additional requirements superseding those described in subdivisions (c) and (d).

(B) This section shall apply only to the extent that it does not amend an initiative or violate constitutional requirements.

SEC. 2. Section 115.8 is added to the Business and Professions Code, to read:

115.8. The Department of Consumer Affairs, the Commission on Teacher Credentialing, *and* the Department of Real Estate, ~~and the State Department of Public Health~~ *Estate* shall compile information on military, veteran, and spouse licensure into an annual report for the Legislature, which shall be submitted in conformance with Section 9795 of the Government Code. The report shall include all of the following:

1 (a) The number of applications for a temporary license submitted  
2 by active duty servicemembers, veterans, or military spouses per  
3 calendar year, pursuant to Section 115.6.

4 (b) The number of applications for expedited licenses submitted  
5 by veterans and active duty spouses pursuant to Sections 115.4  
6 and 115.5.

7 (c) The number of licenses issued and denied per calendar year  
8 pursuant to Sections 115.4, 115.5, and 115.6.

9 (d) The number of licenses issued pursuant to Section 115.6  
10 that were suspended or revoked per calendar year.

11 (e) The number of applications for waived renewal fees received  
12 and granted pursuant to Section 114.3 per calendar year.

13 (f) The average length of time between application and issuance  
14 of licenses pursuant to Sections 115.4, 115.5, and 115.6 per board  
15 and occupation.

16 *SEC. 3. Section 115.9 is added to the Business and Professions*  
17 *Code, to read:*

18 *115.9. The department and each board within the department*  
19 *shall publish information pertinent to all licensing options*  
20 *available to military spouses on the home page of the internet*  
21 *website of the department or board, as applicable, including, but*  
22 *not limited to, the following:*

23 *(a) The process for expediting applications for military spouses.*

24 *(b) The availability of temporary licensure, the requirements*  
25 *for obtaining a temporary license, and length of time a temporary*  
26 *license is active.*

27 *(c) The requirements for full, permanent licensure by*  
28 *endorsement or credential for out-of-state applicants.*

29 ~~SEC. 3.~~

30 *SEC. 4. Section 2946 of the Business and Professions Code is*  
31 *amended to read:*

32 *2946. (a) The board shall grant a license to any person who*  
33 *passes the board's supplemental licensing examination and, at the*  
34 *time of application, has been licensed for at least five years by a*  
35 *psychology licensing authority in another state or Canadian*  
36 *province if the requirements for obtaining a certificate or license*  
37 *in that state or province were substantially equivalent to the*  
38 *requirements of this chapter.*

39 *(b) A psychologist certified or licensed in another state or*  
40 *province and who has made application to the board for a license*

1 in this state may perform activities and services of a psychological  
2 nature without a valid license for a period not to exceed 180  
3 calendar days from the time of submitting their application or from  
4 the commencement of residency in this state, whichever first  
5 occurs.

6 (c) A psychologist certified or licensed in another state or  
7 province who is married to, or in a domestic partnership or other  
8 legal union with, an active duty member of the Armed Forces of  
9 the United States and who has made application to the board for  
10 a license in this state may perform activities and services of a  
11 psychological nature without a valid license for a period not to  
12 exceed twelve months from the time of submitting their application  
13 or from the commencement of residency in this state, whichever  
14 first occurs.

15 (d) The board at its discretion may waive the examinations when  
16 in the judgment of the board the applicant has already demonstrated  
17 competence in areas covered by the examinations. The board at  
18 its discretion may waive the examinations for diplomates of the  
19 American Board of Professional Psychology.

20 ~~SEC. 4.~~

21 *SEC. 5.* Section 5132 of the Business and Professions Code is  
22 amended to read:

23 5132. (a) All moneys received by the board under this chapter  
24 from any source and for any purpose and from a temporary license  
25 issued under Section 115.6 shall be accounted for and reported  
26 monthly by the board to the Controller and at the same time the  
27 moneys shall be remitted to the State Treasury to the credit of the  
28 Accountancy Fund.

29 (b) The secretary-treasurer of the board shall, from time to time,  
30 but not less than once each fiscal year, prepare or have prepared  
31 on their behalf, a financial report of the Accountancy Fund that  
32 contains information that the board determines is necessary for  
33 the purposes for which the board was established.

34 (c) The report of the Accountancy Fund, which shall be  
35 published pursuant to Section 5008, shall include the revenues and  
36 the related costs from examination, initial licensing, license  
37 renewal, citation and fine authority, and cost recovery from  
38 enforcement actions and case settlements.

1     ~~SEC. 5.~~

2     *SEC. 6.* No reimbursement is required by this act pursuant to  
3 Section 6 of Article XIII B of the California Constitution because  
4 the only costs that may be incurred by a local agency or school  
5 district will be incurred because this act creates a new crime or  
6 infraction, eliminates a crime or infraction, or changes the penalty  
7 for a crime or infraction, within the meaning of Section 17556 of  
8 the Government Code, or changes the definition of a crime within  
9 the meaning of Section 6 of Article XIII B of the California  
10 Constitution.

O

AMENDED IN SENATE JUNE 8, 2021

AMENDED IN ASSEMBLY MARCH 24, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

## ASSEMBLY BILL

**No. 1010**

**Introduced by Assembly Member Berman**

February 18, 2021

An act to amend Section 5600.05 of the Business and Professions Code, relating to professions and vocations.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1010, as amended, Berman. Architects: continuing education.

Existing law, the Architects Practice Act, provides for the licensure and regulation of architects by the California Architects Board. Existing law requires a person licensed to practice architecture to complete, as a condition of license renewal, 5 hours of coursework regarding disability access requirements and provides that the coursework shall be presented by trainers or educators with knowledge and expertise in these requirements. Existing law further requires the board to promulgate regulations to establish qualifications for courses and course providers by January 1, 2023.

This bill would additionally require a person licensed to practice architecture to complete, as a condition of ~~a license renewal~~, *renewal occurring on or after January 1, 2023*, 5 hours of coursework regarding zero net carbon design and would require the board to adopt regulations to establish qualifications for those courses and course providers by ~~January 1, 2023~~, *July 1, 2024*.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 5600.05 of the Business and Professions Code is amended to read:

5600.05. (a) (1) As a condition of license renewal, a licensee shall complete continuing education coursework pursuant to paragraph (2).

(2) (A) Five hours of coursework regarding disability access requirements. The coursework shall include information and practical guidance concerning requirements imposed by the federal Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws. Coursework provided pursuant to this ~~paragraph~~ *subparagraph* shall be presented by trainers or educators with knowledge and expertise in these requirements. The board shall promulgate regulations to establish qualifications for courses and course providers by January 1, 2023.

(B) Five hours of coursework regarding zero net carbon ~~design~~ *design for all renewals occurring on or after January 1, 2023*. The coursework shall be presented by trainers or educators with knowledge and expertise in these design requirements. The board shall adopt regulations to establish qualifications for courses and course providers by ~~January 1, 2023~~ *July 1, 2024*.

(b) The board may audit the records of a licensee to verify the completion of the coursework requirements of subdivision (a). A licensee shall maintain records of completion of the required coursework for two years from the date of license renewal, containing the following information: course title, subjects covered, name of provider and trainer or educator, date of completion, number of hours completed, and a statement about the trainer's or educator's knowledge and experience background. A licensee shall make those records available to the board for auditing upon request. A licensee who provides false or misleading information as it relates specifically to the requirements of this subdivision shall be subject to an administrative citation, which may include an administrative fine pursuant to Section 125.9, or to disciplinary action by the board.

- 1 (c) The board shall audit at least 3 percent of the license
- 2 renewals received each year to verify the completion of the
- 3 continuing education requirements of this section.
- 4 (d) A continuing education provider may submit evidence of
- 5 coursework to the board directly.

AMENDED IN ASSEMBLY JULY 13, 2021

AMENDED IN ASSEMBLY JULY 6, 2021

AMENDED IN ASSEMBLY JUNE 17, 2021

AMENDED IN SENATE MAY 20, 2021

AMENDED IN SENATE MAY 12, 2021

AMENDED IN SENATE APRIL 13, 2021

## **SENATE BILL**

**No. 607**

**Introduced by Senators Min and Roth**

February 18, 2021

An act to amend Sections 1724, 1753, 1753.55, 1753.6, 7137, 7583.22, 7583.23, 7583.24, 7583.27, 7583.29, and 7583.47 of, to amend, repeal, and add Sections 115.5, 7071.6, 7071.8, and 7071.9 of, to add Sections ~~1636.5~~ 1636.5, 1636.6, and 5650.5 to, and to repeal Section 1753.4 of, the Business and Professions Code, and to amend Section 17973 of the Health and Safety Code, relating to professions and vocations, and making an appropriation therefor.

### LEGISLATIVE COUNSEL'S DIGEST

SB 607, as amended, Min. Professions and vocations.

(1) Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated.

Existing law provides for the issuance of temporary licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

This bill, on and after July 1, 2022, would require a board to waive the licensure application fee and the initial or original license fee for an applicant who meets these expedited licensing requirements.

(2) Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental auxiliaries, including registered dental assistants in extended functions, by the Dental Board of California within the Department of Consumer Affairs. Existing law requires a person who applies to the board for a license as a registered dental assistant in extended functions on and after January 1, 2010, to successfully complete a clinical or practical examination administered by the board. Existing law authorizes a registered dental assistant in extended functions who was licensed before January 1, 2010, to perform certain additional duties only if they pass the clinical or practical examination.

This bill would delete the clinical or practical examination requirement for registered dental assistants in extended functions and make related technical amendments.

The Dental Practice Act authorizes a dentist to administer or order the administration of minimal sedation on pediatric patients under 13 years of age if the dentist possesses specified licensing credentials, including holding a pediatric minimal sedation permit, and follows certain procedures. Existing law requires a dentist who desires to administer or order the administration of minimal sedation to apply to the board, as specified, and to submit an application fee.

This bill would specify that the application fee for a pediatric minimal sedation permit cannot exceed \$1,000, and the renewal fee cannot exceed \$600.

The Dental Practice Act requires the board to approve foreign dental schools based on specified standards. The act requires a foreign dental school seeking approval to submit an application to the board, including,

among other things, a finding that the educational program of the foreign dental school is equivalent to that of similar accredited institutions in the United States and adequately prepares its students for the practice of dentistry. The act requires an approved institution to submit a renewal application every 7 years and to pay a specified renewal fee. The act prohibits the board from accepting new applications for approval of foreign dental schools by January 1, 2020, and requires foreign dental schools seeking approval after this date to complete the international consultative and accreditation process with the Commission on Dental Accreditation of the American Dental Association (CODA) or a comparable accrediting body approved by the board. The act also requires previously approved foreign dental schools to complete the CODA or comparable accreditation by January 1, 2024, to remain approved.

This bill would provide, notwithstanding this latter approval requirement, that a foreign dental school that was ~~approved~~ *renewed by the board* prior to January 1, 2020, through a date between January 1, 2024, and ~~December 31, June 30, 2026~~, maintains that approval through that date. The bill would further provide that, upon the expiration of that board approval, the foreign dental school is required to comply with the CODA or comparable accreditation process. *The bill would also provide that graduates of a foreign dental school whose program was approved by the board prior to January 1, 2020, through any date before January 1, 2024, and who enrolled in the program prior to January 1, 2020, are eligible for licensure.*

(3) Existing law provides for the licensure and regulation of landscape architects by the California Architects Board and the Landscape Architects Technical Committee of the California Architects Board within the Department of Consumer Affairs.

This bill would authorize the board to obtain and review criminal offender record information and would require an applicant, as a condition of licensure, to furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and criminal offender record information search. The bill would require the Department of Justice to transmit fingerprint images and related information to the Federal Bureau of Investigation for the purposes of the background check, and would require the Department of Justice to provide a state or federal response to the board. The bill would require the applicant to pay the reasonable regulatory costs for furnishing the fingerprints and conducting the searches, and would

require the applicant to certify, under penalty of perjury, whether the applicant's fingerprints have been furnished to the Department of Justice. By expanding the crime of perjury, the bill would impose a state-mandated local program.

(4) Existing law, the Contractors State License Law, provides for the licensure and regulation of contractors by the Contractors State License Board within the Department of Consumer Affairs. Existing law authorizes the issuance of contractors' licenses to individual owners, partnerships, corporations, and limited liability companies, and authorizes those persons and entities to qualify for a license if specified conditions are met. Existing law requires an applicant or licensee to file or have on file with the board a contractor's bond in the sum of \$15,000, as provided. Existing law requires an applicant or licensee who is not a proprietor, a general partner, or a joint licensee to additionally file or have on file with the board a qualifying individual's bond in the sum of \$12,500, unless an exception is met. Existing law additionally authorizes the board to set fees by regulation, including various application, examination scheduling, and license and registration fees, according to a prescribed schedule. Existing law requires the fees received under this law to be deposited in the Contractors License Fund, a fund that is partially continuously appropriated for the purposes of the law.

This bill, beginning January 1, 2023, would instead require an applicant or licensee to file or have on file with the board a contractor's bond in the sum of \$25,000, and would, if applicable, require a qualifying individual's bond in the sum of \$25,000.

This bill would revise and recast the board's authority to set fees by regulation and would increase various fee amounts. In connection with initial license fees and renewal fees for active and inactive licenses, the bill would differentiate between an individual owner as opposed to a partnership, corporation, limited liability company, or joint venture, and would authorize higher fees for the latter categories of licensees. The bill would additionally authorize the board to set fees for the processing and issuance of a duplicate copy of any certificate of licensure, to change the business name of a license, and for a dishonored check, as specified.

Because the increased and new fees would be deposited into the Contractors License Fund, a continuously appropriated fund, the bill would make an appropriation.

(5) Existing law provides authority for an enforcement agency to enter and inspect any buildings or premises whenever necessary to secure compliance with or prevent a violation of the building standards published in the California Building Standards Code and other rules and regulations that the enforcement agency has the power to enforce. Existing law requires an inspection of exterior elevated elements and associated waterproofing elements, as defined, including decks and balconies, for buildings with 3 or more multifamily dwelling units by a licensed architect, licensed civil or structural engineer, a building contractor holding specified licenses, or an individual certified as a building inspector or building official, as specified. Existing law prohibits a contractor performing the inspection from bidding on the repair work.

This bill would eliminate the prohibition against a contractor performing the inspection from bidding on the repair work. By altering the enforcement duties for local enforcement entities, the bill would impose a state-mandated local program.

(6) Existing law, the Private Security Services Act, establishes the Bureau of Security and Investigative Services within the Department of Consumer Affairs to license and regulate persons employed by any lawful business as security guards or patrolpersons. Existing law prohibits a person required to be registered as a security guard from engaging in specified conduct, including, but not limited to, carrying or using a firearm unless they possess a valid and current firearms permit.

Existing law requires the applicant for a firearms permit to complete specified requirements, including an assessment that evaluates whether the applicant possesses appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm during the course of the applicant's security guard duties. Existing law requires the results of the assessment be provided to the bureau within 30 days.

Existing law requires the bureau to automatically revoke a firearm permit upon notification from the Department of Justice that the holder of the firearm permit is prohibited from possessing, receiving, or purchasing a firearm under state or federal law. Existing law additionally requires the bureau to seek an emergency order against the holder of the firearms permit if a specified event occurs, including that the permitholder was arrested for assault or battery, or the permitholder has been determined incapable of exercising appropriate judgment, restraint, and self-control, among other events, and the bureau

determines that the holder of the firearm permit presents an undue hazard to public safety that may result in substantial injury to another.

This bill would specify that a security guard is required to complete the assessment to be issued a firearms permit prior to carrying a firearm. The bill would require an applicant who is a registered security guard to have met the requirement of being found capable of exercising appropriate judgment, restraint, and self-control, for purposes of carrying and using a firearm during the course of their duties, within the 6 months preceding the date the application is submitted to the bureau. The bill would prohibit an applicant who fails the assessment from completing another assessment any earlier than 180 days after the results of the previous assessment are provided to the bureau.

This bill would instead authorize the bureau to revoke a firearm permit upon notification from the Department of Justice that the holder of the firearm permit is prohibited from possessing, receiving, or purchasing a firearm under state or federal law, and would instead authorize the bureau to seek an emergency order against a permitholder if a specified event occurs. The bill would remove from the list of specified events the determination that a permitholder is incapable of exercising appropriate judgment, restraint, and self-control.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 115.5 of the Business and Professions
- 2 Code is amended to read:
- 3 115.5. (a) A board within the department shall expedite the
- 4 licensure process for an applicant who meets both of the following
- 5 requirements:

1 (1) Supplies evidence satisfactory to the board that the applicant  
2 is married to, or in a domestic partnership or other legal union  
3 with, an active duty member of the Armed Forces of the United  
4 States who is assigned to a duty station in this state under official  
5 active duty military orders.

6 (2) Holds a current license in another state, district, or territory  
7 of the United States in the profession or vocation for which the  
8 applicant seeks a license from the board.

9 (b) A board may adopt regulations necessary to administer this  
10 section.

11 (c) This section shall remain in effect only until July 1, 2022,  
12 and as of that date is repealed.

13 SEC. 2. Section 115.5 is added to the Business and Professions  
14 Code, to read:

15 115.5. (a) A board within the department shall expedite the  
16 licensure process and waive the licensure application fee and the  
17 initial or original license fee charged by the board for an applicant  
18 who meets both of the following requirements:

19 (1) Supplies evidence satisfactory to the board that the applicant  
20 is married to, or in a domestic partnership or other legal union  
21 with, an active duty member of the Armed Forces of the United  
22 States who is assigned to a duty station in this state under official  
23 active duty military orders.

24 (2) Holds a current license in another state, district, or territory  
25 of the United States in the profession or vocation for which the  
26 applicant seeks a license from the board.

27 (b) A board may adopt regulations necessary to administer this  
28 section.

29 (c) This section shall become operative on July 1, 2022.

30 SEC. 3. Section 1636.5 is added to the Business and Professions  
31 Code, to read:

32 1636.5. Notwithstanding Section 1636.4, any foreign dental  
33 school whose program was ~~approved~~ *renewed by the board* prior  
34 to January 1, 2020, through any date between January 1, 2024,  
35 and ~~December 31, June 30, 2026~~, shall maintain approval through  
36 that date. Upon expiration of the approval, the foreign dental school  
37 shall be required to comply with the provisions of Section 1636.4.

38 SEC. 4. Section 1636.6 is added to the Business and Professions  
39 Code, to read:

1     1636.6. *Notwithstanding Section 1636.4, graduates of a foreign*  
2     *dental school whose program was approved by the board prior to*  
3     *January 1, 2020, through any date before January 1, 2024, and*  
4     *who enrolled in the program prior to January 1, 2020, shall be*  
5     *eligible for licensure pursuant to Section 1628.*

6     ~~SEC. 4.~~

7     SEC. 5. Section 1724 of the Business and Professions Code,  
8     as added by Section 13 of Chapter 929 of the Statutes of 2018, is  
9     amended to read:

10    1724. The amount of charges and fees for dentists licensed  
11    pursuant to this chapter shall be established by the board as is  
12    necessary for the purpose of carrying out the responsibilities  
13    required by this chapter as it relates to dentists, subject to the  
14    following limitations:

15    (a) The fee for an application for licensure qualifying pursuant  
16    to paragraph (1) of subdivision (c) of Section 1632 shall not exceed  
17    one thousand five hundred dollars (\$1,500). The fee for an  
18    application for licensure qualifying pursuant to paragraph (2) of  
19    subdivision (c) of Section 1632 shall not exceed one thousand  
20    dollars (\$1,000).

21    (b) The fee for an application for licensure qualifying pursuant  
22    to Section 1634.1 shall not exceed one thousand dollars (\$1,000).

23    (c) The fee for an application for licensure qualifying pursuant  
24    to Section 1635.5 shall not exceed one thousand dollars (\$1,000).

25    (d) The fee for an initial license and for the renewal of a license  
26    is five hundred twenty-five dollars (\$525). On and after January  
27    1, 2016, the fee for an initial license shall not exceed six hundred  
28    fifty dollars (\$650), and the fee for the renewal of a license shall  
29    not exceed six hundred fifty dollars (\$650). On and after January  
30    1, 2018, the fee for an initial license shall not exceed eight hundred  
31    dollars (\$800), and the fee for the renewal of a license shall not  
32    exceed eight hundred dollars (\$800).

33    (e) The fee for an application for a special permit shall not  
34    exceed one thousand dollars (\$1,000), and the renewal fee for a  
35    special permit shall not exceed six hundred dollars (\$600).

36    (f) The delinquency fee shall be 50 percent of the renewal fee  
37    for such a license or permit in effect on the date of the renewal of  
38    the license or permit.

39    (g) The penalty for late registration of change of place of  
40    practice shall not exceed seventy-five dollars (\$75).

1 (h) The fee for an application for an additional office permit  
2 shall not exceed seven hundred fifty dollars (\$750), and the fee  
3 for the renewal of an additional office permit shall not exceed three  
4 hundred seventy-five dollars (\$375).

5 (i) The fee for issuance of a replacement pocket license,  
6 replacement wall certificate, or replacement engraved certificate  
7 shall not exceed one hundred twenty-five dollars (\$125).

8 (j) The fee for a provider of continuing education shall not  
9 exceed five hundred dollars (\$500) per year.

10 (k) The fee for application for a referral service permit and for  
11 renewal of that permit shall not exceed twenty-five dollars (\$25).

12 (l) The fee for application for an extramural facility permit and  
13 for the renewal of a permit shall not exceed twenty-five dollars  
14 (\$25).

15 (m) The fee for an application for an elective facial cosmetic  
16 surgery permit shall not exceed four thousand dollars (\$4,000),  
17 and the fee for the renewal of an elective facial cosmetic surgery  
18 permit shall not exceed eight hundred dollars (\$800).

19 (n) The fee for an application for an oral and maxillofacial  
20 surgery permit shall not exceed one thousand dollars (\$1,000), and  
21 the fee for the renewal of an oral and maxillofacial surgery permit  
22 shall not exceed one thousand two hundred dollars (\$1,200).

23 (o) The fee for an application for a general anesthesia permit  
24 shall not exceed one thousand dollars (\$1,000), and the fee for the  
25 renewal of a general anesthesia permit shall not exceed six hundred  
26 dollars (\$600).

27 (p) The fee for an onsite inspection and evaluation related to a  
28 general anesthesia or moderate sedation permit shall not exceed  
29 four thousand five hundred dollars (\$4,500).

30 (q) The fee for an application for a moderate sedation permit  
31 shall not exceed one thousand dollars (\$1,000), and the fee for the  
32 renewal of a conscious sedation permit shall not exceed six hundred  
33 dollars (\$600).

34 (r) The fee for an application for an oral conscious sedation  
35 permit shall not exceed one thousand dollars (\$1,000), and the fee  
36 for the renewal of an oral conscious sedation permit shall not  
37 exceed six hundred dollars (\$600).

38 (s) The fee for an application for a pediatric minimal sedation  
39 permit shall not exceed one thousand dollars (\$1,000), and the fee

1 for the renewal of a pediatric minimal sedation permit shall not  
2 exceed six hundred dollars (\$600).

3 (t) The fee for a certification of licensure shall not exceed one  
4 hundred twenty-five dollars (\$125).

5 (u) The fee for an application for the law and ethics examination  
6 shall not exceed two hundred fifty dollars (\$250).

7 (v) This section shall become operative on January 1, 2022.

8 ~~SEC. 5.~~

9 *SEC. 6.* Section 1753 of the Business and Professions Code is  
10 amended to read:

11 1753. (a) On and after January 1, 2010, the board may license  
12 as a registered dental assistant in extended functions a person who  
13 submits written evidence, satisfactory to the board, of all of the  
14 following eligibility requirements:

15 (1) Current licensure as a registered dental assistant or  
16 completion of the requirements for licensure as a registered dental  
17 assistant.

18 (2) Successful completion of a board-approved course in the  
19 application of pit and fissure sealants.

20 (3) Successful completion of either of the following:

21 (A) An extended functions postsecondary program approved  
22 by the board in all of the procedures specified in Section 1753.5.

23 (B) An extended functions postsecondary program approved  
24 by the board to teach the duties that registered dental assistants in  
25 extended functions were allowed to perform pursuant to board  
26 regulations prior to January 1, 2010, and a course approved by the  
27 board in the procedures specified in paragraphs (1), (2), (5), and  
28 (7) to (11), inclusive, of subdivision (b) of Section 1753.5.

29 (4) Passage of a written examination administered by the board.  
30 The board shall designate whether the written examination shall  
31 be administered by the board or by the board-approved extended  
32 functions program.

33 (b) A registered dental assistant in extended functions may apply  
34 for an orthodontic assistant permit or a dental sedation assistant  
35 permit, or both, by providing written evidence of the following:

36 (1) Successful completion of a board-approved orthodontic  
37 assistant or dental sedation assistant course, as applicable.

38 (2) Passage of a written examination administered by the board  
39 that shall encompass the knowledge, skills, and abilities necessary  
40 to competently perform the duties of the particular permit.

1 (c) A registered dental assistant in extended functions with  
2 permits in either orthodontic assisting or dental sedation assisting  
3 shall be referred to as an “RDAEF with orthodontic assistant  
4 permit,” or “RDAEF with dental sedation assistant permit,” as  
5 applicable. These terms shall be used for reference purposes only  
6 and do not create additional categories of licensure.

7 (d) Completion of the continuing education requirements  
8 established by the board pursuant to Section 1645 by a registered  
9 dental assistant in extended functions who also holds a permit as  
10 an orthodontic assistant or dental sedation assistant shall fulfill the  
11 continuing education requirement for such permit or permits.

12 ~~SEC. 6.~~

13 *SEC. 7.* Section 1753.4 of the Business and Professions Code  
14 is repealed.

15 ~~SEC. 7.~~

16 *SEC. 8.* Section 1753.55 of the Business and Professions Code  
17 is amended to read:

18 1753.55. (a) A registered dental assistant in extended functions  
19 is authorized to perform the additional duties as set forth in  
20 subdivision (b) pursuant to the order, control, and full professional  
21 responsibility of a supervising dentist, if the licensee meets one of  
22 the following requirements:

23 (1) Is licensed on or after January 1, 2010.

24 (2) Is licensed prior to January 1, 2010, and has successfully  
25 completed a board-approved course in the additional procedures  
26 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of  
27 subdivision (b) of Section 1753.5.

28 (b) (1) Determine which radiographs to perform on a patient  
29 who has not received an initial examination by the supervising  
30 dentist for the specific purpose of the dentist making a diagnosis  
31 and treatment plan for the patient. In these circumstances, the  
32 dental assistant in extended functions shall follow protocols  
33 established by the supervising dentist. This paragraph only applies  
34 in the following settings:

35 (A) In a dental office setting.

36 (B) In public health settings, using telehealth, as defined by  
37 Section 2290.5, for the purpose of communication with the  
38 supervising dentist, including, but not limited to, schools, head  
39 start and preschool programs, and community clinics, under the  
40 general supervision of a dentist.

(2) Place protective restorations, which for this purpose are identified as interim therapeutic restorations, and defined as a direct provisional restoration placed to stabilize the tooth until a licensed dentist diagnoses the need for further definitive treatment.

An interim therapeutic restoration consists of the removal of soft material from the tooth using only hand instrumentation, without the use of rotary instrumentation, and subsequent placement of an adhesive restorative material. Local anesthesia shall not be necessary for interim therapeutic restoration placement. Interim therapeutic restorations shall be placed only in accordance with both of the following:

(A) In either of the following settings:

(i) In a dental office setting, under the direct or general supervision of a dentist as determined by the dentist.

(ii) In public health settings, using telehealth, as defined by Section 2290.5, for the purpose of communication with the supervising dentist, including, but not limited to, schools, head start and preschool programs, and community clinics, under the general supervision of a dentist.

(B) After the diagnosis, treatment plan, and instruction to perform the procedure provided by a dentist.

(c) The functions described in subdivision (b) may be performed by a registered dental assistant in extended functions only after completion of a program that includes training in performing those functions, or after providing evidence, satisfactory to the board, of having completed a board-approved course in those functions.

(d) No later than January 1, 2018, the board shall adopt regulations to establish requirements for courses of instruction for the procedures authorized to be performed by a registered dental assistant in extended functions pursuant to this section using the competency-based training protocols established by the Health Workforce Pilot Project (HWPP) No. 172 through the Office of Statewide Health Planning and Development. The board shall submit to the committee proposed regulatory language for the curriculum for the Interim Therapeutic Restoration to the committee for the purpose of promulgating regulations for registered dental hygienists and registered dental hygienists in alternative practice as described in Section 1910.5. The language submitted by the board shall mirror the instructional curriculum for the registered dental assistant in extended functions. Any

1 subsequent amendments to the regulations that are promulgated  
2 by the board for the Interim Therapeutic Restoration curriculum  
3 shall be submitted to the committee.

4 (e) The board may issue a permit to a registered dental assistant  
5 in extended functions who files a completed application, including  
6 the fee, to provide the duties specified in this section after the board  
7 has determined the registered dental assistant in extended functions  
8 has completed the coursework required in subdivision (c).

9 (f) This section shall become operative on January 1, 2018.

10 ~~SEC. 8.~~

11 *SEC. 9.* Section 1753.6 of the Business and Professions Code  
12 is amended to read:

13 1753.6. (a) Each person who holds a license as a registered  
14 dental assistant in extended functions on the operative date of this  
15 section may only perform those procedures that a registered dental  
16 assistant is allowed to perform as specified in and limited by  
17 Section 1752.4, and the procedures specified in paragraphs (1) to  
18 (6), inclusive, until the person provides evidence of having  
19 completed a board-approved course in the additional procedures  
20 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of  
21 subdivision (b) of Section 1753.5:

- 22 (1) Cord retraction of gingiva for impression procedures.  
23 (2) Take final impressions for permanent indirect restorations.  
24 (3) Formulate indirect patterns for endodontic post and core  
25 castings.  
26 (4) Fit trial endodontic filling points.  
27 (5) Apply pit and fissure sealants.  
28 (6) Remove excess cement from subgingival tooth surfaces with  
29 a hand instrument.

30 (b) This section shall become operative on January 1, 2010.

31 ~~SEC. 9.~~

32 *SEC. 10.* Section 5650.5 is added to the Business and  
33 Professions Code, to read:

34 5650.5. (a) Pursuant to Section 144, the board has the authority  
35 to obtain and review criminal offender record information. The  
36 information obtained as a result of the fingerprinting shall be used  
37 in accordance with Section 11105 of the Penal Code to determine  
38 whether the applicant is subject to denial, suspension, or revocation  
39 of a license pursuant to Division 1.5 (commencing with Section  
40 475) or Section 5660, 5675, or 5676.

(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, as follows:

(1) The board shall electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all landscape architect license applicants for the purpose of obtaining information as to the existence and content of a record of state or federal arrests and state or federal convictions and also information as to the existence and content of a record of state or federal arrests for which the Department of Justice establishes that the person is free on bail or on their recognizance pending trial or appeal.

(2) When received, the Department of Justice shall transmit fingerprint images and related information received pursuant to this section, to the Federal Bureau of Investigation for the purpose of obtaining a federal criminal history records check. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a response to the board.

(3) The Department of Justice shall provide a state or federal response to the board pursuant to subdivision (p) of Section 11105 of the Penal Code.

(4) The board shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for persons described in paragraph (1).

(5) The Department of Justice shall charge the applicant a fee sufficient to cover the cost of processing the request described in this subdivision.

(c) 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.

(d) 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.

1 (e) Notwithstanding any other law, the results of any criminal  
2 offender record information request by either state or federal law  
3 enforcement authorities shall not be released by the board except  
4 in accordance with state and federal requirements.

5 (f) As used in this section, the term “applicant” shall be limited  
6 to an initial applicant who has never been registered or licensed  
7 by the board or to an applicant for a new licensure or registration  
8 category.

9 (g) As a condition of petitioning the board for reinstatement of  
10 a revoked or surrendered license, an applicant shall comply with  
11 subdivision (a).

12 ~~SEC. 10.~~

13 *SEC. 11.* Section 7071.6 of the Business and Professions Code  
14 is amended to read:

15 7071.6. (a) The board shall require as a condition precedent  
16 to the issuance, reinstatement, reactivation, renewal, or continued  
17 maintenance of a license, that the applicant or licensee file or have  
18 on file a contractor’s bond in the sum of fifteen thousand dollars  
19 (\$15,000).

20 (b) Excluding the claims brought by the beneficiaries specified  
21 in subdivision (a) of Section 7071.5, the aggregate liability of a  
22 surety on claims brought against a bond required by this section  
23 shall not exceed the sum of seven thousand five hundred dollars  
24 (\$7,500). The bond proceeds in excess of seven thousand five  
25 hundred dollars (\$7,500) shall be reserved exclusively for the  
26 claims of the beneficiaries specified in subdivision (a) of Section  
27 7071.5. However, nothing in this section shall be construed so as  
28 to prevent any beneficiary specified in subdivision (a) of Section  
29 7071.5 from claiming or recovering the full measure of the bond  
30 required by this section.

31 (c) A bond shall not be required of a holder of a license that has  
32 been inactivated on the official records of the board during the  
33 period the license is inactive.

34 (d) Notwithstanding any other law, as a condition precedent to  
35 licensure, the board may require an applicant to post a contractor’s  
36 bond in twice the amount required pursuant to subdivision (a) until  
37 the time that the license is renewed, under the following conditions:

38 (1) The applicant has either been convicted of a violation of  
39 Section 7028 or has been cited pursuant to Section 7028.7.

1 (2) If the applicant has been cited pursuant to Section 7028.7,  
2 the citation has been reduced to a final order of the registrar.

3 (3) The violation of Section 7028, or the basis for the citation  
4 issued pursuant to Section 7028.7, constituted a substantial injury  
5 to the public.

6 (e) (1) The board shall conduct a study to obtain information  
7 to evaluate whether the current fifteen-thousand-dollar (\$15,000)  
8 amount of the contractor bond is sufficient, or whether an increase  
9 may be necessary.

10 (2) The board shall report its findings and recommendations to  
11 the appropriate policy committees of the Legislature, in accordance  
12 with Section 9795 of the Government Code, by January 1, 2021.

13 (f) This section shall remain in effect only until January 1, 2023,  
14 and as of that date is repealed.

15 ~~SEC. 11.~~

16 *SEC. 12.* Section 7071.6 is added to the Business and  
17 Professions Code, to read:

18 7071.6. (a) The board shall require as a condition precedent  
19 to the issuance, reinstatement, reactivation, renewal, or continued  
20 maintenance of a license, that the applicant or licensee file or have  
21 on file a contractor's bond in the sum of twenty-five thousand  
22 dollars (\$25,000).

23 (b) Excluding the claims brought by the beneficiaries specified  
24 in subdivision (a) of Section 7071.5, the aggregate liability of a  
25 surety on claims brought against a bond required by this section  
26 shall not exceed the sum of seven thousand five hundred dollars  
27 (\$7,500). The bond proceeds in excess of seven thousand five  
28 hundred dollars (\$7,500) shall be reserved exclusively for the  
29 claims of the beneficiaries specified in subdivision (a) of Section  
30 7071.5. However, nothing in this section shall be construed so as  
31 to prevent any beneficiary specified in subdivision (a) of Section  
32 7071.5 from claiming or recovering the full measure of the bond  
33 required by this section.

34 (c) A bond shall not be required of a holder of a license that has  
35 been inactivated on the official records of the board during the  
36 period the license is inactive.

37 (d) Notwithstanding any other law, as a condition precedent to  
38 licensure, the board may require an applicant to post a contractor's  
39 bond in twice the amount required pursuant to subdivision (a) until  
40 the time that the license is renewed, under the following conditions:

1 (1) The applicant has either been convicted of a violation of  
2 Section 7028 or has been cited pursuant to Section 7028.7.

3 (2) If the applicant has been cited pursuant to Section 7028.7,  
4 the citation has been reduced to a final order of the registrar.

5 (3) The violation of Section 7028, or the basis for the citation  
6 issued pursuant to Section 7028.7, constituted a substantial injury  
7 to the public.

8 (e) This section shall become operative on January 1, 2023.

9 ~~SEC. 12.~~

10 *SEC. 13.* Section 7071.8 of the Business and Professions Code  
11 is amended to read:

12 7071.8. (a) This section applies to an application for a license,  
13 for renewal or restoration of a license, an application to change  
14 officers or members of a corporation or a limited liability company,  
15 or for continued valid use of a license which has been disciplined,  
16 whether or not the disciplinary action has been stayed, made by  
17 any of the following persons or firms:

18 (1) A person whose license has been suspended or revoked as  
19 a result of disciplinary action, or a person who was a qualifying  
20 individual for a licensee at any time during which cause for  
21 disciplinary action occurred resulting in suspension or revocation  
22 of the licensee's license, whether or not the qualifying individual  
23 had knowledge or participated in the prohibited act or omission.

24 (2) A person who was an officer, director, manager, partner, or  
25 member of the personnel of record of a licensee at any time during  
26 which cause for disciplinary action occurred resulting in suspension  
27 or revocation of the licensee's license and who had knowledge of  
28 or participated in the act or omission which was the cause for the  
29 disciplinary action.

30 (3) A partnership, corporation, limited liability company, firm,  
31 or association of which an existing or new officer, director,  
32 manager, partner, qualifying person, or member of the personnel  
33 of record has had a license suspended or revoked as a result of  
34 disciplinary action.

35 (4) A partnership, corporation, limited liability company, firm,  
36 or association of which a member of the personnel of record,  
37 including, but not limited to, an officer, director, manager, partner,  
38 or qualifying person was, likewise, a manager, officer, director,  
39 or partner of a licensee at any time during which cause for  
40 disciplinary action occurred resulting in suspension or revocation

1 of the license, and who had knowledge of or participated in the  
2 act or omission which was the cause for the disciplinary action.

3 (b) The board shall require as a condition precedent to the  
4 issuance, reissuance, renewal, or restoration of a license to the  
5 applicant, or to the approval of an application to change officers  
6 of a corporation or a limited liability company, or removal of  
7 suspension, or to the continued valid use of a license which has  
8 been suspended or revoked, but which suspension or revocation  
9 has been stayed, that the applicant or licensee file or have on file  
10 a contractor's bond in a sum to be fixed by the registrar based upon  
11 the seriousness of the violation, but which sum shall not be less  
12 than fifteen thousand dollars (\$15,000) nor more than 10 times  
13 that amount required by Section 7071.6.

14 (c) The bond is in addition to, may not be combined with, and  
15 does not replace any other type of bond required by this chapter.  
16 The bond shall remain on file with the registrar for a period of at  
17 least two years and for any additional time that the registrar  
18 determines. The bond period shall run only while the license is  
19 current, active, and in good standing, and shall be extended until  
20 the license has been current, active, and in good standing for the  
21 required period. Each applicant or licensee shall be required to file  
22 only one disciplinary contractor's bond of the type described in  
23 this section for each application or license subject to this bond  
24 requirement.

25 (d) This section shall remain in effect only until January 1, 2023,  
26 and as of that date is repealed.

27 ~~SEC. 13.~~

28 *SEC. 14.* Section 7071.8 is added to the Business and  
29 Professions Code, to read:

30 7071.8. (a) This section applies to an application for a license,  
31 for renewal or restoration of a license, an application to change  
32 officers or members of a corporation or a limited liability company,  
33 or for continued valid use of a license which has been disciplined,  
34 whether or not the disciplinary action has been stayed, made by  
35 any of the following persons or firms:

36 (1) A person whose license has been suspended or revoked as  
37 a result of disciplinary action, or a person who was a qualifying  
38 individual for a licensee at any time during which cause for  
39 disciplinary action occurred resulting in suspension or revocation

1 of the licensee's license, whether or not the qualifying individual  
2 had knowledge or participated in the prohibited act or omission.

3 (2) A person who was an officer, director, manager, partner, or  
4 member of the personnel of record of a licensee at any time during  
5 which cause for disciplinary action occurred resulting in suspension  
6 or revocation of the licensee's license and who had knowledge of  
7 or participated in the act or omission which was the cause for the  
8 disciplinary action.

9 (3) A partnership, corporation, limited liability company, firm,  
10 or association of which an existing or new officer, director,  
11 manager, partner, qualifying person, or member of the personnel  
12 of record has had a license suspended or revoked as a result of  
13 disciplinary action.

14 (4) A partnership, corporation, limited liability company, firm,  
15 or association of which a member of the personnel of record,  
16 including, but not limited to, an officer, director, manager, partner,  
17 or qualifying person was, likewise, a manager, officer, director,  
18 or partner of a licensee at any time during which cause for  
19 disciplinary action occurred resulting in suspension or revocation  
20 of the license, and who had knowledge of or participated in the  
21 act or omission which was the cause for the disciplinary action.

22 (b) The board shall require as a condition precedent to the  
23 issuance, reissuance, renewal, or restoration of a license to the  
24 applicant, or to the approval of an application to change officers  
25 of a corporation or a limited liability company, or removal of  
26 suspension, or to the continued valid use of a license which has  
27 been suspended or revoked, but which suspension or revocation  
28 has been stayed, that the applicant or licensee file or have on file  
29 a contractor's bond in a sum to be fixed by the registrar based upon  
30 the seriousness of the violation, but which sum shall not be less  
31 than twenty-five thousand dollars (\$25,000) nor more than 10  
32 times that amount required by Section 7071.6.

33 (c) The bond is in addition to, may not be combined with, and  
34 does not replace any other type of bond required by this chapter.  
35 The bond shall remain on file with the registrar for a period of at  
36 least two years and for any additional time that the registrar  
37 determines. The bond period shall run only while the license is  
38 current, active, and in good standing, and shall be extended until  
39 the license has been current, active, and in good standing for the  
40 required period. Each applicant or licensee shall be required to file

1 only one disciplinary contractor's bond of the type described in  
2 this section for each application or license subject to this bond  
3 requirement.

4 (d) This section shall become operative on January 1, 2023.

5 ~~SEC. 14.~~

6 *SEC. 15.* Section 7071.9 of the Business and Professions Code  
7 is amended to read:

8 7071.9. (a) If the qualifying individual, as referred to in  
9 Sections 7068 and 7068.1, is neither the proprietor, a general  
10 partner, nor a joint licensee, the qualifying individual shall file or  
11 have on file a qualifying individual's bond as provided in Section  
12 7071.10 in the sum of twelve thousand five hundred dollars  
13 (\$12,500). This bond is in addition to, and shall not be combined  
14 with, any contractor's bond required by Sections 7071.5 to 7071.8,  
15 inclusive, and is required for the issuance, reinstatement,  
16 reactivation, or continued valid use of a license.

17 (b) Excluding the claims brought by the beneficiaries specified  
18 in paragraph (1) of subdivision (a) of Section 7071.10, the  
19 aggregate liability of a surety on claims brought against the bond  
20 required by this section shall not exceed the sum of seven thousand  
21 five hundred dollars (\$7,500). The bond proceeds in excess of  
22 seven thousand five hundred dollars (\$7,500) shall be reserved  
23 exclusively for the claims of the beneficiaries specified in  
24 paragraph (1) of subdivision (a) of Section 7071.10. However,  
25 nothing in this section shall be construed to prevent any beneficiary  
26 specified in paragraph (1) of subdivision (a) of Section 7071.10  
27 from claiming or recovering the full measure of the bond required  
28 by this section. This bond is in addition to, and shall not be  
29 combined with, any contractor's bond required by Sections 7071.5  
30 to 7071.8, inclusive, and is required for the issuance, reinstatement,  
31 reactivation, or continued valid use of a license.

32 (c) The responsible managing officer of a corporation shall not  
33 be required to file or have on file a qualifying individual's bond,  
34 if the responsible managing officer owns 10 percent or more of  
35 the voting stock of the corporation and certifies to that fact on a  
36 form prescribed by the registrar.

37 (d) The qualifying individual for a limited liability company  
38 shall not be required to file or have on file a qualifying individual's  
39 bond if the qualifying individual owns at least a 10-percent

1 membership interest in the limited liability company and certifies  
2 to that fact on a form prescribed by the registrar.

3 (e) This section shall remain in effect only until January 1, 2023,  
4 and as of that date is repealed.

5 ~~SEC. 15.~~

6 *SEC. 16.* Section 7071.9 is added to the Business and  
7 Professions Code, to read:

8 7071.9. (a) If the qualifying individual, as referred to in  
9 Sections 7068 and 7068.1, is neither the proprietor, a general  
10 partner, nor a joint licensee, the qualifying individual shall file or  
11 have on file a qualifying individual's bond as provided in Section  
12 7071.10 in the sum of twenty-five thousand dollars (\$25,000). This  
13 bond is in addition to, and shall not be combined with, any  
14 contractor's bond required by Sections 7071.5 to 7071.8, inclusive,  
15 and is required for the issuance, reinstatement, reactivation, or  
16 continued valid use of a license.

17 (b) Excluding the claims brought by the beneficiaries specified  
18 in paragraph (1) of subdivision (a) of Section 7071.10, the  
19 aggregate liability of a surety on claims brought against the bond  
20 required by this section shall not exceed the sum of seven thousand  
21 five hundred dollars (\$7,500). The bond proceeds in excess of  
22 seven thousand five hundred dollars (\$7,500) shall be reserved  
23 exclusively for the claims of the beneficiaries specified in  
24 paragraph (1) of subdivision (a) of Section 7071.10. However,  
25 nothing in this section shall be construed to prevent any beneficiary  
26 specified in paragraph (1) of subdivision (a) of Section 7071.10  
27 from claiming or recovering the full measure of the bond required  
28 by this section. This bond is in addition to, and shall not be  
29 combined with, any contractor's bond required by Sections 7071.5  
30 to 7071.8, inclusive, and is required for the issuance, reinstatement,  
31 reactivation, or continued valid use of a license.

32 (c) The responsible managing officer of a corporation shall not  
33 be required to file or have on file a qualifying individual's bond,  
34 if the responsible managing officer owns 10 percent or more of  
35 the voting stock of the corporation and certifies to that fact on a  
36 form prescribed by the registrar.

37 (d) The qualifying individual for a limited liability company  
38 shall not be required to file or have on file a qualifying individual's  
39 bond if the qualifying individual owns at least a 10-percent

1 membership interest in the limited liability company and certifies  
2 to that fact on a form prescribed by the registrar.

3 (e) This section shall become operative on January 1, 2023.

4 ~~SEC. 16.~~

5 *SEC. 17.* Section 7137 of the Business and Professions Code  
6 is amended to read:

7 7137. (a) The board may set fees by regulation. These fees  
8 shall be set according to the following schedule:

9 (1) Application fees shall be set as follows:

10 (A) The application fee for an original license in a single  
11 classification shall be four hundred fifty dollars (\$450) and may  
12 be increased to not more than five hundred sixty-three dollars  
13 (\$563).

14 (B) The application fee for each additional classification applied  
15 for in connection with an original license shall be one hundred  
16 fifty dollars (\$150) and may be increased to not more than one  
17 hundred eighty-eight dollars (\$188).

18 (C) The application fee for each additional classification  
19 pursuant to Section 7059 shall be two hundred thirty dollars (\$230)  
20 and may be increased to not more than two hundred eighty-eight  
21 dollars (\$288).

22 (D) The application fee to replace a responsible managing  
23 officer, responsible managing manager, responsible managing  
24 member, or responsible managing employee pursuant to Section  
25 7068.2 shall be two hundred thirty dollars (\$230) and may be  
26 increased to not more than two hundred eighty-eight dollars (\$288).

27 (E) The application fee to add personnel, other than a qualifying  
28 individual, to an existing license shall be one hundred twenty-five  
29 dollars (\$125) and may be increased to not more than one hundred  
30 fifty-seven dollars (\$157).

31 (F) The application fee for an asbestos certification examination  
32 shall be one hundred twenty-five dollars (\$125) and may be  
33 increased to not more than one hundred fifty-seven dollars (\$157).

34 (G) The application fee for a hazardous substance removal or  
35 remedial action certification examination shall be one hundred  
36 twenty-five dollars (\$125) and may be increased to not more than  
37 one hundred fifty-seven dollars (\$157).

38 (2) Examination scheduling fees shall be set as follows:

39 (A) The fee for rescheduling an examination for an applicant  
40 who has applied for an original license, additional classification,

1 a change of responsible managing officer, responsible managing  
2 manager, responsible managing member, or responsible managing  
3 employee, or for an asbestos certification or hazardous substance  
4 removal certification, shall be one hundred dollars (\$100) and may  
5 be increased to not more than one hundred twenty-five dollars  
6 (\$125).

7 (B) The fee for scheduling or rescheduling an examination for  
8 a licensee who is required to take the examination as a condition  
9 of probation shall be one hundred dollars (\$100) and may be  
10 increased to not more than one hundred twenty-five dollars (\$125).

11 (3) Initial license and registration fees shall be set as follows:

12 (A) The initial license fee for an active or inactive license for  
13 an individual owner shall be two hundred dollars (\$200) and may  
14 be increased to not more than two hundred fifty dollars (\$250).

15 (B) The initial license fee for an active or inactive license for a  
16 partnership, corporation, limited liability company, or joint venture  
17 shall be three hundred fifty dollars (\$350) and may be increased  
18 to not more than four hundred thirty-eight dollars (\$438).

19 (C) The registration fee for a home improvement salesperson  
20 shall be two hundred dollars (\$200) and may be increased to not  
21 more than two hundred fifty dollars (\$250).

22 (4) License and registration renewal fees shall be set as follows:

23 (A) The renewal fee for an active license for an individual owner  
24 shall be four hundred fifty dollars (\$450) and may be increased to  
25 not more than five hundred sixty-three dollars (\$563).

26 (B) The renewal fee for an inactive license for an individual  
27 owner shall be three hundred dollars (\$300) and may be increased  
28 to not more than three hundred seventy-five dollars (\$375).

29 (C) The renewal fee for an active license for a partnership,  
30 corporation, limited liability company, or joint venture shall be  
31 seven hundred dollars (\$700) and may be increased to not more  
32 than eight hundred seventy-five dollars (\$875).

33 (D) The renewal fee for an inactive license for a partnership,  
34 corporation, limited liability company, or joint venture shall be  
35 five hundred dollars (\$500) and may be increased to not more than  
36 six hundred twenty-five dollars (\$625).

37 (E) The renewal fee for a home improvement salesperson  
38 registration shall be two hundred dollars (\$200) and may be  
39 increased to not more than two hundred fifty dollars (\$250).

(5) The delinquency fee is an amount equal to 50 percent of the renewal fee, if the license is renewed after its expiration.

(6) Miscellaneous fees shall be set as follows:

(A) In addition to any other fees charged to C-10 contractors, the board shall charge a fee of twenty dollars (\$20), to be assessed with the renewal fee for an active license, which shall be used by the board to enforce provisions of the Labor Code related to electrician certification.

(B) The service fee to deposit with the registrar lawful money or cashier's check pursuant to paragraph (1) of subdivision (a) of Section 995.710 of the Code of Civil Procedure for purposes of compliance with any provision of Article 5 (commencing with Section 7065) shall be one hundred dollars (\$100), which shall be used by the board only to process each deposit filed with the registrar, to cover the reasonable costs to the registrar for holding money or cashier's checks in trust in interest bearing deposit or share accounts, and to offset the costs of processing payment of lawful claims against a deposit in a civil action.

(C) The fee for the processing and issuance of a duplicate copy of any certificate of licensure or other form evidencing licensure or renewal of licensure pursuant to Section 122 shall be twenty-five dollars (\$25).

(D) The fee to change the business name of a license as it is recorded under this chapter shall be one hundred dollars (\$100) and may be increased to not more than one hundred twenty-five dollars (\$125).

(E) The service charge for a dishonored check authorized by Section 6157 of the Government Code shall be twenty-five dollars (\$25) for each check.

(b) The board shall, by regulation, establish criteria for the approval of expedited processing of applications. Approved expedited processing of applications for licensure or registration, as required by other provisions of law, shall not be subject to this subdivision.

~~SEC. 17.~~

*SEC. 18.* Section 7583.22 of the Business and Professions Code is amended to read:

7583.22. (a) A licensee, qualified manager of a licensee, or security guard who, in the course of their employment, may be

1 required to carry a firearm shall, prior to carrying a firearm, do all  
2 of the following:

3 (1) Complete a course of training in the carrying and use of  
4 firearms.

5 (2) Receive a firearms qualification card or be otherwise  
6 qualified to carry a firearm as provided in Section 7583.12.

7 (b) A security guard who, in the course of their employment,  
8 may be required to carry a firearm, shall, prior to carrying a firearm,  
9 be found capable of exercising appropriate judgment, restraint,  
10 and self-control for the purposes of carrying and using a firearm  
11 during the course of their duties, pursuant to Section 7583.47.

12 (c) A licensee shall not permit an employee to carry or use a  
13 loaded or unloaded firearm, whether or not it is serviceable or  
14 operative, unless the employee possesses a valid and current  
15 firearms qualification card issued by the bureau or is so otherwise  
16 qualified to carry a firearm as provided in Section 7583.12.

17 (d) A pocket card issued by the bureau pursuant to Section  
18 7582.13 may also serve as a firearms qualification card if so  
19 indicated on the face of the card.

20 (e) Paragraph (1) of subdivision (a) shall not apply to a peace  
21 officer as defined in Chapter 4.5 (commencing with Section 830)  
22 of Title 3 of Part 2 of the Penal Code, who has successfully  
23 completed a course of study in the use of firearms or to a federal  
24 qualified law enforcement officer, as defined in Section 926B of  
25 Title 18 of the United States Code, who has successfully completed  
26 a course of study in the use of firearms.

27 ~~SEC. 18.~~

28 *SEC. 19.* Section 7583.23 of the Business and Professions Code  
29 is amended to read:

30 7583.23. The bureau shall issue a firearms permit when all of  
31 the following conditions are satisfied:

32 (a) The applicant is a licensee, a qualified manager of a licensee,  
33 or a registered security guard subject to the following:

34 (1) The firearms permit may only be associated with the  
35 following:

36 (A) A sole owner of a sole ownership licensee, pursuant to  
37 Section 7582.7 or 7525.1.

38 (B) A partner of a partnership licensee, pursuant to Section  
39 7582.7 or 7525.1.

1 (C) A qualified manager of a licensee, pursuant to Section 7536  
2 or 7582.22.

3 (D) A security guard registrant.

4 (2) If the firearms permit is associated with a security guard  
5 registration, they are subject to the provisions of Section 7583.47,  
6 regardless of any other license possessed or associated with the  
7 firearms permit.

8 (b) A certified firearms training instructor has certified that the  
9 applicant has successfully completed a written examination  
10 prepared by the bureau and training course in the carrying and use  
11 of firearms approved by the bureau.

12 (c) The applicant has filed with the bureau a classifiable  
13 fingerprint card, a completed application for a firearms permit on  
14 a form prescribed by the director, dated and signed by the applicant,  
15 certifying under penalty of perjury that the information in the  
16 application is true and correct. In lieu of a classifiable fingerprint  
17 card, the applicant may submit fingerprints into an electronic  
18 fingerprinting system administered by the Department of Justice.  
19 An applicant who submits their fingerprints by electronic means  
20 shall have their fingerprints entered into the system through a  
21 terminal operated by a law enforcement agency or other facility  
22 authorized by the Department of Justice to conduct electronic  
23 fingerprinting. The terminal operator may charge a fee sufficient  
24 to reimburse it for the costs incurred in providing this service.

25 (d) The applicant is at least 21 years of age and the bureau has  
26 determined, after investigation, that the carrying and use of a  
27 firearm by the applicant, in the course of their duties, presents no  
28 apparent threat to the public safety, or that the carrying and use of  
29 a firearm by the applicant is not in violation of the Penal Code.

30 (e) The applicant has produced evidence to the firearm training  
31 facility that the applicant is a citizen of the United States or has  
32 permanent legal alien status in the United States. Evidence of  
33 citizenship or permanent legal alien status shall be deemed  
34 sufficient by the bureau to ensure compliance with federal laws  
35 prohibiting possession of firearms by persons unlawfully in the  
36 United States and may include, but not be limited to, United States  
37 Department of Justice, Immigration and Naturalization Service  
38 Form I-151 or I-551, Alien Registration Receipt Card,  
39 naturalization documents, or birth certificates evidencing lawful  
40 residence or status in the United States.

1 (f) The application is accompanied by the application fees  
2 prescribed in this chapter.

3 (g) (1) If the applicant is a registered security guard and they  
4 have been found capable of exercising appropriate judgment,  
5 restraint, and self-control, for the purposes of carrying and using  
6 a firearm during the course of their duties, pursuant to Section  
7 7583.47.

8 (2) The requirement in paragraph (1) shall be completed within  
9 six months preceding the date the application is submitted to the  
10 bureau.

11 ~~SEC. 19.~~

12 *SEC. 20.* Section 7583.24 of the Business and Professions Code  
13 is amended to read:

14 7583.24. (a) The bureau shall not issue a firearm permit if the  
15 applicant is prohibited from possessing, receiving, owning, or  
16 purchasing a firearm pursuant to state or federal law.

17 (b) Before issuing an initial firearm permit the bureau shall  
18 provide the Department of Justice with the name, address, social  
19 security number, and fingerprints of the applicant.

20 (c) The Department of Justice shall inform the bureau, within  
21 60 days from receipt of the information specified in subdivision  
22 (b), of the applicant's eligibility to possess, receive, purchase, or  
23 own a firearm pursuant to state and federal law.

24 (d) An applicant who has been denied a firearm permit based  
25 upon subdivision (a) may reapply for the permit after the  
26 prohibition expires. The bureau shall treat this application as an  
27 initial application and shall follow the required screening process  
28 as specified in this section.

29 ~~SEC. 20.~~

30 *SEC. 21.* Section 7583.27 of the Business and Professions Code  
31 is amended to read:

32 7583.27. (a) A firearm permit may be revoked if at any time  
33 the Department of Justice notifies the bureau that the holder of the  
34 firearm permit is prohibited from possessing, receiving, or  
35 purchasing a firearm pursuant to state or federal law. Following  
36 the automatic revocation, an administrative hearing shall be  
37 provided upon written request to the bureau in accordance with  
38 Chapter 5 (commencing with Section 11500) of Part 1 of Division  
39 3 of Title 2 of the Government Code.

(b) The bureau may seek an emergency order pursuant to Article 13 (commencing with Section 11460.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code against the holder of the firearms permit if, after the bureau's investigation relating to any of the following events, the bureau determines that the holder of the firearms permit presents an undue hazard to public safety that may result in substantial injury to another:

(1) Receipt of subsequent arrest information of an arrest for any of the following:

(A) Assault.

(B) Battery.

(C) Any use of force or violence on any person committed by the permitholder.

(2) A report from a bureau-approved firearms training facility or instructor made pursuant to Section 7585.18.

(3) A report from the permitholder's employer or former employer that the permitholder may be a threat to public safety.

(4) A complaint filed by any member of the public that the permitholder may be a threat to public safety.

~~SEC. 21.~~

*SEC. 22.* Section 7583.29 of the Business and Professions Code is amended to read:

7583.29. If a firearms permit is denied, the denial of the permit shall be in writing and shall describe the basis for the denial. The denial shall inform the applicant that if the applicant desires a review by a disciplinary review committee to contest the denial, the review shall be requested of the director within 30 days following notice of the issuance of the denial. A review or hearing shall be held pursuant to Section 7581.3. However, no review or hearing shall be granted to an individual who is otherwise prohibited by law from carrying a firearm.

~~SEC. 22.~~

*SEC. 23.* Section 7583.47 of the Business and Professions Code is amended to read:

7583.47. (a) As used in this section, "assessment" means the application of a testing instrument identified by the bureau that evaluates whether an applicant for a firearms permit who is a registered security guard, at the time of the assessment, possesses appropriate judgment, restraint, and self-control for the purposes

1 of carrying and using a firearm during the course of their security  
2 guard duties.

3 (b) The applicant shall complete the assessment, as specified  
4 in this section.

5 (c) (1) The bureau shall implement a process to administer the  
6 assessment specified in this section. The establishment of the  
7 assessment and the process for administering the assessment shall  
8 not be subject to the requirements of Chapter 3.5 (commencing  
9 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
10 Government Code.

11 (2) The bureau shall consult with a California licensed  
12 psychologist, psychologists, or other persons with subject matter  
13 expertise, whose minimum duties shall include, but are not limited  
14 to, assisting the bureau with all of the following:

15 (A) Establishing criteria for a contract with a vendor to  
16 administer the assessment.

17 (B) Identifying minimum standards for the assessment.

18 (C) Evaluating currently available assessments.

19 (D) Providing consultative services on the bids received by the  
20 bureau from third-party vendors seeking to administer and interpret  
21 the assessment, to ensure both of the following:

22 (i) Compliance with the applicable standards of care for the  
23 administration and interpretation of such assessments.

24 (ii) The assessment will be administered in accordance with the  
25 assessment manufacturer's requirements.

26 (3) The bureau shall contract with a third-party vendor to  
27 administer the assessment. All third-party vendors seeking to  
28 administer the assessment must meet the minimum standards  
29 established by the bureau, its consultants, and the assessment  
30 manufacturer's requirements for administering the assessment.  
31 Considerations for the third-party vendor contract shall include,  
32 but are not limited to, all of the following:

33 (A) Cost to the applicant to complete the assessment.

34 (B) Geographic accessibility statewide of the assessment to  
35 applicants.

36 (C) Assessment compliance with the established minimum  
37 standards for the assessment and assessment process.

38 (D) Ensuring an assessment carried out on an applicant complies  
39 with the applicable professional standards of care for such

1 assessments, as well as the assessment manufacturer's requirements  
2 for administering the assessment.

3 (d) The applicant, or the applicant's designee or employer if the  
4 employer voluntarily chooses, shall bear the cost of the assessment.

5 (e) Within 30 days of administering an applicant's assessment,  
6 the vendor shall directly provide the bureau, on a form and in a  
7 manner prescribed by the bureau, the applicant's assessment results.

8 If the results of the applicant's assessment indicate that the  
9 applicant is incapable of exercising appropriate judgment, restraint,  
10 and self-control for the purposes of carrying and using a firearm  
11 during the course of the applicant's duties, at the point in time of  
12 the evaluation, the bureau shall not issue a firearms permit. If the  
13 applicant fails the assessment, the applicant may complete another  
14 assessment no earlier than 180 days after the results of the previous  
15 assessment are provided to the bureau.

16 (f) The application shall be deemed incomplete until the bureau  
17 receives the results of the applicant's assessment and the results  
18 indicate that the applicant is capable of exercising appropriate  
19 judgment, restraint, and self-control for the purposes of carrying  
20 and using a firearm during the course of the applicant's duties.

21 (g) Notwithstanding any other law, an applicant who fails the  
22 assessment shall not be entitled to an administrative hearing or an  
23 appeal subject to Chapter 5 (commencing with Section 11500) of  
24 Part 1 of Division 3 of Title 2 of the Government Code. However,  
25 such an applicant who is denied a firearms permit may request  
26 review of the denial pursuant to Section 7583.29.

27 (h) The bureau may prescribe, adopt, and enforce emergency  
28 regulations, and promulgate regulations to implement this section.  
29 Any emergency regulation prescribed, adopted, or enforced  
30 pursuant to this section shall be adopted in accordance with Chapter  
31 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
32 Title 2 of the Government Code, and for purposes of that chapter,  
33 including Section 11349.6 of the Government Code, the adoption  
34 of the regulation is an emergency and shall be considered by the  
35 Office of Administrative Law as necessary for the immediate  
36 preservation of the public peace, health and safety, and general  
37 welfare.

38 (i) The assessment required pursuant to this section shall be  
39 subject to review by the appropriate policy committees of the

Legislature. The review shall be performed as if this section was scheduled to be repealed as of January 1, 2025.

(j) Nothing in this section requires any private business entity that contracts with the bureau for the administration of the assessment to produce documents related to the content, methodology, results, or scoring criteria of the assessment, or any trade secret, as defined in subdivision (d) of Section 3426.1 of the Civil Code, for any private individual, firm, copartnership, association, or corporation.

~~SEC. 23.~~

*SEC. 24.* Section 17973 of the Health and Safety Code is amended to read:

17973. (a) Exterior elevated elements that include load-bearing components in all buildings containing three or more multifamily dwelling units shall be inspected. The inspection shall be performed by a licensed architect; licensed civil or structural engineer; a building contractor holding any or all of the “A,” “B,” or “C-5” license classifications issued by the Contractors State License Board, with a minimum of five years’ experience, as a holder of the aforementioned classifications or licenses, in constructing multistory wood frame buildings; or an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction. These individuals shall not be employed by the local jurisdiction while performing these inspections. The purpose of the inspection is to determine that exterior elevated elements and their associated waterproofing elements are in a generally safe condition, adequate working order, and free from any hazardous condition caused by fungus, deterioration, decay, or improper alteration to the extent that the life, limb, health, property, safety, or welfare of the public or the occupants is not endangered. The person or business performing the inspection shall be hired by the owner of the building.

(b) For purposes of this section, the following terms have the following definitions:

(1) “Associated waterproofing elements” include flashings, membranes, coatings, and sealants that protect the load-bearing components of exterior elevated elements from exposure to water and the elements.

(2) “Exterior elevated element” means the following types of structures, including their supports and railings: balconies, decks, porches, stairways, walkways, and entry structures that extend beyond exterior walls of the building and which have a walking surface that is elevated more than six feet above ground level, are designed for human occupancy or use, and rely in whole or in substantial part on wood or wood-based products for structural support or stability of the exterior elevated element.

(3) “Load-bearing components” are those components that extend beyond the exterior walls of the building to deliver structural loads from the exterior elevated element to the building.

(c) The inspection required by this section shall at a minimum include:

(1) Identification of each type of exterior elevated element that, if found to be defective, decayed, or deteriorated to the extent that it does not meet its load requirements, would, in the opinion of the inspector, constitute a threat to the health or safety of the occupants.

(2) Assessment of the load-bearing components and associated waterproofing elements of the exterior elevated elements identified in paragraph (1) using methods allowing for evaluation of their performance by direct visual examination or comparable means of evaluating their performance. For purposes of this section, a sample of at least 15 percent of each type of exterior elevated element shall be inspected.

(3) The evaluation and assessment shall address each of the following as of the date of the evaluation:

(A) The current condition of the exterior elevated elements.

(B) Expectations of future performance and projected service life.

(C) Recommendations of any further inspection necessary.

(4) A written report of the evaluation stamped or signed by the inspector presented to the owner of the building or the owner’s designated agent within 45 days of completion of the inspection. The report shall include photographs, any test results, and narrative sufficient to establish a baseline of the condition of the components inspected that can be compared to the results of subsequent inspections. In addition to the evaluation required by this section, the report shall advise which, if any, exterior elevated element poses an immediate threat to the safety of the occupants, and

1 whether preventing occupant access or conducting emergency  
2 repairs, including shoring, are necessary.

3 (d) The inspection shall be completed by January 1, 2025, and  
4 by January 1 every six years thereafter. The inspector conducting  
5 the inspection shall produce an initial report pursuant to paragraph  
6 (4) of subdivision (c) and, if requested by the owner, a final report  
7 indicating that any required repairs have been completed. A copy  
8 of any report that recommends immediate repairs, advises that any  
9 building assembly poses an immediate threat to the safety of the  
10 occupants, or that preventing occupant access or emergency repairs,  
11 including shoring, are necessary, shall be provided by the inspector  
12 to the owner of the building and to the local enforcement agency  
13 within 15 days of completion of the report. Subsequent inspection  
14 reports shall incorporate copies of prior inspection reports,  
15 including the locations of the exterior elevated elements inspected.  
16 Local enforcement agencies may determine whether any additional  
17 information is to be provided in the report and may require a copy  
18 of the initial or final reports, or both, be submitted to the local  
19 jurisdiction. Copies of all inspection reports shall be maintained  
20 in the building owner's permanent records for not less than two  
21 inspection cycles, and shall be disclosed and delivered to the buyer  
22 at the time of any subsequent sale of the building.

23 (e) The inspection of buildings for which a building permit  
24 application has been submitted on or after January 1, 2019, shall  
25 occur no later than six years following issuance of a certificate of  
26 occupancy from the local jurisdiction and shall otherwise comply  
27 with the provisions of this section.

28 (f) If the property was inspected within three years prior to  
29 January 1, 2019, by an inspector as described in subdivision (a)  
30 and a report of that inspector was issued stating that the exterior  
31 elevated elements and associated waterproofing elements are in  
32 proper working condition and do not pose a threat to the health  
33 and safety of the public, no new inspection pursuant to this section  
34 shall be required until January 1, 2025.

35 (g) An exterior elevated element found by the inspector that is  
36 in need of repair or replacement shall be corrected by the owner  
37 of the building. All necessary permits for repair or replacement  
38 shall be obtained from the local jurisdiction. All repair and  
39 replacement work shall be performed by a qualified and licensed  
40 contractor in compliance with all of the following:

1 (1) The recommendations of a licensed professional described  
2 in subdivision (a).

3 (2) Any applicable manufacturer's specifications.

4 (3) The California Building Standards Code, consistent with  
5 subdivision (d) of Section 17922 of the Health and Safety Code.

6 (4) All local jurisdictional requirements.

7 (h) (1) An exterior elevated element that the inspector advises  
8 poses an immediate threat to the safety of the occupants, or finds  
9 preventing occupant access or emergency repairs, including  
10 shoring, or both, are necessary, shall be considered an emergency  
11 condition and the owner of the building shall perform required  
12 preventive measures immediately. Immediately preventing  
13 occupant access to the exterior elevated element until emergency  
14 repairs can be completed constitutes compliance with this  
15 paragraph. Repairs of emergency conditions shall comply with the  
16 requirements of subdivision (g), be inspected by the inspector, and  
17 reported to the local enforcement agency.

18 (2) The owner of the building requiring corrective work to an  
19 exterior elevated element that, in the opinion of the inspector, does  
20 not pose an immediate threat to the safety of the occupants, shall  
21 apply for a permit within 120 days of receipt of the inspection  
22 report. Once the permit is approved, the owner of the building  
23 shall have 120 days to make the repairs unless an extension of time  
24 is granted by the local enforcement agency.

25 (i) (1) The owner of the building shall be responsible for  
26 complying with the requirements of this section.

27 (2) If the owner of the building does not comply with the repair  
28 requirements within 180 days, the inspector shall notify the local  
29 enforcement agency and the owner of the building. If within 30  
30 days of the date of the notice the repairs are not completed, the  
31 owner of the building shall be assessed a civil penalty based on  
32 the fee schedule set by the local authority of not less than one  
33 hundred dollars (\$100) nor more than five hundred dollars (\$500)  
34 per day until the repairs are completed, unless an extension of time  
35 is granted by the local enforcement agency.

36 (3) In the event that a civil penalty is assessed pursuant to this  
37 section, a building safety lien may be recorded in the county  
38 recorder's office by the local jurisdiction in the county in which  
39 the parcel of land is located and from the date of recording shall  
40 have the force, effect, and priority of a judgment lien.

1 (j) (1) A building safety lien authorized by this section shall  
2 specify the amount of the lien, the name of the agency on whose  
3 behalf the lien is imposed, the street address, the legal description  
4 and assessor's parcel number of the parcel on which the lien is  
5 imposed, and the name and address of the recorded owner of the  
6 building.

7 (2) In the event that the lien is discharged, released, or satisfied,  
8 either through payment or foreclosure, notice of the discharge  
9 containing the information specified in paragraph (1) shall be  
10 recorded by the governmental agency. A safety lien and the release  
11 of the lien shall be indexed in the grantor-grantee index.

12 (3) A building safety lien may be foreclosed by an action  
13 brought by the appropriate local jurisdiction for a money judgment.

14 (4) Notwithstanding any other law, the county recorder may  
15 impose a fee on the city to reimburse the costs of processing and  
16 recording the lien and providing notice to the owner of the building.  
17 A city may recover from the owner of the building any costs  
18 incurred regarding the processing and recording of the lien and  
19 providing notice to the owner of the building as part of its  
20 foreclosure action to enforce the lien.

21 (k) The continued and ongoing maintenance of exterior elevated  
22 elements in a safe and functional condition in compliance with  
23 these provisions shall be the responsibility of the owner of the  
24 building.

25 (l) Local enforcement agencies shall have the ability to recover  
26 enforcement costs associated with the requirements of this section.

27 (m) For any building subject to the provisions of this section  
28 that is proposed for conversion to condominiums to be sold to the  
29 public after January 1, 2019, the inspection required by this section  
30 shall be conducted prior to the first close of escrow of a separate  
31 interest in the project and shall include the inspector's  
32 recommendations for repair or replacement of any exterior elevated  
33 element found to be defective, decayed, or deteriorated to the extent  
34 that it does not meet its load requirements, and would, in the  
35 opinion of the inspector, constitute a threat to the health or safety  
36 of the occupants. The inspection report and written confirmation  
37 by the inspector that any repairs or replacements recommended  
38 by the inspector have been completed shall be submitted to the  
39 Department of Real Estate by the proponent of the conversion and  
40 shall be a condition to the issuance of the final public report. A

1 complete copy of the inspection report and written confirmation  
2 by the inspector that any repairs or replacements recommended  
3 by the inspector have been completed shall be included with the  
4 written statement of defects required by Section 1134 of the Civil  
5 Code, and provided to the local jurisdiction in which the project  
6 is located. The inspection, report, and confirmation of completed  
7 repairs shall be a condition of the issuance of a final inspection or  
8 certificate of occupancy by the local jurisdiction.

9 (n) This section shall not apply to a common interest  
10 development, as defined in Section 4100 of the Civil Code.

11 (o) The governing body of any city, county, or city and county,  
12 may enact ordinances or laws imposing requirements greater than  
13 those imposed by this section.

14 ~~SEC. 24.~~

15 *SEC. 25.* No reimbursement is required by this act pursuant to  
16 Section 6 of Article XIII B of the California Constitution for certain  
17 costs that may be incurred by a local agency or school district  
18 because, in that regard, this act creates a new crime or infraction,  
19 eliminates a crime or infraction, or changes the penalty for a crime  
20 or infraction, within the meaning of Section 17556 of the  
21 Government Code, or changes the definition of a crime within the  
22 meaning of Section 6 of Article XIII B of the California  
23 Constitution.

24 However, if the Commission on State Mandates determines that  
25 this act contains other costs mandated by the state, reimbursement  
26 to local agencies and school districts for those costs shall be made  
27 pursuant to Part 7 (commencing with Section 17500) of Division  
28 4 of Title 2 of the Government Code.

**AGENDA ITEM L: PRESENTATION BY DCA OFFICE OF PROFESSIONAL EXAMINATION SERVICES (OPES) ON EXAMINATION PERFORMANCE STATISTICS FOR THE LANDSCAPE ARCHITECT REGISTRATION EXAMINATION AND CALIFORNIA SUPPLEMENTAL EXAMINATION**

**Summary**

Historically, the pass rates for California candidates in a Landscape Architect Registration Examination (LARE) administration have been slightly lower than the national pass rates. Between 2018 and 2020, the California pass rates were approximately 3-10 percent lower than the national pass rate for each LARE section.

OPES conducted an analysis of the pass rates for the LARE and the California Supplemental Examination. The pass rates of California candidates were compared to the pass rates of candidates in other jurisdictions with the goal of identifying the causes for the discrepancy between the California and national pass rates. California demographics and differences between state pathways to qualification for examination were also analyzed.

Findings of the pass rates analysis will be presented by OPES at today's meeting.

**Action Requested**

Discuss and possible action on presentation by OPES.

## **AGENDA ITEM M.1: REVIEW CLARB SEPTEMBER 2021 ANNUAL MEETING AGENDA**

### **Summary**

The 2021 Council of Landscape Architectural Registration Boards (CLARB) Annual Meeting will be held on September 22-24, 2021 in Phoenix, Arizona. During the meeting, Member Boards will elect new CLARB leadership, meet with regional representatives, and hear updates on CLARB activities.

### **Action Requested**

None

### **Attachment**

CLARB 2021 Annual Meeting Agenda



*\*All sessions take place in MT*

## **Tuesday, September 21**

**6:30 p.m. – 8:00 p.m.**

### **Pre-Meeting Welcome Reception**

Join this optional pre-Annual Meeting event to say hello to attendees and prepare for an exciting three days ahead!

## **Wednesday, September 22**

**9:00 a.m. – 9:15 a.m.**

### **Opening Session**

Join this opening kick-off session hosted by CLARB's President Cary Baird and CLARB's CEO Matt Miller to understand how your place in the regulation of landscape architecture impacts the design of its future.

**9:15 a.m. – 10:15 a.m.**

### **Keynote Address**

TBD

**10:15 a.m. – 10:45 a.m.**

### **Break**

A timer will run down until we come back together.

**11:00 a.m. – 12:00 p.m.**

### **Understanding our Shared Stakeholders (and how to best serve them)**

Who is a stakeholder in the licensure process? There are many: CLARB members/licensure boards, exam candidates, licensure applicants, employers, and all those they impact! This panel discussion will welcome representatives from each of our shared stakeholder groups to offer their personal experiences throughout the licensure journey while explaining what they needed and hoped for in the process.

**12:00 p.m. – 1:15 p.m.**

### **Lunch**

Provided for on-site attendees.

- 1:15 p.m. – 3:00 p.m.**      **Evolution of the L.A.R.E.**  
 One of “the three E’s” of licensure requirements, CLARB’s work with the L.A.R.E. is always evolving. This session will provide updates from the past year on our online proctoring initiative and the next steps we plan to take for its expansion, along with a case study focusing on exam security. Additionally, we’ll run through the upcoming 2022 Task Analysis schedule as your combined support of this work is imperative to a successful survey and keeping the L.A.R.E. defensible and relevant.
- 3:00 p.m. – 3:30 p.m.**      **Break**  
 A timer will run down until we come back together.
- 3:00 p.m. – 4:30 p.m.**      **Optional service project**  
 TBD

## **Thursday, September 23**

- 9:00 a.m. – 10:15 a.m.**      **Implementing the Uniform Standard**  
 As an active participant on your board, your role is key to the operations and logistics of implementing the uniform standard for licensure in your jurisdiction. This strategy workshop will walk through the challenges, risks, and opportunities expected with the implementation. Bring an understanding of your current processes and policies, and you will leave with a plan to design your jurisdiction’s future.
- 10:15 a.m. – 10:45 a.m.**      **Break**  
 A timer will run down until we come back together.
- 11:00 a.m. – 12:00 p.m.**      **Stronger together – Key partnerships updates**  
 You’ve heard the acronyms, but to fully understand the roles each of our key partners play in creating a unified regulatory ecosystem you should also understand their current initiatives and how we are working together for mutual benefit. This session will provide updates on: the incidental practice task force from ICOR (Inter-organizational Council on Regulation: CLARB, NCARB, NCEES, CIDQ); the Reframing Landscape Architecture project from Presidents Council (CLARB, ASLA, CSLA, CELA, LAAB, LAF); and key activities from ARPL (Alliance for Responsible Professional Licensing: CLARB, ASLA, NCARB, AIA, NCEES, NSPE, ASCE, AICPA, NASBA).
- 12:00 p.m. – 1:15 p.m.**      **Lunch**  
 Provided for on-site attendees.

**1:15 p.m. – 3:00 p.m. Member Board Executives (MBE)/Member Board Members (MBM) Breakout Sessions**

**MBE Session: Deep Dive into the Uniform Application**

During this session, board executives will gain a detailed understanding of each item on the uniform application, such as defining diversified experience and what supervisor attestations include. As we walk through why new items were incorporated, definitions and explanations of each will be provided. After this session, you will be ready to make the change to the new uniform application.

**MBM Session: Effectively communicating your public protection role and the value of boards.**

Board members are the link between the board's work and members of the public. How well are you able to articulate your work on the board, and its value, as one that relates to critical public protections? This session will provide advocacy training and an opportunity to develop your own "elevator pitch" for the work you and your board do that can be used when meeting with lawmakers, regulators, and even potential applicants for licensure.

**3:00 p.m. – 3:30 p.m.**

**Break**

A timer will run down until we come back together.

**3:30 p.m. – 4:30 p.m.**

**Optional Session**

TBD

**Friday, September 24**

**9:00 a.m. – 10:15 a.m.**

**Increasing Access and Equity in Licensure**

Diversity, access, equity, and inclusion are not just buzzwords to be said and discussed. These are real issues facing licensure applicants and regulation of the landscape architecture profession. This session will focus on tangible solutions and tools that you, as regulators, can use in your jurisdiction.

**10:15 a.m. – 10:45 a.m.**

**Break**

A timer will run down until we come back together.

**11:00 a.m. – 12:00 p.m.**

**Future of CLARB**

What does the future of CLARB look like? While past "In the Know" and Annual Meeting sessions have touched on "CLARB 2.0," join us to find out more about strategic and operational updates which will shape the future direction of CLARB.

**12:00 p.m. – 1:15 p.m.**

**Lunch**

TBD

- 1:15 p.m. – 2:30 p.m.      Business Session**  
The outcome of this session is in your hands. Election ballots are in, tallied, and ready to be announced and nominations for next year's leadership elections will open. Design the future of regulation; design CLARB's future.
- 2:30 p.m. – 3:00 p.m.      Closing Conversation Circle**  
CLARB's Board of Directors and CEO want to hear from you. This session will offer the opportunity to have candid conversations with the organization's leadership on any topic of your choosing.
- 3:00 p.m. – 3:30p.m.      Break**  
A timer will run down until we come back together.
- 3:30 p.m. – 4:30 p.m.      Optional Awards Reception**  
CLARB depends on its volunteers to lead, guide, and advance the organization's mission. The CLARB community is enhanced by the diverse and unique perspectives volunteers bring through service and we are so grateful. Join this volunteer recognition reception to thank our outgoing volunteers for all of their hard work and contributions.

## Glossary of Acronyms

CLARB	Council of Landscape Architectural Registration Boards
ASLA	American Society of Landscape Architects
CSLA	Canadian Society of Landscape Architects
IFLA	International Federation of Landscape Architects
FARB	Federation of Associations of Regulatory Boards
CELA	Council of Educators in Landscape Architecture
LAAB	Landscape Architecture Accreditation Board (U.S.)
LAAC	Landscape Architecture Accreditation Council (Canada)
LA CES	Landscape Architecture Continuing Education System
LAF	Landscape Architecture Foundation
Presidents Council	CLARB + ASLA + CSLA + CELA + LAAB + LAF
NCARB	National Council of Architectural Registration Boards
NCEES	National Council of Examiners for Engineering and Surveying
CIDQ	Council for Interior Design Qualification
ICOR	CLARB + NCARB + NCEES + CIDQ
MBE	Member Board Executive (an executive with a board/agency)
MBM	Member Board Member (a board member on a board/agency)

## **AGENDA ITEM M.2: REVIEW AND POSSIBLE ACTION ON 2021 CLARB BOARD OF DIRECTORS AND LEADERSHIP ADVISORY COUNCIL ELECTIONS BALLOT**

### **Summary**

On June 21, 2021, CLARB released the final slate of candidates for the 2021 Board of Directors, and Leadership Advisory Council elections. Attached for the Committee's reference are the final slate of candidates and each candidate's respective biography (Attachment M.2.1). Also attached is the CLARB memorandum regarding Letter of Delegate Credentials for 2021 CLARB Annual Meeting along with the template credentials letter, which provides voting representatives (Attachment M.2.2), and the 2021 Elections Ballot (Attachment M.2.3) which staff will complete and submit to CLARB.

With regard to the Board of Directors and Leadership Advisory Council elections, the Landscape Architects Technical Committee's (LATC) completed ballot and credentials letter must be submitted to CLARB by September 16, 2021. Elections results will be announced during the business session at the 2021 Annual Meeting on September 24, 2021.

### **Action Requested**

The Committee is asked to review the final slate of candidates for the 2021 Board of Directors and Leadership Advisory Council and take possible action in determining how the LATC will vote in the elections.

### **Attachments**

1. CLARB 2021 Board of Directors and Leadership Advisory Council Final Slate Candidate Biographies
2. CLARB 2021 Memo and Template Letter of Delegate Credentials
3. CLARB 2021 Election Ballot



## 2021 Candidate Interest Form

### Allison Fleury -- President-Elect Candidate

**Jurisdiction:** Wyoming

**Company:** Inside Out Landscape Architecture

**Job Title:** Owner

**Education:** Masters of Landscape Architecture

**Licenses:** Idaho, Wyoming

Watch Video Interview: [https://www.youtube.com/watch?v=6Akl2gFE\\_u4](https://www.youtube.com/watch?v=6Akl2gFE_u4)

### Leadership Competencies

*Please rank your strongest and weakest leadership competencies. Please explain, giving examples as appropriate for your first and last choices.*

**Strongest: Team Player**

**Weakest: Stewardship**

I think being on the Board has helped me become stronger in the areas of being a team player, learning, and communicating. I feel that I care about the CLARB organization and would like to share this with others through stewardship work in the future.

## Service Information

### Board Service

Wyoming Board of Architects and Landscape Architects 2009 - Present

### CLARB Service

Treasurer, Secretary, Regional Director

### Other Services, Awards, or Experience

## Questions from the Leadership Advisory Council

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

I have been leading my company since 2008 and I have developed a good ability to work with a variety of people in various industries. I enjoy meeting new people and developing strong working relationships with them built on trust and respect. I am a relationship builder.

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

Success would be each board member participating to the best of their ability in a way that was gratifying to them. Our board would be diverse, and constantly striving for excellence.

### What interests you about volunteering with CLARB?

I love seeing landscape architecture through a different lens and encouraging the next generation to become licensed! I am curious to see where CLARB will be in the next few years.



## 2021 Candidate Interest Form

### Carisa McMullen -- President-Elect Candidate

**Jurisdiction:** Kansas

**Company:** Landworks Studio

**Job Title:** Principal

**Education:** Bachelor of Landscape Architecture

**Licenses:** Iowa, Kansas, Missouri, Nebraska

Watch Video Interview: <https://www.youtube.com/watch?v=F2H51oacmnk>

### Leadership Competencies

*Please rank your strongest and weakest leadership competencies. Please explain, giving examples as appropriate for your first and last choices.*

#### **Strongest: Team Player**

#### **Weakest: Intentional learning**

As a leader, and what I love about landscape architecture, is the joy of working within a group collaboratively to generate ideas and find solutions together. My experience has proven the best solutions happen collectively. As principal of a small practice and a member of several boards and committees, I understand and appreciate the nuances and challenges of teamwork. This exercise is not as intuitive and requires management of personalities, opinions, and ideas. As for my weakest attribute, I would say it might be a tie between effective communicator

(verbally) and intentional learner. I have learned from failed results. I don't like to repeat, restate or reframe when I communicate verbally, because I don't like that as a listener. I must be very cognizant of what I say and how I say it to get desired results. I prefer to communicate in writing and feel I do that very well.

I love to learn new things so the desire to learn intentionally isn't the issue, for me it is a time and attention issue. Again, CLARB is so positive for me because if you want to participate effectively, putting the time in is essential!

## Service Information

### Board Service

CPRD Public Art Committee | 2019 - 2021  
Envision Olathe | Steering Committee Member | 2017  
Ecosystem Conservation Alliance | Vice Chair and Founding Member  
The Giving Grove | Prof. Consulting to the Founders  
Public Art Adv. Board | Olathe 2015-2021  
SBA Regulatory Fairness Board | 2010-2018  
KSBTP | 2015 - 2022  
KSU | Alumni Advisory Board | 2000-2012  
PGASLA | Vice President | 2000  
PGASLA | Exec. Committee | 2002 Beautiful Savior Lutheran Church | Multiple Boards

### CLARB Service

CLARB Foresight Network (2020-2021)  
Leadership Advisory Council (2020)  
Committee on Nominations (2017-2019)

### Other Services, Awards, or Experience

Alton B. Thomas Award Recipient (PGASLA)-2019  
Thinking Bigger Business | Top 25 Under 25 Award | 2016

## Questions from the Leadership Advisory Council

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

As current chair of the Kansas Board, I am embarking on a strategic planning exercise that will advance the work of our board for the first time in a long time. I am excited to see what the outcomes are and learn from the experience. In addition, the efforts required for the Foresight Network are sharing and expanding my thinking relative to the future of the profession and regulation. Lastly, promoting CLARB has allowed me to be a conduit for regulation conversations regionally.

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

Post LAC, I am very interested to see how diversification of the board yields new ideas. A diverse board is successful if the ideas and actions generated advance the mission of CLARB and its membership. Success means we maintain the valuable institutional knowledge while engaging new talent to contribute at a high level. In addition, it is important for CLARB to continue to be a leader among the larger professional agencies and licensing conversations.

### What interests you about volunteering with CLARB?

I am interested to help shape the future of the organization and see the bylaws change yield positive results. I have met outstanding professionals, expanded my experiences, seen new cities and pushed myself in a variety of ways to date. I not only want to continue my personal and professional development but also want to be part of the CLARB legacy. I see how impactful others have been to the organization and I want to do my part to continue the success.



## 2021 Candidate Interest Form

### Mark Arigoni -- Treasurer Candidate

**Jurisdiction:** Connecticut

**Company:** MMI/SLR

**Job Title:** U.S. Manager of Landscape Architecture

**Education:** Bachelor of Landscape Architecture

**Licenses:** Connecticut, Massachusetts, New Hampshire, New Jersey, New York,  
North Carolina, Rhode Island, Virginia

Watch Video Interview: <https://www.youtube.com/watch?v=zhdqU-qWezg>

### Leadership Competencies

*Please rank your strongest and weakest leadership competencies. Please explain, giving examples as appropriate for your first and last choices.*

#### **Strongest: Team Player**

#### **Weakest: Stewardship**

Although I am a free thinker, and questioner, I am first and always a collaborative, contributing member to any team. I would not put my 3, 4, 5, and 6 ranked competencies in those locations other than to follow instructions and rank them 1-7. I feel that I could have ranked those in my top 3.

I ranked 'Stewardship' as my weakest as it can be difficult for landscape architects to limit our advocacy and promotion of the profession, as a whole, while wearing the CLARB hat. While serving on the CLARB Board of Directors, it is important to constantly remind ourselves that we are focused on regulation and licensure of the profession as well as HSW.

## Service Information

### Board Service

- Milone & MacBroom, Inc. BOD 2015-2020
- CT State Board, 2015-Present (Current Chair)
- Avon High School Booster Club Board, 2021-Present

### CLARB Service

- 2007-2012: CLARB Exam Grader
- 2010-2014: CLARB Exam Writer
- 2013-2014: CLARB Section 4 Exam Chairperson
- 2016-2018: CLARB Committee on Nominations
- 2019-Present: CLARB Director-at-Large

### Other Services, Awards, or Experience

- 2007-2017: MetroHartford Alliance Government Affairs Committee
- 2014-2020: Spirit of Springfield Annual Fundraiser Committee

## Questions from the Leadership Advisory Council

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

I hope to build upon my strengths and continue to learn with an open mind and grounded feet.

**When thinking about your role in CLARB leadership, what would success look like to you?** Maintain our leadership within the Regulatory and Licensure community by setting the standard and continuing to set the example for adaptation to industry, social, and governance changes in the world, creating a truly diverse organization in knowledge and appearance.

**What interests you about volunteering with CLARB?**

The organization, the people, and the professional stature in which it is run. Being able to pay it forward for future LA's to have a path to licensure is something that was provided to me by CLARB and I can only hope to be a part of providing that service to the profession. I look forward to challenging orthodoxy and being flexible with my own beliefs to ensure that the path to and through regulation and licensure is achievable and equitable to those who have the desire to make it happen.



## 2021 Candidate Interest Form

### Joel Kurokawa -- Treasurer Candidate

**Jurisdiction:** Hawaii

**Company:** Ki Concepts LLC

**Job Title:** Principal/Manager

**Education:** Bachelor of Landscape Architecture

**Licenses:** Hawaii

Watch Video Interview: <https://www.youtube.com/watch?=h1GHyeMgGKE&feature=youtu.be>

### Leadership Competencies

*Please rank your strongest and weakest leadership competencies. Please explain, giving examples as appropriate for your first and last choices.*

#### **Strongest: Stewardship**

Stewardship. I believe Stewardship to be among my top leadership competencies. I chose this profession because of its core purpose being land/environmental stewardship. This strong sense of Stewardship drives every planning/design project I take on and permeates the decision-making process throughout all aspects of my firm and professional life, be it financial, operations, human resources, and marketing/public relations. Stewardship is what motivates my desire to be of service to CLARB.

#### **Weakest: Effective Communicator**

Effective Communicator. I consider communication to be among my weakest leadership competencies. By nature I am an introvert and generally prefer being around a small group of trusted friends in a quiet setting enjoying meaningful conversations. I do not feel comfortable speaking in public, nor being the center of attention, and prefer, instead, to listen to what others have to say, observe their behavior/actions, and take the time to reflect and process the information before sharing my own thoughts with others, especially when I do not know the others in the group. However, knowing this about myself, and the importance of being an effective communicator in all aspects of personal and professional life, I have learned to put myself 'out there' to achieve the goals I've set for myself. I may never be a great public speaker, but I believe in constant improvement through preparation, practice, and perseverance in developing effective communication skills.

## Service Information

### Board Service

Hawaii State Board of Professional Engineers,  
Architects, Surveyors, and Landscape  
Architects, 8 years  
Board Member, 2017-2020  
Board Chair, 2016  
Board Vice Chair, 2015  
Board Member, 2013-2014  
Rules Committee Member, 2014-Present

### CLARB Service

CLARB Director-at-Large, 2019-present  
CLARB Region 5 Director, 2017-2019  
CLARB Annual Meeting Attendance Hawaii  
MBM, 2013-2020  
CLARB Representative to LA CES,  
Administration Committee, 2017-2019

### Other Services, Awards, or Experience

- ASLA Member since 1994
- ASLA Trustee, Hawaii Chapter, 2015-2017
- University of Hawaii at Manoa MLA Program  
Part-time Faculty
- Hawaii Dept. of Transportation Complete  
Streets Task Force, 2009-2010
- IFLA International Liaison for the Japanese  
Delegation, 1990-1997
- Attended IFLA World Congresses and  
Executive Committee Meetings: 1991; 1994;  
1997.
- Attended Eastern Region Conferences and  
Region Leadership Meetings: 1992; 1993;  
1995.
- SHADE Institute, Board President 2018-2019,  
Advisor/Mentor since 2015

## Questions from the Leadership Advisory Council

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

I grew up in Hawaii where demographically, ethnic minorities comprise the majority of the state's population; and I'm a product of that multi-cultural environment. I became a minority when I left for college. While my experiences were overwhelmingly positive and enriching as a student in WA and OR and later as an emerging professional in San Francisco, they were tainted with a few incidents of overt and systemic forms of racism. In addition, my eight years of work experience living in Tokyo, Japan, and serving as an international liaison for the Japanese delegation to IFLA, I gained a global perspective of the importance of Landscape Architecture and professional practice standards in developing countries. I bring this experience and cultural empathy to the CLARB Board as it continues to develop and implement strategies for diversity, equity, and inclusion and its Global Standards discussion.

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

Establishing new relationships and strengthening existing ones with CLARB members, stakeholders, and the Board in continuing to build an agile, forward looking organization that can adapt to its evolving needs while maintaining focus on smart regulation of landscape architects.

### What interests you about volunteering with CLARB?

I am interested in continuing the Board's efforts in envisioning CLARB 2.0, developing CLARB's Uniform Application and Standards, and furthering the discussion of Global Standards. I have found CLARB's work very interesting, rewarding, and enjoyable.



## 2021 Candidate Interest Form

### Daniel Biggs -- Leadership Advisory Council Candidate

**Jurisdiction:** New York

**Company:** Weston & Sampson, PE, LS, LA, PC

**Job Title:** Associate/ Regional Manager

**Education:** Master of Landscape Architecture

**Licenses:** Connecticut, Delaware, Maryland, Massachusetts, Missouri, New Jersey,  
New York, North Carolina, Pennsylvania, South Carolina, Vermont,  
Virginia, Washington, Wisconsin

Watch Video Interview: <https://www.youtube.com/watch?v=DI2-7Sw85fE>

### Leadership Competencies

*Please rank your strongest and weakest leadership competencies. Please explain, giving examples as appropriate for your first and last choices.*

#### **Strongest: Team Player**

As a manager of a region, multiple offices, and projects, I'm constantly communicating with my team members. Effective communication is key to collaboration and teamwork.

#### **Weakest: Intentional Learning**

I would rank intentional learning as my greatest weakness, as I'm constantly learning in life at work, and play. As a result, I rarely have dedicated time for intentional learning, but rather learn the skill or task at hand to become proficient and accomplish the challenge.

## Service Information

### Board Service

Secretary/Treasurer, Weston & Sampson Board of Directors

### CLARB Service

CLARB Section 3 Exam Writing Committee Member 2012-2018 (Committee Chair 2016-2018)

### Other Services, Awards, or Experience

Certified Irrigation Designer, Certified Arborist, Certified Ecological Restoration Practitioner  
Adjunct Professor - George Washington University & Westwood College for Landscape Design, and Construction Management.

Member of Sigma Lambda Chi (Construction Honor Society) & Sigma Lambda Alpha (Landscape Architecture Honor Society)

## Questions from the Leadership Advisory Council

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

One of my qualifications or experiences you may not be aware of is that I was a CLARB Exam Committee member for several terms. I also have experience leading teams of various sizes, from a landscape architecture practice of a specialized design firm to leading a regional office of a 700-person multi-disciplinary firm.

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

Success would be continuing to embrace the values of CLARB, while further progressing licensure initiatives and resources for candidates and practitioners.

### What interests you about volunteering with CLARB?

My past experiences volunteering with CLARB were exceptional, and I look forward to new roles with CLARB, carrying forward my experience with the exam writing committee.



## 2021 Candidate Interest Form

### Julia Manley -- Leadership Advisory Council Candidate

Watch Video Interview: <https://www.youtube.com/watch?v=RcTUd2pzCUk>

**Jurisdiction:** Washington

**Company:** Washington Board of Licensure for Landscape Architects

**Job Title:** Assistant Administrator

**Education:** Associate Degree - Business Administration and Operations

**Licenses:** NA

Watch Video Interview: <https://www.youtube.com/watch?v=RcTUd2pzCUk>

### Leadership Competencies

*Please rank your strongest and weakest leadership competencies. Please explain, giving examples as appropriate for your first and last choices.*

#### Strongest: Responsibility

My strongest competency on this list is responsibility. When I agree to do something I take that commitment seriously and prioritize my work to be sure I deliver a quality product, and I do not take on more than I can complete.

#### Weakest: Effective Communicator

My weakest competency on this list is effective communication. I chose this because, while my written communication is strong, I feel my public speaking skills are not very strong. I am not completely comfortable speaking in front of large crowds, which makes it hard to articulate my thoughts effectively.

## Service Information

### Board Service

MBE, Washington Landscape Architect and Geologist boards - 2015-Present

### CLARB Service

Model Board Pilot Project Participant 2015 - 2016, Presented Final Report at 2016 Annual Meeting

Member Board Executives Committee 2017 - 2019

Rethink Regulation Work Group 2018

Rethink Regulation Policy Work Group 2019

### Other Services, Awards, or Experience

NCARB Licensing Advisors Community member since 2016, recipient of top contributor recognition award 2019

NCARB Member Board Staff Work Group - 2019

CLARB Presidential Recognition Award - 2019

LEAN Process Improvement Project Leader

Subject Matter Expert for Washington Department of Licensing Modernization Project 2016 - Present

## Questions from the Leadership Advisory Council

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

I will bring my experience working with diverse groups to manage change and encourage new ideas along with my interpersonal skills to gain the support of groups. My time on the CLARB Rethink Regulation Work Groups enriched my strategic thinking skills, my ability to uncover inefficiencies, and prepared me to take on a more significant role in CLARB leadership. Since beginning to work with the regulatory boards in Washington, I helped direct two boards through the challenges of updating their regulations. This work required strong attention to detail and the ability to keep large groups on track and moving towards their goals. Over the last two years, I have been an integral member of a project team tasked with implementing a new software system for licensing and compliance for the business and professions division of the Department of Licensing. While working on the project, I used my diversity, equity, and inclusion training to help build understanding and trust between the developers and the subject matter experts on the program. This work directly affected staff and the licensees regulated by the five regulatory boards within our division of the agency. This required considerable change management work to ensure all parties were informed and that they felt we took their concerns seriously.

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

To me, being a successful member of CLARB leadership would mean keeping the organization moving forward, and making sure everyone has a voice in decisions that make that forward motion possible. To continue to look forward at what can be, not what has been.

### What interests you about volunteering with CLARB?

I find volunteering with CLARB to be intellectually stimulating and it gives me a sense of giving back to a larger community.



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

TO: Member Board Executives

FROM: Andrea Elkin  
PMO Manager

RE: Letter of Delegate Credentials for Elections

With regard to board delegation and voting rights, Article VI, Section 3 of CLARB's Bylaws state:

"Each member board is entitled to be represented at CLARB meetings. As many delegates as are able to attend may represent a member board, but only one (1) vote may be cast on each motion for each member board by its credentialed delegate. A letter of credential from the delegate's board shall identify the voting delegate attending the annual meeting or any special meeting of CLARB. The credentialed delegate must be a member or staff of the member board."

**The credentials letter should be filled out by a Member Board Executive or officer of the Member Board. The credentials letter should designate the Member Board Member, Member Board Executive, or Member Board Staff Member who is/are eligible to cast your Board's ballot. Only one ballot per Member Board may be cast.**

Please submit your board's ballot and credentials letter together as one voting package.

You may choose any of the following options to submit your voting package to CLARB:

- Email -- As an attachment (Word or PDF) to Andrea Elkin by Thursday, September 16
- In-person -- At CLARB's Annual Meeting registration area by noon on Thursday, September 23

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

DATE: \_\_\_\_\_

TO: CLARB Board of Directors

FROM: \_\_\_\_\_

(Member Board)

RE: Letter of Delegate Credentials for 2021 CLARB Annual Meeting

In accordance with Article VI, Section 3 of the Bylaws of the Council of Landscape Architectural Registration Boards, the CLARB Member Board indicated above has designated the following member(s) as its delegate(s) to the CLARB Annual Meeting September 22-24, 2021.

We understand that delegates are eligible to vote on behalf of the Member Board on all business matters and that only one ballot per Board may be cast regardless of the number of delegates present.

NAME

POSITION

_____	_____
_____	_____
_____	_____
_____	_____

In addition, the following representatives will be in attendance:

_____
_____
_____

Signed by: \_\_\_\_\_

Name

\_\_\_\_\_  
Title



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

## 2021 Board of Directors & Leadership Advisory Council Elections Ballot

**MEMBER BOARD:** \_\_\_\_\_

**COMPLETED BY:**

*Please note- Ballots may only be completed by a member or staff from the member board who has been authorized on the credentials letter to represent the member board's vote. The same person may not sign the ballot and the credentials letter.*

*Please check the boxes to cast your vote:*

***President-Elect (select 1)***

**Allison Fleury**

**Carisa McMullen**

***Leadership Advisory Council (select 2)***

**Daniel Biggs**

**Julia Manley**

***Treasurer (select 1)***

**Mark Arigoni**

**Joel Kurokawa**

Please submit your board's ballot and credentials letter together as one voting package.

You may choose any of the following options to submit your voting package to CLARB:

- Email -- As an attachment (Word or PDF) to [Andrea Elkin](#) by **Thursday, September 16**
- In-person -- At CLARB's Annual Meeting registration area by noon on **Thursday, September 23**

## **AGENDA ITEM M.3: DISCUSS AND POSSIBLE ACTION ON CLARB UNIFORM STANDARDS, AND PRE-APPROVAL PROCESS**

### **Summary**

In exploring application efficiencies, CLARB initiated a Rethink Regulation Initiative which has an overarching goal to reduce friction in the licensure process. The initiative identifies three main areas of focus including 1) the standardization of education and experience requirements across member boards, 2) a uniform application analyzing the collection of data among different jurisdictions, and 3) a procedural change for candidates to initiate the licensure process through CLARB.

At the September 4, 2020 LATC meeting, CLARB representatives presented an overview of the proposed standardization recommendations and explained that CLARB is exploring a uniform standard enabling mobility; eliminating duplication in documentation; and efficiencies 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. CLARB informed the LATC that the uniform standard includes education, experience, and examination, however the standard allows candidates to take the LARE with a LAAB accredited degree and gain experience prior to licensure rather than prior to examination. It was also acknowledged that there may be statutory or regulatory changes required to implement qualification and procedural changes. At this time, staff have determined that the following code sections may be affected: Business and Professions Code (BPC) sections 5650 and 5651 as well as California Code of Regulations (CCR) sections 2610, 2615, 2621 and 2649 (Attachments M.1-M.6).

A prototype of the uniform application was presented at the virtual CLARB Annual Meeting on September 10, 2020 (Attachment M.7), along with further discussion on uniform standards and policies. CLARB held a Preapproval Information Session on May 13, 2021, to cover pre-approval versus direct registration, initial steps boards can take, and the political environment. Presentations slides from the session are attached (Attachments M.8 and M.9). During the September 22-24, 2021 CLARB Annual Meeting, member boards will discuss implementing the uniform standard for licensure. Board executives will also be presented with the uniform application and be provided details of each item on the uniform application. CLARB will discuss their envisioned future which includes responsibilities for 1. Standards; 2. Data clearinghouse; 3. Validation/verification; and 4. Research. Board functions are envisioned to consist of 1. License; 2. Enforcement; 3. Outreach; 4. Education.

### **Action Requested**

Discuss and possible action on CLARB uniform standards, and pre-approval process.

## **Attachments**

1. BPC section 5650 (Examinations—Qualifications, Application, Fee)
2. BPC section 5651 (Examination of Applicants)
3. CCR section 2610 (Application for Examination)
4. CCR section 2615 (Form of Examinations)
5. CCR section 2621 (Holding Examinations)
6. CCR section 2649 (Fees)
7. CLARB Proposed Uniform Application
8. CLARB Uniform Standard Research Background Presentation
9. CLARB Pre-Approval Feedback Presentation

**State of California****BUSINESS AND PROFESSIONS CODE****Section 5650**

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5650. Subject to the rules and regulations governing examinations, any person, over the age of 18 years, who has had six years of training and educational experience in actual practice of landscape architectural work shall be entitled to an examination for a license to practice landscape architecture. A degree from a school of landscape architecture approved by the board shall be deemed equivalent to four years of training and educational experience in the actual practice of landscape architecture. Before taking the examination, a person shall file an application therefor with the executive officer and pay the application fee fixed by this chapter.

(Amended by Stats. 2000, Ch. 1054, Sec. 22. Effective January 1, 2001.)



**State of California**

**BUSINESS AND PROFESSIONS CODE**

**Section 5651**

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5651. (a) The board shall by means of examination, ascertain the professional qualifications of all applicants for licenses to practice landscape architecture in this state and shall issue a license to every person whom it finds to be qualified on payment of the initial license fee prescribed by this chapter.

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

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

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

(Amended by Stats. 2009, Ch. 307, Sec. 68. (SB 821) Effective January 1, 2010.)

[Home](#) [Table of Contents](#)**§ 2610. Application for Examination.**

16 CA ADC § 2610

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

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

Title 16. Professional and Vocational Regulations

Division 26. Landscape Architects Technical Committee

Article 1. General Provisions (Refs &amp; Annos)

16 CCR § 2610

**§ 2610. Application for Examination.**

(a) Application for examination shall be made upon the form provided by the Board, accompanied by such evidence, statements, or documents as therein required.

(b) The application shall be filed with the Board at its offices in Sacramento, California at least forty-five (45) days prior to the date of the examination which the applicant wishes to take and shall be accompanied by the fee required by Section 5681 (a) of the Code. Refunds of fees to applicants who are found to be ineligible to take the examination shall be made in accordance with Section 158 of the Code.

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

**HISTORY**

1. Amendment filed 2-20-57; effective thirtieth day thereafter (Register 57, No. 4).
2. Amendment of subsection (b) filed 9-11-87; operative 9-11-87 pursuant to Government Code Section 11346.2(d) (Register 87, No. 37).
3. Amendment filed 8-4-98; operative 8-4-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 32).
4. Change without regulatory effect amending subsection (b) filed 5-5-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 19).
5. Amendment of subsection (b) and Note filed 12-3-2014; operative 4-1-2015 pursuant to Government Code section 11343.4 (Register 2014, No. 49).

This database is current through 7/9/21 Register 2021, No. 28

16 CCR § 2610, 16 CA ADC § 2610

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**END OF DOCUMENT**

**§ 2615. Form of Examinations.**

16 CA ADC § 2615

## BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

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

Title 16. Professional and Vocational Regulations

Division 26. Landscape Architects Technical Committee

Article 1. General Provisions (Refs &amp; Annos)

16 CCR § 2615

**§ 2615. Form of Examinations.**

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

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

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

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

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

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

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

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

**HISTORY**

1. New section filed 6-23-93; operative 6-23-93 pursuant to Government Code section 11346.2(d) (Register 93, No. 26).
2. Amendment of subsection (b) and new subsections (b)(1)-(c) filed 10-18-94; operative 11-17-94 (Register 94, No. 42).
3. Amendment filed 8-29-97; operative 8-29-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 35).
4. Change without regulatory effect amending first paragraph and subsections (a) and (c) filed 5-1-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 18).
5. Change without regulatory effect amending section filed 5-5-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 19).
6. Amendment of subsections (a) and (b) filed 3-8-2005; operative 4-7-2005 (Register 2005, No. 10).
7. Amendment filed 6-26-2009; operative 10-1-2009 (Register 2009, No. 26).

8. Amendment filed 3-7-2012; operative 3-7-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 10).

9. Amendment of subsection (a)(2) filed 12-13-2012; operative 12-13-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 50).

This database is current through 7/9/21 Register 2021, No. 28

16 CCR § 2615, 16 CA ADC § 2615

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**END OF DOCUMENT**

[Home](#) [Table of Contents](#)**§ 2621. Holding Examinations.**

16 CA ADC § 2621

## BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

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

Title 16. Professional and Vocational Regulations

Division 26. Landscape Architects Technical Committee

Article 1. General Provisions (Refs &amp; Annos)

16 CCR § 2621

**§ 2621. Holding Examinations.**

(a) After a candidate has been found to possess the minimum requirements as provided in Section 5650 of the Code, he or she will be notified of the process required to apply and examine for specific sections of the Landscape Architect Registration Examination.

(b) To qualify for licensure, an applicant must pass each section of the Landscape Architect Registration Examination and the California Supplemental Examination. In case of failure of one or more sections, such sections may be retaken at a subsequent examination after application as prescribed above. Sections passed successfully need not be repeated.

(c) After a candidate has applied and been found to have passed all sections of the Landscape Architect Registration Examination as provided in Section 2614, he or she will be notified of the process required to apply and examine for the California Supplemental Examination.

(d) An applicant who fails to take an assigned California Supplemental Examination shall forfeit his or her examination fee. It is further provided that any unused portion of the examination fee may be transferred by the Board to the next scheduled examination where reasons of health, certified by a medical doctor, or other verifiable good cause exists that prevent taking the examination, are provided to the Board within fourteen (14) days after the assigned examination.

(e) Each candidate shall be notified as to his or her score in each section of the examination.

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

**HISTORY**

1. Amendment filed 2-20-57; effective thirtieth day thereafter (Register 57, No. 4).
2. Amendment of subsection (a) filed 2-2-83; effective thirtieth day thereafter (Register 83, No. 6).
3. Amendment of subsection (c) filed 11-14-95; operative 12-14-95 (Register 95, No. 46).
4. Amendment filed 8-4-98; operative 8-4-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 32).
5. Change without regulatory effect amending section filed 5-5-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 19).
6. Amendment of section heading and section filed 6-26-2009; operative 10-1-2009 (Register 2009, No. 26).

This database is current through 7/9/21 Register 2021, No. 28

16 CCR § 2621, 16 CA ADC § 2621

END OF DOCUMENT

[Home](#) [Table of Contents](#)**§ 2649. Fees.**

16 CA ADC § 2649

## BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

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

Title 16. Professional and Vocational Regulations

Division 26. Landscape Architects Technical Committee

Article 1. General Provisions (Refs &amp; Annos)

16 CCR § 2649

**§ 2649. Fees.**

The fees for landscape architect applicants and landscape architect licensees shall be fixed by the Board as follows:

- (a) The fee for reviewing an eligibility application or an application to take the California Supplemental Examination is \$35.
- (b) The fee for the California Supplemental Examination is \$275.
- (c) The fee for a duplicate license is \$15.
- (d) The penalty for late notification of a change of address is \$50.
- (e) The fee for an original license is \$400.
- (f) For licenses expiring on or after July 1, 2009, the fee for biennial renewal shall be \$400. For licenses expiring on or after July 1, 2015, the fee for biennial renewal shall be \$220. For licenses expiring on or after July 1, 2019, the fee for biennial renewal shall be \$400.

Note: Authority cited: Section 5630, Business and Professions Code. Reference cited: Section 5681, Business and Professions Code.

**HISTORY**

- 1. New section filed 8-23-76 as an emergency; effective upon filing (Register 76, No. 35).
- 2. Certificate of Compliance filed 10-15-76 (Register 76, No. 42).
- 3. Renumbering of section 2650 to section 2649 and amendment filed 12-18-79; effective thirtieth day thereafter (Register 79, No. 51). For history of former section 2650, see Register 57, No. 4; and Register 77, No. 49.
- 4. Amendment of subsections (a) and (b) filed 3-17-81; effective thirtieth day thereafter (Register 81, No. 12).
- 5. Amendment of subsections (a) and (b) filed 2-2-83; effective thirtieth day thereafter (Register 83, No. 6).
- 6. Amendment of subsections (a) and (b) filed 9-11-87; operative 9-11-87 pursuant to Government Code section 11346.2(d) (Register 87, No. 37).
- 7. Amendment filed 2-24-89; operative 2-24-89 (Register 89, No. 10).
- 8. Amendment filed 10-16-91; operative 11-15-91 (Register 92, No. 7).
- 9. Amendment of subsection (a) filed 11-14-95; operative 12-14-95 (Register 95, No. 46).
- 10. Repealer of subsection (g) filed 12-12-96; operative 1-11-97 (Register 96, No. 50).
- 11. Change without regulatory effect amending subsections (d) and (f) filed 2-19-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 8).
- 12. Repealer of subsections (a) and (b), new first paragraph, and new subsections (a)-(b)(2) and (g) filed 2-3-99; operative 2-3-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 6).

13. New subsections (h) and (i) filed 5-4-2000; operative 5-4-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 18).

14. Repealer of subsection (b)(1), subsection renumbering, and new subsections (b)(2) and (b)(3) filed 6-7-2001; operative 6-7-2001 pursuant to Government Code section 11343.4 (Register 2001, No. 23).

15. Repealer of subsection (c), subsection relettering, and amendment of newly designated subsection (c) filed 3-29-2002; operative 4-28-2002 (Register 2002, No. 13).

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

17. Amendment of subsection (a), repealer of subsections (b)-(b)(3), new subsection (b) and amendment of subsections (g)-(h) filed 9-20-2007; operative 10-3-2007 pursuant to Government Code section 11343.4(b) (Register 2007, No. 38).

18. Redesignation of subsection (b) as subsection (b)(1), new subsections (b)(2)-(3) and amendment of subsections (e) and (f) filed 7-30-2008; operative 8-1-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 31).

19. Amendment of subsection (a), redesignation and amendment of former subsection (b)(1) as subsection (b) and repealer of subsections (b)(2)-(3), (g) and (h) filed 6-26-2009; operative 10-1-2009 (Register 2009, No. 26).

20. Amendment of subsections (b), (e) and (f) filed 3-18-2015; operative 7-1-2015 (Register 2015, No. 12).

21. Amendment of subsection (f) filed 6-23-2017; operative 7-1-2017 pursuant to Government Code section 11343.4(b)(3) (Register 2017, No. 25).

This database is current through 7/9/21 Register 2021, No. 28

16 CCR § 2649, 16 CA ADC § 2649

**END OF DOCUMENT**

**Disclaimer**

**This document is a draft of the Uniform Application for Licensure, and the information contained in this document is for review and feedback by CLARB members ONLY.**

# **UNIFORM APPLICATION**

**The enclosed application for licensure includes:**

- **Applicant Information**
- **Education Information**
- **Examination Information**
- **Registration Information**
- **Self-reported Reported Information**
- **Work Experience Information**

## SUPPORTING DETAILS

Below are the comprehensive details of the applicant's history as verified by CLARB. The information is not an evaluation of the record against CLARB's Standard of Eligibility for Council Certification.

## APPLICANT DETAILS

Name:	Military Status:
Address:	Candidate ID:
Phone:	Council Record #:
Email:	Council Record Status:

## EDUCATION DETAILS VERIFIED

Degree Type:	Category:	
Institution Name:		
Graduation Date:	Verified By:	Date Verified:

## EXAMINATION DETAILS VERIFIED

The applicant Mariela Wagner has completed the examination for licesnure.

Examination Section	Date Passed/Credit Achieve	Verified By	Date Verified
---------------------	----------------------------	-------------	---------------

\*\*The word "Credit" indicates a transition credit for the current section of the L.A.R.E.

## REGISTRATION DETAILS VERIFIED

Jurisdiction	Initial Registration Date	Expiration Date	Registration Number
--------------	---------------------------	-----------------	---------------------

Applicant has derogatory information on file with Board or license has ever been suspended, revoked, or denied:

Explanation:

Verified By:	Title:	Date Verified :
--------------	--------	-----------------

VERIFIED DICIPLINARY ACTION

Jurisdiction	Disciplinary Action Take on	Discipline Taken	Reason for Discipline
<div></div>	<div></div>	<div></div>	<div></div>

SELF-REPORTED REGISTRATION DETAILS

Disciplinary History

Yes

No

Jurisdiction:

Date:

Explanation/Description of the incident(s):

Time lapsed of license:

Yes

No

Jurisdiction:

Date:

Explanation/Description of the incident(s):

Withdrawal of license:

Yes

No

Jurisdiction:

Date:

Explanation/Description of the incident(s):

Upload document:

WORK EXPERIENCE DETAILS VERIFIED

Employer:	Experience Evaluation Category:	Duration:	Supervisors Status:	Competencies (Prof. /Tech.)
Supervisors Name:		Direct Supervisor:	Hours:	
Supervisor's Licensure Information:				
Jurisdiction	Initial Registration Date	Expiration Date	Registration Number	
Skills:		Technical Competence Explanation:		
		Professional Conduct Explanation:		
Verified By:		Date Verified:		

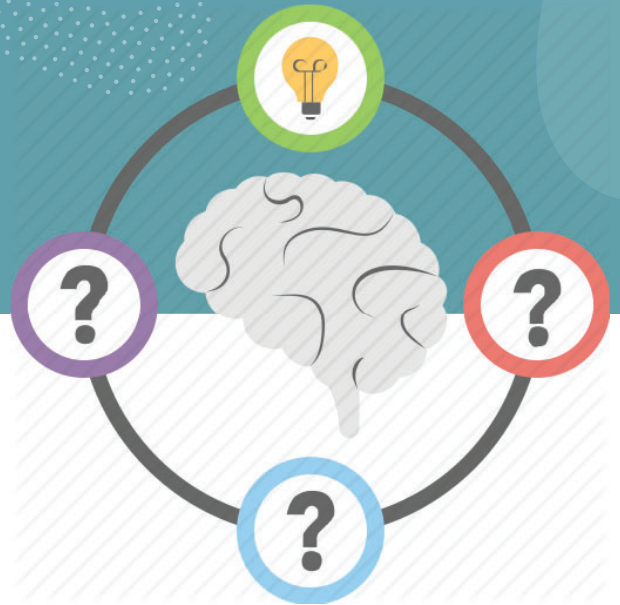
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Employer:	Experience Evaluation Category:	Duration:	Supervisors Status:	Competencies (Prof./Tech.)
Supervisors Name:		Direct Supervisor:	Hours:	
Supervisor's Licensure Information:				
Jurisdiction	Initial Registration Date	Expiration Date	Registration Number	
Skills:		Technical Competence Explanation:		
		Professional Conduct Explanation:		
Verified By:		Date Verified:		

**Copy of official transcripts will be included.**

DRAFT

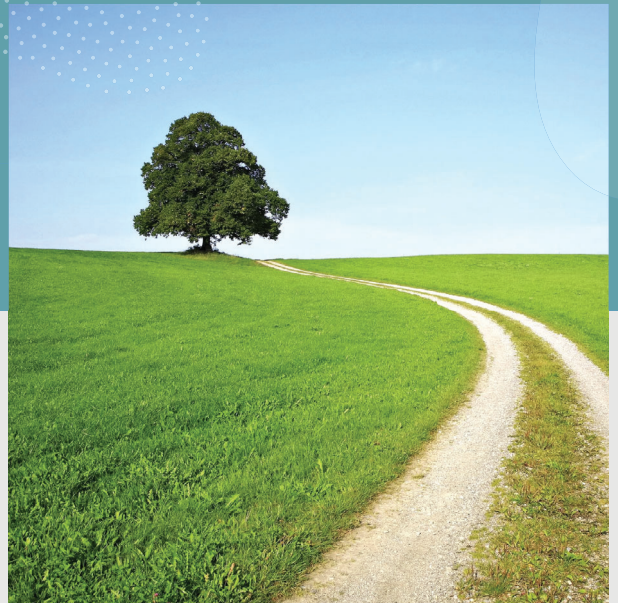
## Rethinking Regulation – Promoting Defensible, Equitable and Accessible Standards for Landscape Architecture Licensure



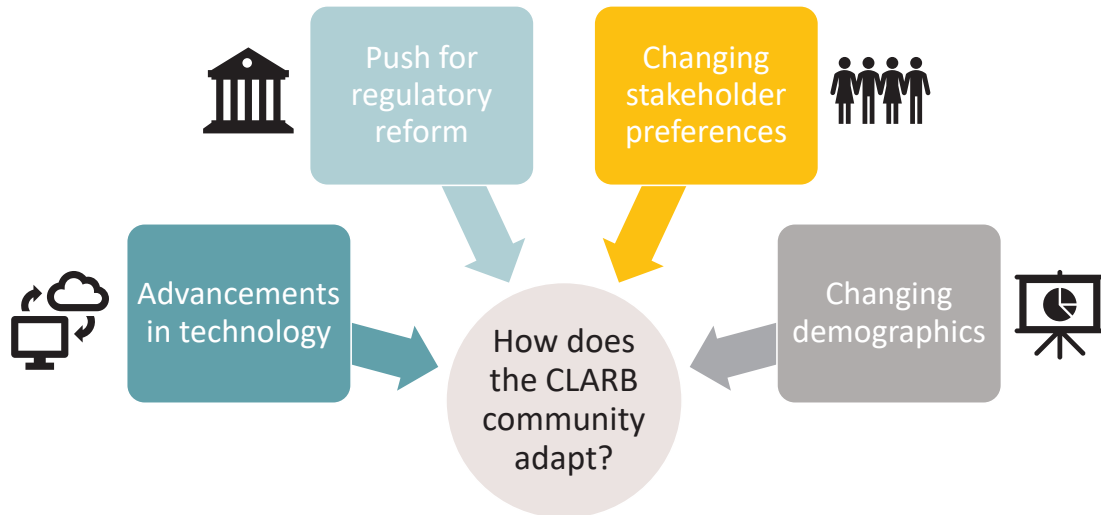
### Uniform Standard Options

## Background

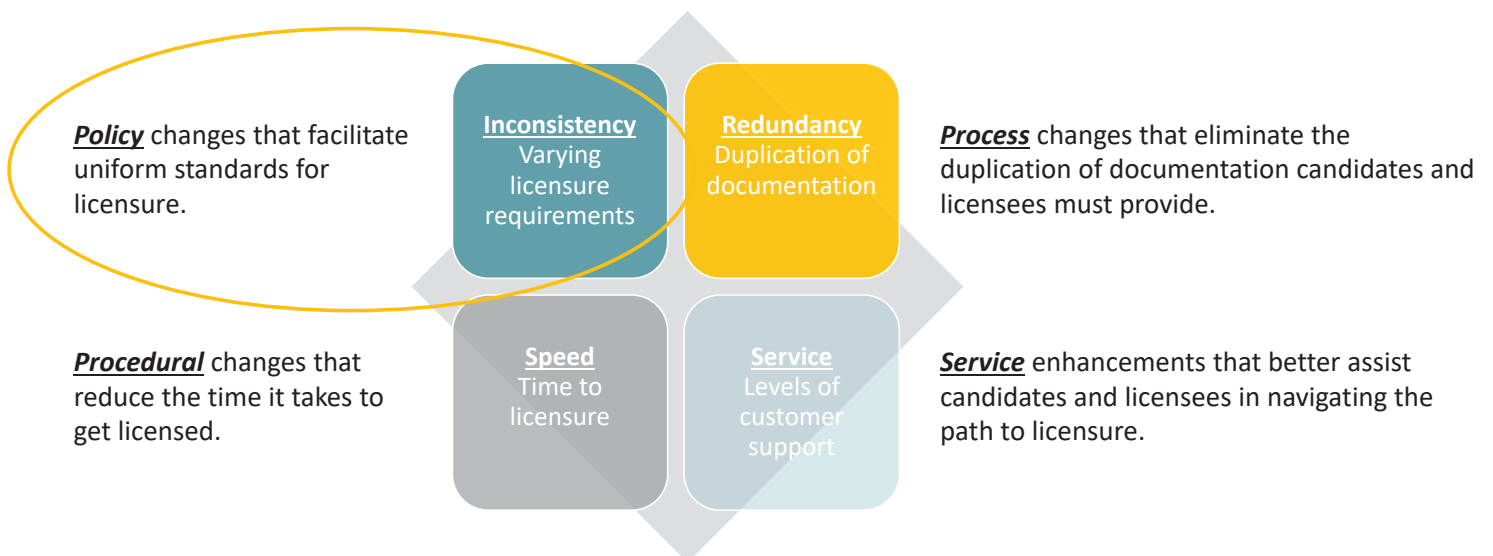
Background and goals of program and FY2021 uniform standard project



# Why Rethink Regulation?



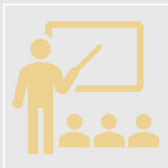
## Rethink Projects



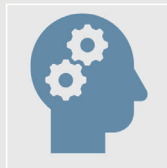
# Why a Uniform Standard?

- Achieve consistent licensure requirements across jurisdictions
- Improve the landscape architecture mobility model
- Provide for increased equity to promote diversity
- Increase defensibility of licensure requirements

## Elements of a Uniform Standard



Inclusive Education  
Pathways



Justifiable Experience  
Requirements



Defensible Licensure  
Examination

# How Do We Get There?

Research required to define defensible requirements

## Education

- Do different educational paths have an impact on success on the exam?
- Which alternative paths are acceptable “equivalent” options to the accredited degree?

## Experience

- How many years of experience does a candidate need to successfully uphold HSW standards?

# Data and Information Inputs



Recommendations from ASLA on alternative educational paths / Inputs from CELA



Requirements for related design disciplines (architecture and engineering)



Correlations related to current member requirements



Correlations related to years of experience (and education type) and demonstration of competency



Input from the profession on when they felt competent to practice independently

# Education Requirements Recommendations

ASLA Licensure Committee  
Recommendations for Acceptable  
Educational Pathways for Licensure



## Recommended Education Paths

- Accredited Landscape Architecture Degree (preferred)
- Education by Other Degree Types
- Education through Practical Experience Only

# CELA Survey Results

62.5% favor a uniform education standard;  
33.3% unsure

66.6% support LAAB-accredited degrees as the standard

Recommend: Tiered approach to accredited equivalent education paths

Concerns: protect the integrity of LA education; impact to accredited degree programs

## Jurisdictions with Accredited Programs and Alternative Education Paths



## Summary of Findings

- BROAD SUPPORT FOR THE DEVELOPMENT OF A UNIFORM (EDUCATION) STANDARD
- PREFERENCE IS GIVEN TO THE ACCREDITED DEGREE PATH
- ALTERNATIVE PATHS SHOULD INCLUDE ADDITIONAL EXPERIENCE TO FILL THE “GAPS” IN EDUCATION



## Licensure Requirements

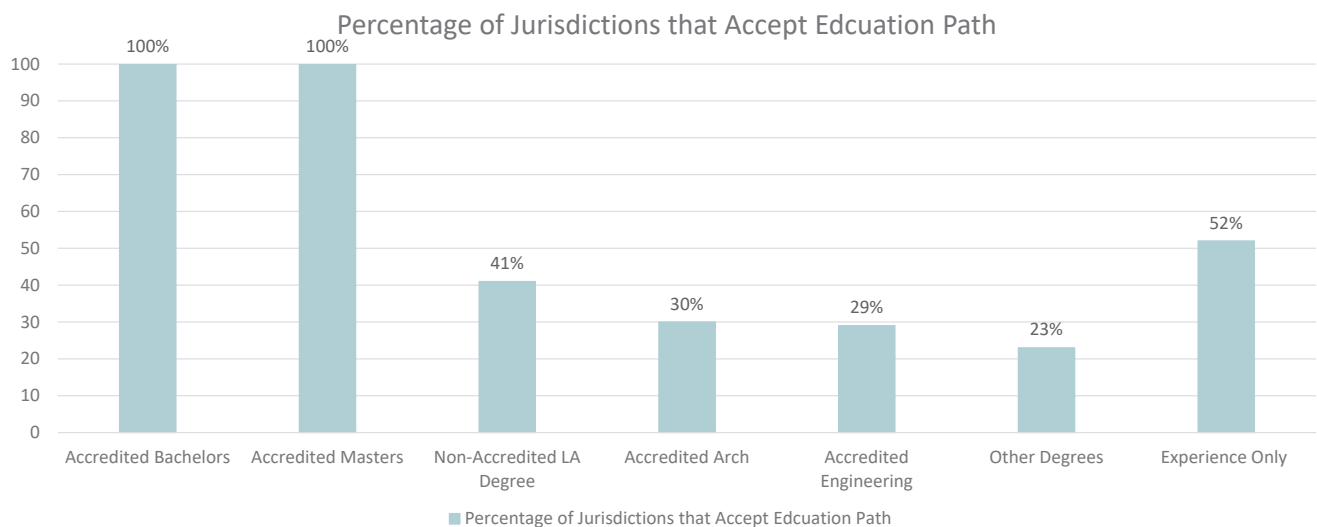
Within landscape architecture and across related design disciplines



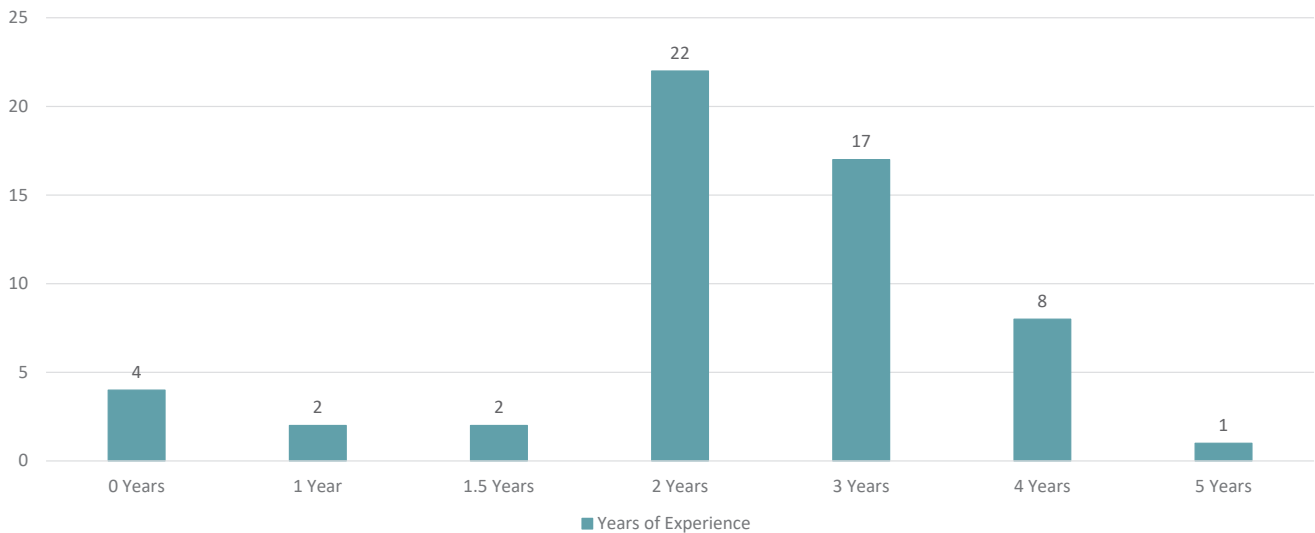
# Landscape Architecture Requirement Stats

	Accredited LA	Non-Accredited LA Degree	Related Accredited Disciplines	Unrelated Higher Ed Degrees	Experience Only (HS Diploma)
Avg. Total Years	2.5 years	4.25 years	4.75 years	6 years	8.5 years
Range of Total Years	0-6 years	1-11 years	1-11 years	3-11 years	3-12 years
Avg. Years Under an LA	1.5 years	2.5 years	3.25 years	4 years	6.5 years
Number of Jurisdictions that Accept	56	22-24	16-17	13	29

# Landscape Architecture Acceptance by Education Path

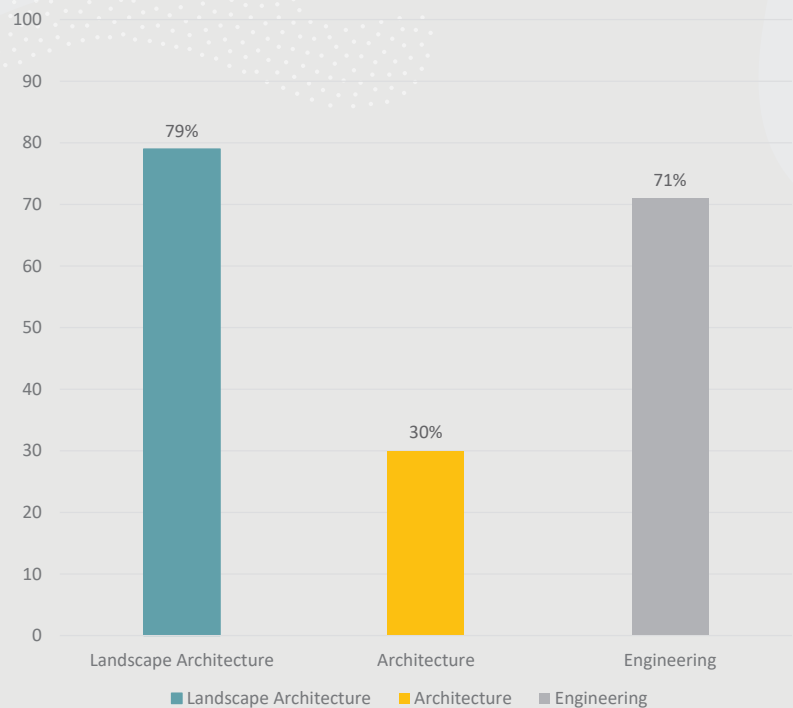


# Years of Experience Required for Accredited Bachelors Degrees

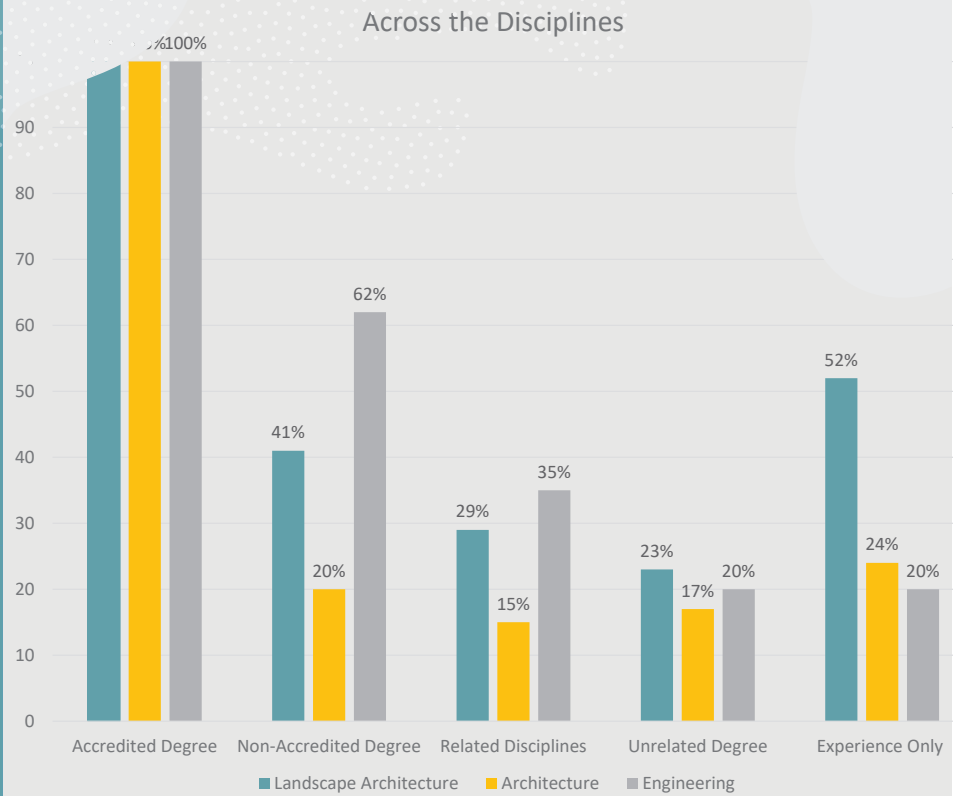


## Alternative Education Paths Across Disciplines

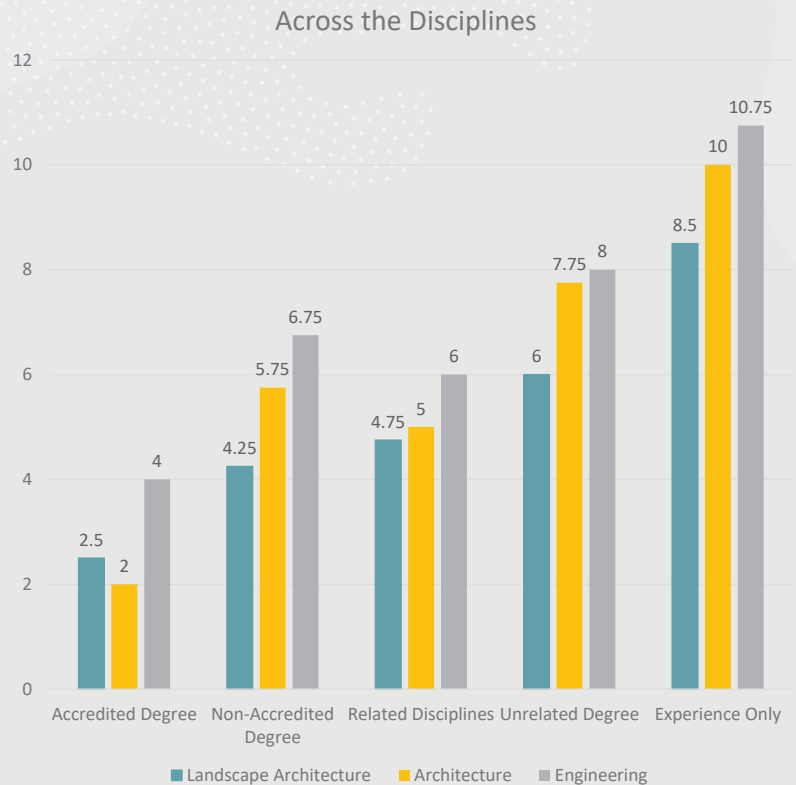
Percentage of Jurisdictions that Accept At Least One Alternative Education Path



## Accepted Education Types Across Disciplines



## Average Years of Experience by Education Path



# Certification Requirements Across Disciplines

## CLARB Certified

- Accredited degree
- 3 years of experience
- LARE
- Licensure in good standing

## NCARB Certified

- Accredited degree
- =1.8 years of experience (AXP)
- ARE
- Licensure in good standing

## NCEES Model Law Engineer

- Accredited degree
- 4 years of experience
- FE/PE
- Licensure in good standing

## Summary of Findings

- Alternative education paths are recognized across all three design disciplines.
- Our sister disciplines are beginning to explore/consider increased equity and access related to licensure requirements.



# Complaint and Discipline Data



Is there a higher instance of complaints in jurisdictions with lower experience requirements?

## Background

### Research question

**Is there a higher incidence of complaints in jurisdictions with lower experience requirements?**

### Data used

- Member requirements (degrees accepted, number of years of experience required for each degree)
- Complaint and discipline data

### Research methodology

- Analyze correlation between years of experience required and instances of complaints for various degree-types

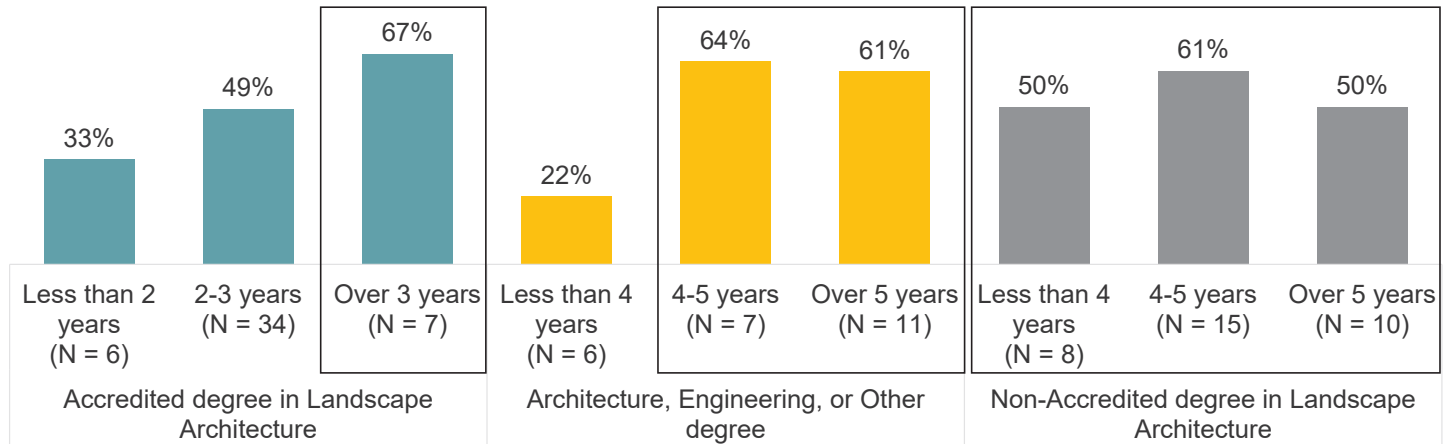
### Considerations

- Some missing data
- Very few complaints (51% of jurisdictions received no complaints over last year)
- Only assessed initial licensure
- Amended some self-reported datapoints for consistency

# Key Finding

The data revealed that **there is *not* a higher incidence of complaints in jurisdictions with lower experience requirements**. On the contrary, for the majority of Bachelor's and Master's degrees accepted, **instances of complaints were least common for jurisdictions that required the fewest years of experience**.

Instances of Complaints by Years of Experience Required



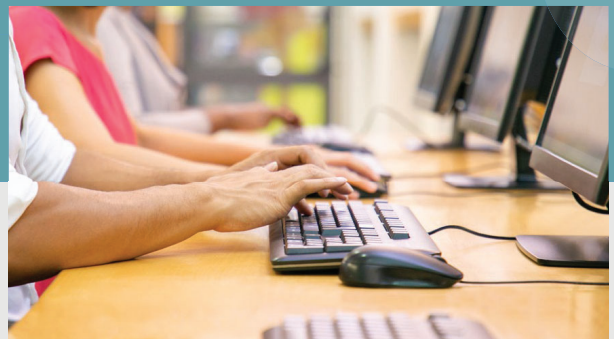
*The values above represent the percentage of jurisdictions that received one or more complaints over the last year. Data has been aggregated across Bachelor's and Master's degrees, as trends were similar for both degree-types. No significant differences were seen across jurisdictions that accept Architecture, Engineering, or "Other" degrees, so that data has been consolidated as well.*



Professional Testing

## Competency Research

Research conducted by Professional Testing on individual success on the L.A.R.E.



# Research Question

Do the following demographics impact candidate performance on the L.A.R.E.?

- Level of education
- Evaluation category
- Years of experience
- Time between graduation and testing

## Methods

- Aggregated score data from April 2017 through December 2020
- Council Record education and experience data
- Excludes repeat candidates
- Study includes:
  - 10,712 candidates on the education variables, and
  - 7,533 candidates on the experience variable



# Methods

The “time between graduation and testing” and “years of experience” variables were categorized in the following ways:

- <1 Year (0-11 months)
- 1 Year (12-23 months)
- 2 Years (24-35 months)
- 3 Years (36-47 months)
- 4 Years (48-59 months)
- 5 Years (60-71 months)
- 6+ Years (72 or more months)

## Methods

- Level of education was defined as:
  - Associate degree
  - Bachelor’s degree
  - Certificate
  - Graduate degree
  - Other
- Evaluation Category was defined as:
  - Accredited Architect/Engineer
  - Accredited Landscape Architect
  - Non-Accredited Landscape Architect
  - Other

# Years Since Graduation Analysis

There are statistically significant differences between:

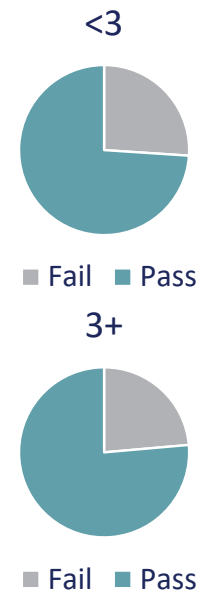
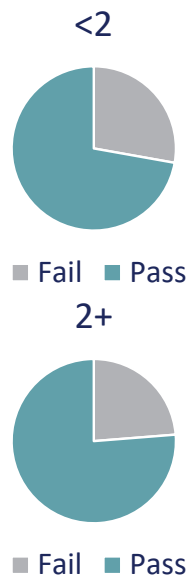
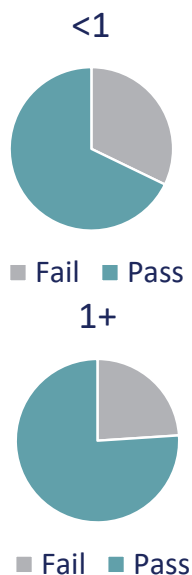
In all three cases, candidates with more experience were more likely to pass the exam than candidates with less experience

Candidates with less than 1 year post-graduation vs. those with 1 or more years between graduation and testing

Candidates with less than 2 years post-graduation vs. those with 2 or more years between graduation and testing

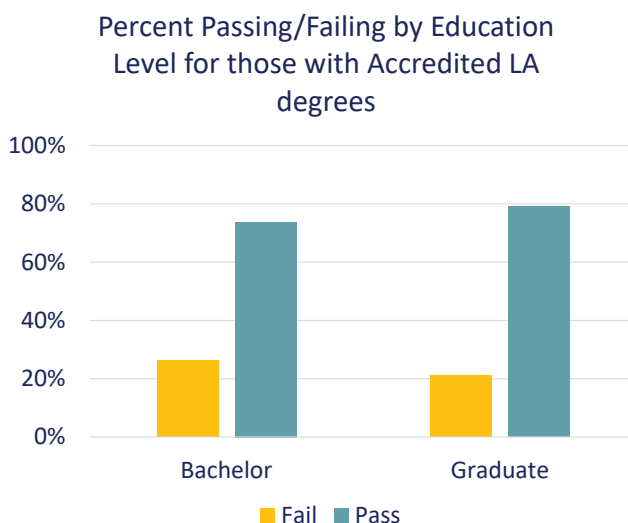
Candidates with less than 3 years post-graduation vs. those with 3 or more years between graduation and testing

## Years Since Graduation Findings



# Education Level Findings

Education	F	P	Total
Bachelor Accredited LA	26%	74%	100%
Graduate Accredited LA	21%	79%	100%
<b>Grand Total</b>	<b>2425</b>	<b>7713</b>	<b>10138</b>



## Summary of Findings

- The “sweet spot” for passing the L.A.R.E. appears to be between one- and three-years post-graduation/between one and three years of experience.
- The higher the level of education, the better candidates perform on the exam.



Graduate Degree from an Accredited LA program  
 Bachelor's Degree from an Accredited LA program  
 Other Graduate/Bachelors Degrees  
 Other

More likely to Pass  
 Less likely to Pass

# Council Record Holder Survey



Council Record Holders were surveyed in March 2021

## Survey Respondent Profile

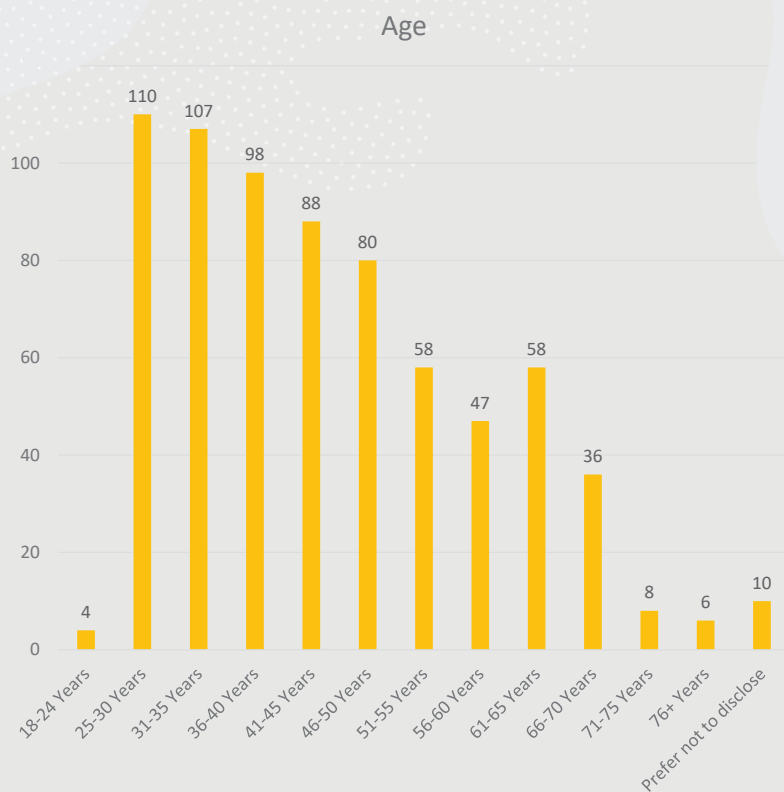
### Total

- 864 respondents
- 50 jurisdictions represented

### Breakdown

- 55% Licensed, 43% Emerging
- 95% Accredited degree
- 76% Caucasian

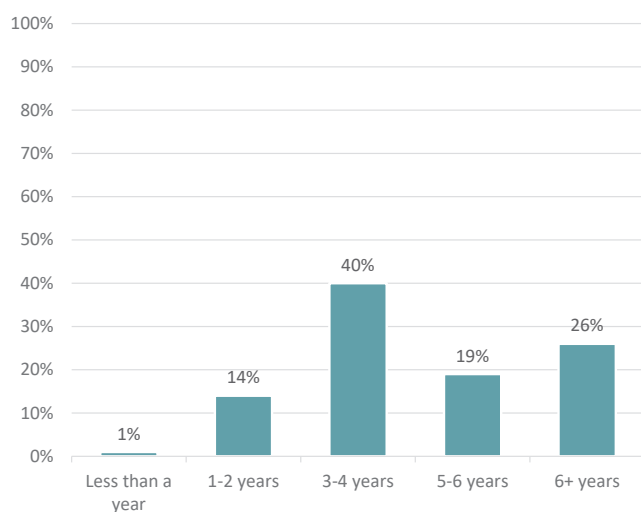
# Survey Respondents By Age



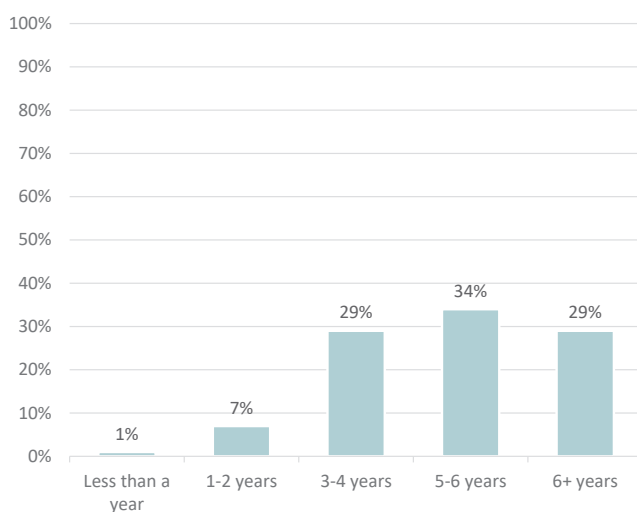
How many years of experience did you have...

N=450

at the time you were initially licensed?



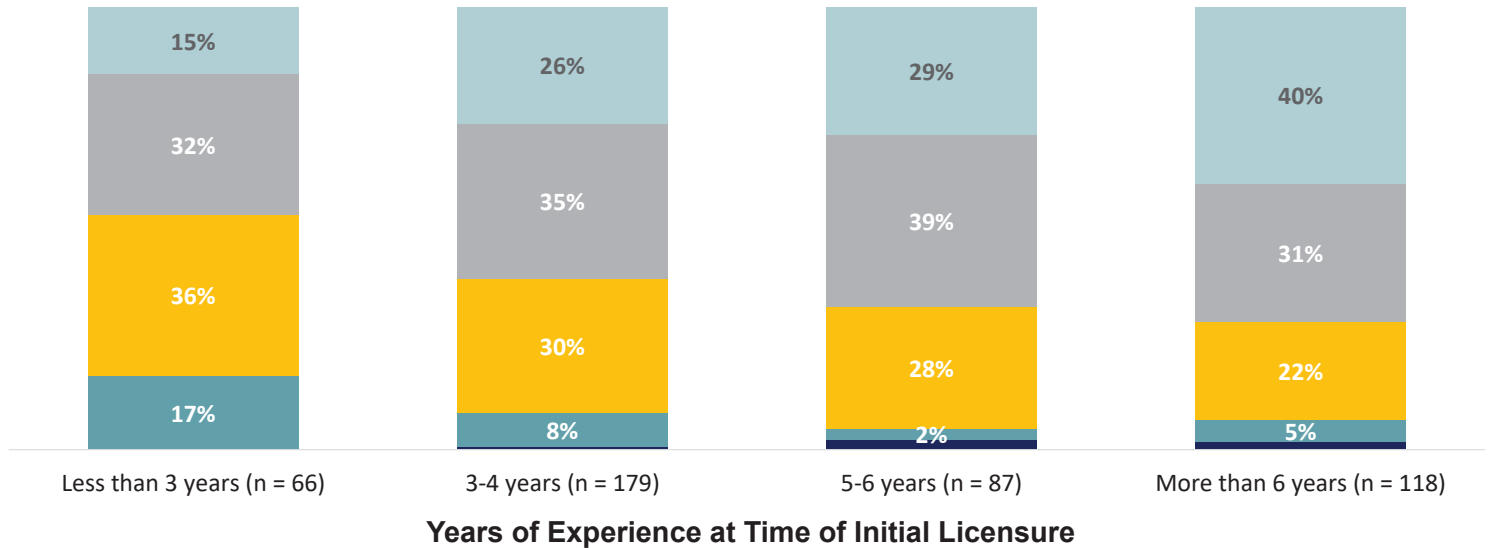
when you felt competent to practice independently?



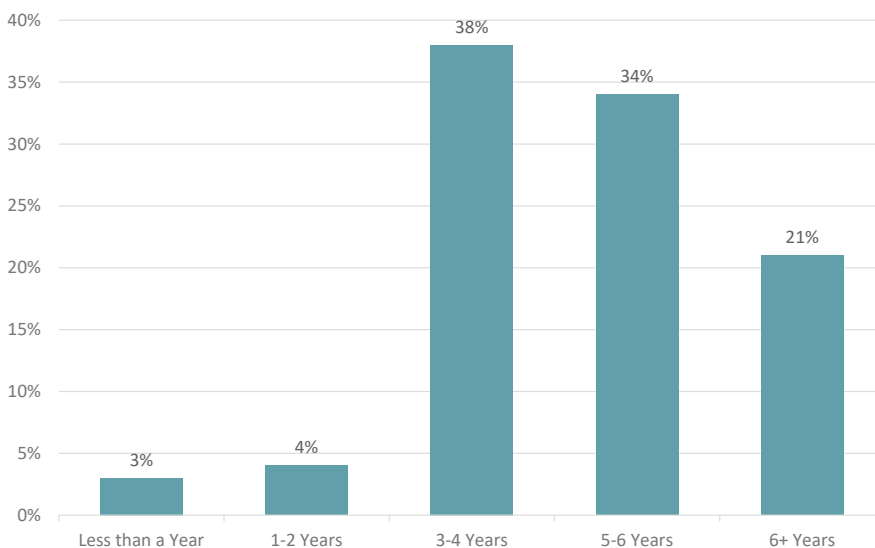
# Competence and Experience

Years of Experience to Feel Competent by Years of Experience at Time of I.L.

■ Less than one year ■ 1-2 years ■ 3-4 years ■ 5-6 years ■ More than 6 years



How many years of experience did your employees have before you felt they were **competent to practice independently**?



N=401

Majority (72%) of respondents felt employees were competent between 3-6 years

Does that differ for recent employees who did not graduate from a landscape architecture program?



50% Yes



50% No



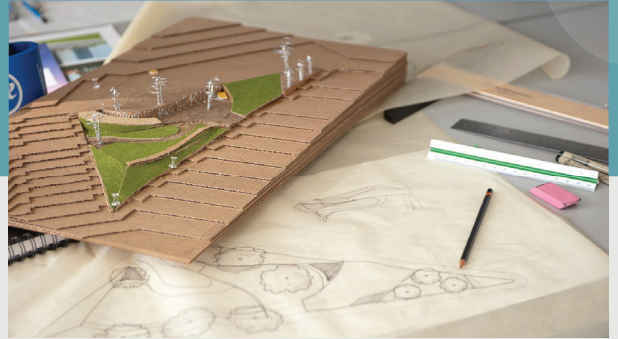
Comment: "In the absence of a LA degree, a degree from a similar field and work experience goes a long way"

## Summary of Findings

- Majority of respondents (54%) were initially licensed with 1-4 years of experience.
- Most managers (72%) reported "feeling" employees were competent to practice with 3-6 years of experience.
- Employers are split on importance of a landscape architecture degree



# In Summary



Key observations

Potential options for the uniform standard

## Bringing it all Together

- Success on the exam was used as a proxy as it is the only constant variable across all licensees (and member requirements).
- Focused landscape architecture education (accredited landscape architecture programs) has a positive impact on preparing candidates for minimal competency (success on the exam).
- One to three years of experience in combination with an accredited degree appears to be adequate preparation for minimal competency. *(This suggests that the experience needed for minimal competency should increase with other education paths).*
- Sequencing of education, experience and examination does not appear to have an impact on competency (based on complaint data).

## Options for the Uniform Standard



## Why a Uniform Standard?

- Achieve consistent licensure requirements across jurisdictions
- Improve the landscape architecture mobility model
- Provide for increased equity to promote diversity
- Increase defensibility of licensure requirements

# Elements of a Uniform Standard



Inclusive Education  
Pathways



Justifiable Experience  
Requirements



Defensible Licensure  
Examination

## Option 1

EDUCATION	EXPERIENCE	EXAMINATION
LAAB/LAAC- accredited LA degree	2 Years	L.A.R.E.

## Option 2

---

EDUCATION	EXPERIENCE	EXAMINATION
LAAB/LAAC-accredited LA degree	2 Years	L.A.R.E.
Education through practical experience	8 Years	L.A.R.E.

## Option 3

---

EDUCATION	EXPERIENCE	EXAMINATION
LAAB/LAAC-accredited LA degree	2 Years	L.A.R.E.
Non-LAAB/LAAC-accredited bachelors/masters degree	4 Years	L.A.R.E.
2-year associates or certificate program	6 Years	L.A.R.E.
Education through practical experience only	8 Years	L.A.R.E.

## Option 4

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EDUCATION	EXPERIENCE	EXAMINATION
Candidate-determined	Candidate-determined	L.A.R.E.

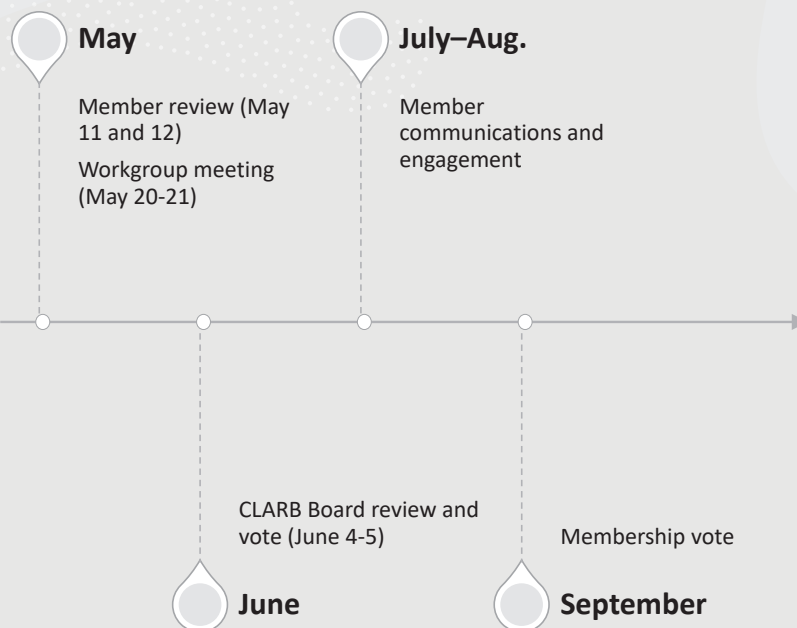
\*This option does not specify (or require) specific education and experience requirements.

### Discussion Questions

- What are your reactions to each of the potential options?
- What are the risks and benefits of each option?



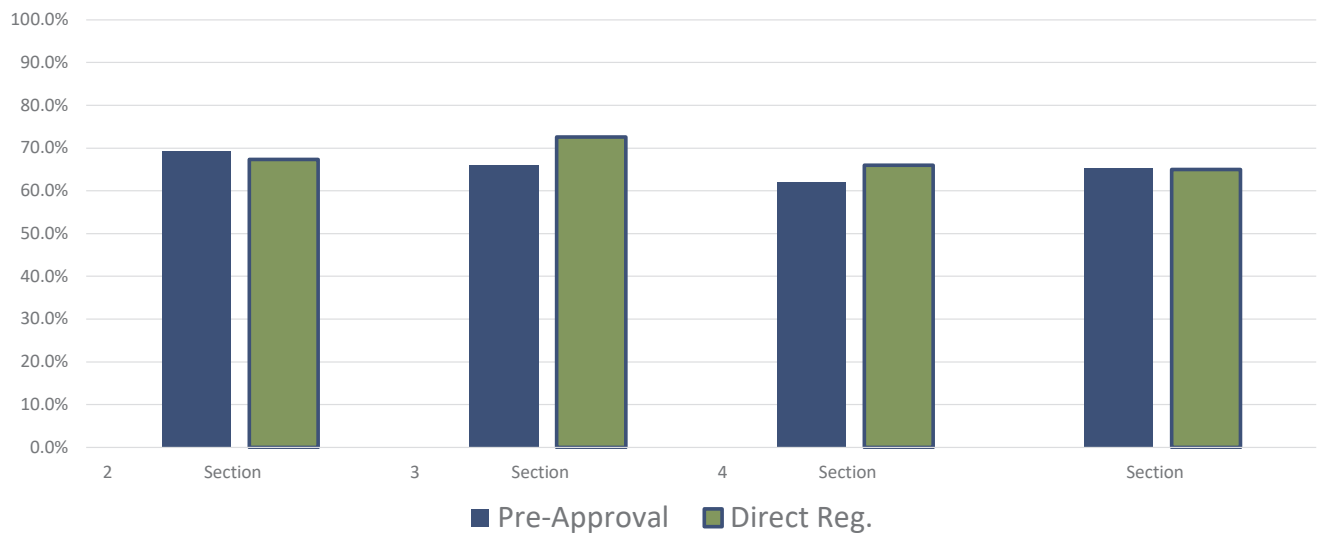
# Timeline



thank you



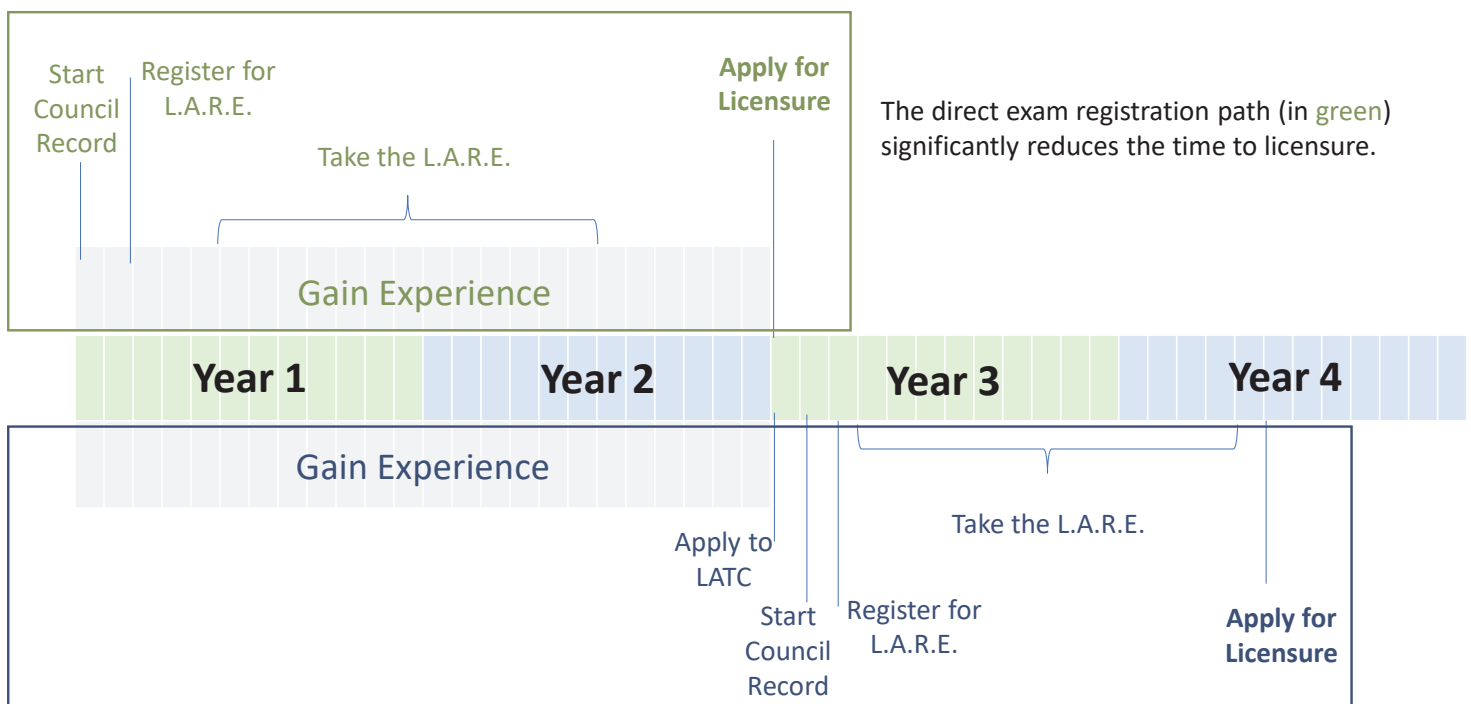
# Pass Rates by Board Requirements



2013-2019 Data

CLARB

## Candidate Process – Direct vs. Pre-Approval



# Advantages

- Government Inquiries
- Be seen as proactive
- In-line with the national trend
- Remove friction point
- Improve candidate experience

## EXECUTIVE ORDER 2021-01

### Requiring a Review of All Regulated Occupations and Professions

**WHEREAS**, government provides necessary protections for Utah residents by regulating certain occupations and professions;

**WHEREAS**, excessive regulation creates barriers to working;

**WHEREAS**, government should impose only those regulations that are necessary to protect the health, safety, and well-being of Utah residents;

**WHEREAS**, government should periodically review regulations to ensure they are serving the intended purpose;

**NOW, THEREFORE**, I, Spencer J. Cox, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do hereby order that:

1. As used in this order, "agency" means an agency within the Executive Branch that establishes administrative rules or other regulations for an occupational or professional license.

2. No later than June 30, 2021, each agency shall:

a. review administrative rules and other regulations for occupational or professional licenses within the agency's scope of authority and identify rules and regulations that are no longer necessary or can be amended to reduce barriers to working while still protecting the health, safety, and well-being of Utah residents; and

b. submit a report to the Governor's Office including recommendations regarding ways to remove barriers to licensing and limit unnecessary government regulation.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Fillmore, Utah, on this, the 4th day of January, 2021.

(State Seal)

**Spencer J. Cox**  
Governor

## Initial Steps



ASLA

CLARB

- Evaluate Your Situation
- Engage with CLARB
- Engage with local ASLA
- Allied professions

CLARB



## Discussion

CLARB

**AGENDA ITEM N.1: DISCUSS AND POSSIBLE ACTION ON 2019-2021 STRATEGIC PLAN OBJECTIVE TO RESEARCH THE NEED FOR CONTINUING EDUCATION FOR LICENSEES THROUGH LATC, THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS (ASLA), OR ANOTHER ORGANIZATION, TO BETTER PROTECT THE HEALTH, SAFETY, AND WELFARE OF CONSUMERS**

**Summary**

In 2008, the California Architects Board (Board) was mandated by Senate Bill (SB) 1608 (Corbett, Chapter 549, Statutes of 2008) to require architects complete five hours of continuing education (CE) on disability access requirements prior to renewal of their license. In 2010, the Board was further mandated by Assembly Bill 1746 (Emmerson, Chapter 240, Statutes of 2010) to conduct an audit of 3% of licensees to ensure the completion of the CE requirement prior to renewal. It also required the Board to establish citation and fine criteria for those licensees found, through the audit process, to have failed to complete the CE requirements. Most recently, the Board's 2019 Sunset Bill, SB 608 (Glazer, Chapter 376, Statutes of 2019), mandates the Board to promulgate regulations by January 1, 2023, that would establish qualifications for CE courses and course providers. Additionally, the American Institute of Architects (AIA) California is sponsoring AB 1010 (Berman) to require architects to obtain five hours of CE in Zero Net Carbon Design. A presentation by AIA California on the climate action and decarbonization CE proposal was given at both the September 18, 2020 Board meeting and the Board's October 30, 2020 Professional Qualifications Committee (PQC) meeting. Upon conclusion of the presentation, the PQC expressed support of the proposal. At the Board's December 11, 2020 meeting, there was additional discussion of CE requirements in Zero Net Carbon Design for architects which concluded with the Board also in support of the AIA California's proposal.

Staff reviewed enforcement actions against California licensed landscape architects for Fiscal Years (FY) 15/16 through 19/20 and found that five citations were issued to licensees for violations of the contract requirement and rules of professional conduct. Additionally, staff reviewed enforcement cases against licensees for FY 15/16 through 19/20 in which 10 Letters of Advisement were issued to licensees for violations of rules of professional conduct, negligence, and contract requirements. Letters of Advisement are issued when the evidence of the violations are not substantial enough to warrant a citation. No actions were taken against a licensee, whether it be disciplinary or a Letter of Advisement, for incompetence in the practice of landscape architecture.

Recently, the American Society of Landscape Architects (ASLA), Sierra Chapter contacted LATC requesting that a discussion begin regarding requiring the addition of a CE requirement

for biennial renewal to ensure licensed professionals would be current with the latest code and industry updates. LATC staff researched the CE requirements of other landscape architecture registration boards and confirmed that 39 out of 52, or 75%, of registration boards require licensees to complete CE for license renewal. The biennial renewal cycle requires between 12 to 32 hours of CE and the majority of the boards define one hour as 50 minutes of instruction. All CE registration boards require a minimum number of hours in health, safety, and welfare of the public (hours vary by board) and the remaining required hours can be comprised of other topics related to the profession. Approximately half of the jurisdictions require courses, or course providers, be pre-approved, while other jurisdictions allow the licensee to determine the types of courses to complete to satisfy their CE requirements. To verify satisfactory completion of CE, jurisdictions either conduct an audit from a random sample of licensees to determine compliance or require licensees submit a log of their CE course completion and hours.

Examples of landscape architectural CE topics and activities provided in regulations from various jurisdictions include:

<b><u>TOPICS</u></b>	<b><u>ACTIVITIES</u></b>
<ul style="list-style-type: none"> <li>• Laws and Regulations</li> <li>• Building Codes</li> <li>• Accessibility</li> <li>• Professional Ethics</li> <li>• Construction Methods</li> <li>• Determination of Proper Land Uses and Land Development</li> <li>• Landscape Architectural Programming</li> <li>• Storm Water Management</li> <li>• Preservation</li> <li>• Materials and Methods</li> <li>• Site and Soils Analysis</li> <li>• Site Design</li> <li>• Life Safety</li> <li>• Playground Safety</li> </ul>	<ul style="list-style-type: none"> <li>• Seminars</li> <li>• College/University Courses</li> <li>• Teaching/Instruction</li> <li>• Authoring Books/Papers</li> <li>• Reading Books/Papers</li> <li>• Rendering Services to the Profession and/or Public Through Appointment</li> <li>• Volunteering (in landscape architectural related activities)</li> </ul>

At the December 2, 2020 Committee meeting members expressed the need for additional research on continuing education in other landscape architecture jurisdictions. Members also expressed interest in knowing what regulations have recently changed and the fiscal and time impact CE requirements would have on staff.

Through additional research, staff found the majority of landscape architect registration boards requiring CE made the decision as a board. It appears there was a legislative mandate to require CE for seven registration boards. The New York State Board (NY State Board) for Landscape Architecture had a legislative mandate to require CE, however, the NY State Board was in agreement to require CE and supported the New York State Council of Landscape Architects to petition on the NY State Board's behalf. The New Jersey State Board of Architects required CE for landscape architects since licensure was established in 1983. All decisions to require CE of landscape architects were to ensure the health, safety, and welfare of the public.

At this time, it would be difficult to determine the fiscal and time impact CE requirements would have on staff, however, factors would include whether LATC would approve courses and/or providers, auditing licensees for compliance, and enforcement of noncompliance. In comparison to the Board, the LATC workload would continue throughout the year, whereas the Board's main workload is during the renewal years (every odd year) with less audits in non-renewal years.

Additionally, in the past five years there has only been one statutory change, Business and Professions Code (BPC) section 5616 (Landscape Architect Contract – Contents, Notice requirements) which was amended effective January 1, 2021. However, there are proposed amendments that would affect the practice of landscape architecture: BPC section 5659 (Inclusion of License Number – Requirement) and California Code of Regulations section 2671 (Public Presentments and Advertising Requirements).

At the April 29, 2021 Committee meeting, members continued to express the need for additional research on continuing education. Committee members requested researching the landscape architecture jurisdictions requiring CE and whether an association between their CE requirement and enforcement or health, safety, and welfare issues was found; assessing the California Supplemental Examination (CSE) to determine if there are any specific areas of practice that could be a potential CE requirement; reaching out to the California Counsel of ASLA to inquire on whether they think there is a critical need for CE; and surveying the California licensee population to determine if they are already taking CE and their opinion on CE.

Staff reached out to the landscape architecture jurisdictions requiring CE to inquire whether they have found an association between their CE requirement and enforcement or health, safety, and welfare issues. Staff received responses from 28 of the jurisdictions and most of the jurisdictions did not find an association or were unable to tell due to having so few cases against licensees, however, Missouri attributed their lack of enforcement cases against licensees to their CE requirement.

An assessment of the CSE found the test is comprised of topics related to Site Assessment (15%), Program Development (10%), Design Process (65%), and Construction Documents and Contract Performance (10%). Over the past three fiscal years, candidates performed the poorest in Program Development followed by Construction Documents and Contract Performance. The Program Development section assesses the candidate's ability to develop and evaluate program elements based on the client's goals and the site conditions and constraints, whereas the Construction Documents and Contract Performance section assesses the candidate's ability to prepare construction documents and perform administration.

Staff collaborated with Committee Chair, Jon Wreschinsky, to develop a survey regarding CE that was sent to every California licensed landscape architect that had an email on file with LATC. The survey was sent to 3,682 licensees and 658 participated in the survey. Results from the survey yielded that approximately 50% already participate in CE offerings, and of those approximately 42% hold a license in other jurisdictions that require CE units for license renewal. Most of the licensees taking CE complete between 1-5 hours (35.5%) and 6-10 hours (32.8%). It was found that many licensees complete CE in multiple subject areas including, but not limited to, public assets, environmental solutions, design, contract, and project management. The price of CE course varied, however, most found courses to be either free (36.1%) or \$100 or less (38.9%). The survey results also showed that most of the licensees already participating in CE feel that 0-5 hours (51.2%) would be a reasonable requirement on a bi-annual basis followed by 6-10 hours (31.0%).

For those licensees who are not currently participating in CE offerings, they keep abreast of changes in a variety of ways including, but not limited to, publications, research, practicing in the profession, conferences, and other professionals. Most licensees not currently taking CE feel that there are current issues with the Landscape Architecture profession ranging from Environmental Solutions to design among other topics. Although, most licensees feel there are issues within the profession, there were several licensees who do not feel there are any issues within the profession that are important for licensees to understand and are strongly against requiring CE. The survey results among licensees not currently participating in CE showed that most feel that 0-5 hours (74.8%) would be a reasonable requirement on a bi-annual basis followed by 6-10 hours (20.9%).

### **Action Requested**

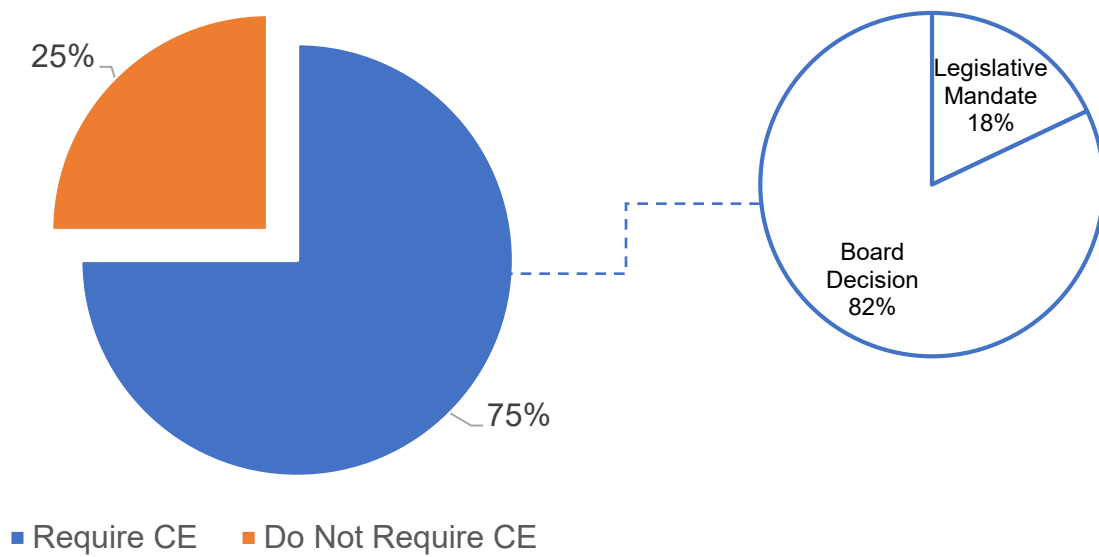
Review and discuss CE research and determine next steps.

### **Attachments**

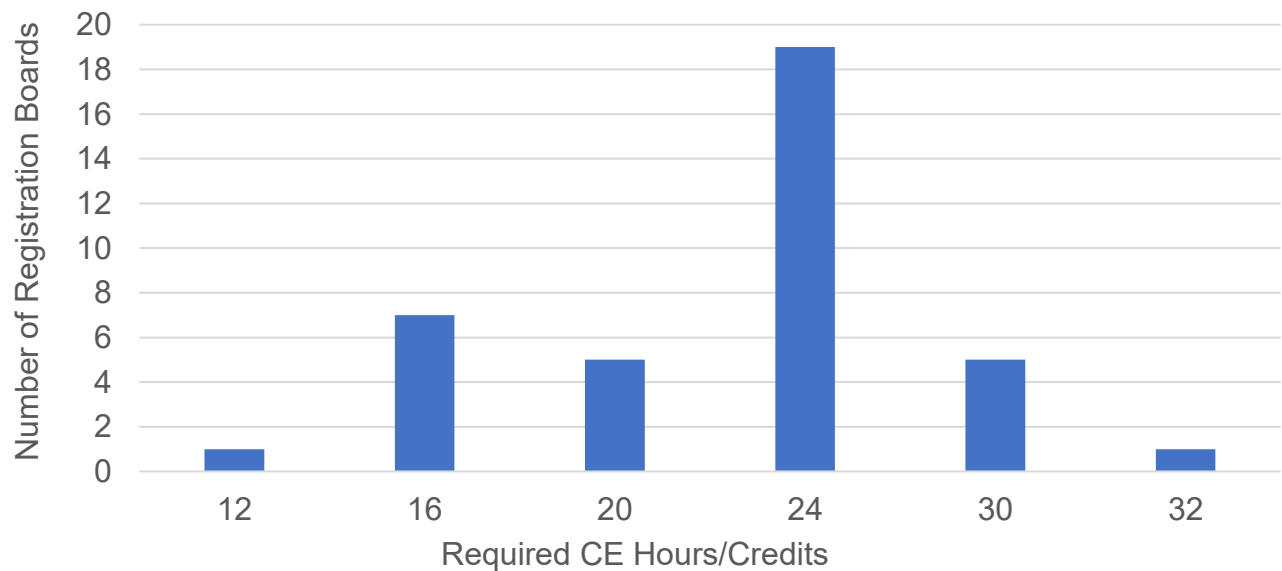
1. Continuing Education Data Charts
2. Continuing Education Findings by Jurisdiction
3. Continuing Education Survey Results

## Continuing Education Data Charts

### Landscape Architecture Licensing Boards requiring Continuing Education (CE)



### Number of Required CE Hours/Credits



## **Continuing Education Providers**

- ❖ American Society of Landscape Architects
- ❖ Urban Land Institute
- ❖ American Nursery and Landscape Association
- ❖ American Planning Association
- ❖ National Recreation and Park Association
- ❖ Construction Specifications Institute
- ❖ State or Federal Training Programs

Organization Name	CE Hours Required	CE Renewal Cycle	CE Required	Notes
Alabama State Board of Examiners of Landscape Architects	16 hours; Adopted March 1993; Revised March 2009	Annual	Yes	8 hours related to maintaining or improving the health, safety, and welfare of the general public (Ex. site design, environmental or land use analysis, life safety, landscape architectural programming, site and soils analysis, accessibility, structural systems considerations, lateral forces, building codes, storm water management, playground safety, evaluation and selection of building systems, products or materials, construction methods, contract documentation, construction administration, and building design, etc.). Allows for carryover hours. CE Providers must submit syllabus for CE events held.
Alaska Board of Registration for Architects, Engineers and Land Surveyors	24 hours	Biennial	Yes	The purpose of the CE program is to maintain a continuing level of competency and standards for professional landscape architects, in order to protect the public health, safety and welfare within this state. Registrants are encouraged to select meaningful CE activities which will be of benefit in the pursuit of their chosen fields. The definition of Course or Activity is: "...a unit of instruction or study with a clear purpose and objective to maintain, improve, or expand the skills and knowledge relevant to the practice of professional landscape architect."
Alberta Association of Landscape Architects	30 hours on a 3 year rolling avg		Yes	Professional development through continuing education ensures that members are well equipped to meet their professional obligations to clients, the public and the profession at large, while remaining current with contemporary technology and industry practices.
Arizona State Board of Technical Registration			No	Does not require and has no plans to implement CE requirements.
Arkansas State Board of Architects, Landscape Architects, and Interior Designers	12 hours	Annual	Yes	Structured education activities intended to increase or update the landscape architect's knowledge and competence in health, safety, and welfare subjects. All CEHs must be completed in health, safety, and welfare subjects acquired in structured educational activities. Subjects must be related to the practice of landscape architecture. Ex. of courses are legal, technical, environmental, occupant comfort, materials & methods, preservation, pre-design, design, construction documents, and construction administration.

British Columbia Society of Landscape Architects	30 hours = 10 per year	Triennial	Yes	The CE Program accommodates the profession's many skills and diverse knowledge while promoting excellence in practice, skills, and knowledge. Each Member is obligated to exercise their judgment to determinewhat constitutes as landscape architecture and landscape architecture-related activities.
Colorado State Board of Landscape Architects			No	The Board has not considered requiring CE for landscape architects. The Board's duties are to enforce the laws promulgated by the Colorado legislature rather than making the laws.
Connecticut Department of Consumer Protection	24 hours	Biennial	Yes	Each Member is obligated to exercise their judgment to determine what constitutes as landscape architecture and landscape architecture-related activities.
DC Board of Architecture, Interior Design and Landscape Architecture				Does not require CE.
Delaware Board of Landscape Architects	20 hours	Biennial	Yes	CE requirements are for professional development as a condition for license renewal. CE obtained by a licensee should maintain, improve or expand skills and knowledge obtained prior to initial licensure, or develop new and relevant skills and knowledge. Each course, seminar, session, program, or self-directed activity to be recommended for approval by the Board shall have a direct relationship to the practice of landscape architecture as defined in the Delaware Code and contain elements which will assist licensees to provide for the health, safety and welfare of the citizens.
Florida Board of Landscape Architects	16 hours	Biennial	Yes	Course topics include Advance Code, Laws and Rules, or Optional. 2 hours must be regarding Florida Building Code Advanced Module.

				<p>Courses or programs offered by institutions of higher learning, specialty societies, professional organizations and government agencies will be considered acceptable provided that they are developed and conducted by qualified persons, provide the registrant with evidence of attendance or satisfactory completion, and consist of subject matter which contributes directly to the professional competence of a registrant in the practice of landscape architecture. Rendering service to the profession and/or the public through appointment, election or volunteerism on city/county/state/national commissions or boards, professional societies, councils or committees will be considered acceptable provided the positions held and activities conducted consistently relate to issues considered relative to the practice of landscape architecture. Tasks include, but are not limited to: registration examination grading and question writing; advocacy; public awareness; policy, etc.</p>
Georgia State Board of Landscape Architects	12 hours; Adopted in 1993	Biennial	Yes	
Hawaii Board of Professional Engineers, Architects, Surveyors & Landscape Architects			No	CE is not required of landscape architects and there is no discussions of such a requirement.
Idaho Board of Landscape Architects			No	No additional information available
Illinois Department of Financial & Professional Regulation	24 hours	Biennial	Yes	<p>Please note that as of January 01, 2020, the Landscape Architect Act of 1989 has been repealed. No further action is required for those Landscape Architects that currently possess a Landscape Architect registration and these registrations can no longer be renewed. The use of the title of "registered landscape architect" and other iterations will no longer require a registration issued by the Department of Financial and Professional Regulation.</p>

				At least sixteen (16) of the required twenty-four (24) hours must pertain to technical and professional topics related to the protection of the public health, safety, and welfare. "Health, safety, and welfare" means the planning and designing of buildings and structures and the spaces within and surrounding the buildings and structures that: minimize the risk of injury to persons or property and comply with applicable building and safety codes; re durable, environmentally friendly, cost effective, and conserve resources; are aesthetically appealing; function properly in all relevant respects; and enhance the public's overall sense of well-being, harmony, and community and integrate effectively with the surrounding environment. These topics include, but are not limited to, the following: Codes, statutes, and administrative regulations governing the practice of architecture or landscape architecture; Environmental and ecological resources; Professional ethics; Indiana licensing statutes and rules; Legal aspects of contracts, documents, insurance, bonds, and project administration; Construction documents and services; Materials and methods; Mechanical, plumbing, electrical, and life safety; Structural technology; Energy efficiency; Project administration; Accessibility issues; Security and safety issues; New technical and professional skills.
Indiana Professional Licensing Agency	24 hours	Biennial	Yes	
Iowa Professional Licensing & Regulation Division	24 hours	Biennial	Yes	To maintain an active Landscape Architect license in Iowa licensees must complete 24 hours of health, safety and welfare education each biennium. They don't preapprove providers/courses.
Kansas Board of Technical Professions	30 hours Amended/Effective September 1, 2015	Biennial	Yes	The purpose of the Continuing Education requirement is to reinforce the need for lifelong learning in order to stay current with changing technology, equipment, procedures, processes, tools and established standards. Qualifying activities must have a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to the practice of a technical profession and necessary to safeguard health, safety, property and welfare. There's flexibility in selecting among a broad range of subjects that are intended to strengthen or maintain competency in technical, managerial (business) or ethical fields. The Board does not preapprove courses.
Kentucky Board of Landscape Architects	15 hours; Adopted in 1994	Annual	Yes	There is a regulation change in the works which will reduce the annual requirement from 15 to 12. The Board accepts all "HSW" (health, safety & welfare) designated courses approved by LA CES ( <a href="http://laces.asla.org/">http://laces.asla.org/</a> ). Believe the average fee is \$20 per hour for online courses.

Louisiana Horticulture Commission	8 hours; Adopted 2006	Annual	Yes	There are various providers such as Garden/Trade Shows, ASLA, Red Vector, etc.
Maine State Board for Licensing Architects, Landscape Architects and Interior Designers			No	No CE requirements and not under consideration.
				<p>In order for an activity to be considered a qualifying activity, the activity shall meet the following criteria: Maintain and enhance professional competency of licensed landscape architects; Foster improvement, advancement, and extension of professional skills and knowledge related to the practice of landscape architecture; Offer learning experiences relevant to current landscape architectural practices as they relate to the public health, safety, and welfare; and Be presented, led or taught at a professional level by well-qualified professionals in the learning environment conducive to learning and appropriate for accomplishing learning objectives described in these regulations.</p> <p>Qualifying activities may fall into one or more of the following categories: Research, analysis, assessment, conservation, preservation, and enhancement of land use; Selection and allocation of cultural, historic, and natural resources; Laws and regulations applicable to the practice of landscape architecture in Maryland; Standards of practice or care; Professional ethics as applicable to the practice of landscape architecture; or Similar topics aimed to maintain, improve, or expand the skills and knowledge relevant to the practice of landscape architecture.</p>
Maryland Department of Licensing & Regulation	24 hours; Adopted 2015	Biennial	Yes	
Massachusetts Board of Registration of Landscape Architects			No	No additional information available
Michigan Department of Licensing & Regulatory Affairs			No	Continuing Education is not a requirement for Landscape Architects. There is not a board for this profession.
Minnesota Bd. of Arch., Eng., Land Surv., Land. Arch., Geoscience and Int. Des.	24 hours	Biennial	Yes	<p>Must report a minimum of 2 professional development hours in professional ethics. The Board does not pre-approve courses or activities so the Board office does not have a listing of continuing education opportunities. Continuing education must consist of learning experiences which enhance and expand the skills, knowledge, and abilities of practicing professionals to remain current and render competent professional services to the public.</p> <p>Practitioners may pursue technical, nontechnical, regulatory, ethical, and business practice needs for a well-rounded education provided the education directly benefits the health, safety, or welfare of the public.</p>

				<p>All topics must be health, safety and welfare related. Mandatory continuing education program to insure that registered landscape architects remain informed of those technical and professional subjects the Committee deems appropriate to safeguard life, health, and promote the public welfare. Examples include, but are not limited to, site design, environmental or land use analysis, life safety, landscape architectural programming, site and soils analysis, accessibility, structural systems considerations, lateral forces, building codes, storm water management, playground safety, evaluation and selection of building systems, products or materials, construction methods, contract documentation, construction administration, and building design, etc.</p>
Mississippi State Board of Architecture	24 hours	Biennial	Yes	
Missouri Board for Architects, Prof. Engineers, Prof. Land Surveyors & Prof. Landscape Architects	24 hours; Adopted July 30, 2008	Biennial	Yes	<p>At least sixteen (16) CEUs shall be related to health, safety, and welfare (HSW) acquired in structured educational activities. The purpose of this requirement is to reinforce the need for lifelong learning in order to stay current with changing technology, equipment, procedures, processes, tools and established standards. Qualifying activities must have a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to the practice of landscape architecture and necessary to safeguard life, health, property and promote the public welfare. The licensee is given flexibility in selecting among a broad range of subjects that are intended to strengthen or maintain competency in technical, managerial (business) or ethical fields. Licensees are encouraged to select meaningful activities which will be of benefit in the pursuit of their chosen field. Board does not preapprove course.</p>
Montana Board of Architects and Landscape Architects			No	<p>Currently the Board of Architects and Landscape Architects do not audit the Landscape Architects for continuing education.</p>

				<p>Through September 2021 the requirement is 15 hours per year. This will be reduced to 12 hours in 2021 to be in line with the national trend. They allow just about anything related to the profession and professional development. Nebraska does not pre-approve providers or courses.</p> <p>Only those professional development hours earned during the renewal period at collegiate level institutions, or through professional level seminars, conferences, study tours and self-paced professional development programs offered for the purpose of keeping the licensee apprised of advancements and new developments in the professional service areas, such as the following, will be acceptable: Consultations, investigation, research, planning, design, preparation of drawings, specifications, contract documents, reports, responsible construction observation or landscape management, in connection with the planning and development of land and incidental water areas where the primary purpose of the program is the preservation, conservation, enhancement or restoration of landscape systems, plant communities or aesthetic values, or the determination of proper land uses and land development. Professional personal development of leadership, creativity, communication and computer application skills as they relate to the practice of landscape architecture. Professional practice management including project management, quality assurance, supervision of technical staff and business ethics.</p>
Nebraska State Board of Landscape Architects	15 hours; Effective January 1, 1986; Reducing to 12 hours in 2021	Annual	Yes	
Nevada State Board of Landscape Architecture	8 hours; Adopted April 18, 2019	Annual	Yes	A maximum of 4 hours of self-directed educational activity. The board will review, adopt and delete activities from time-to-time.
New Hampshire Office of Professional Licensure & Certification	30 hours; Effective July 1, 2006	Biennial	Yes	CE needs to be relevant to the practice of landscape architecture. Board allows for carry-over of extra hours (maximum of 15). Board conducts a random 5% audit.
New Jersey State Board of Architects	24 hours	Biennial	Yes	Suitable programs include, for example, any of the subjects tested in the Landscape Architect Registration Examination (LARE), such as professional practice, design (conceptual site design, planting design, comprehensive site design), communication or design implementation (grading construction details, layout): one hour for each hour of attendance
New Mexico Board of Landscape Architects	30 hours Biennial; effective 2016	Annual	Yes	Board pre-approves activities which are defined in regulation. Board conducts a random audit to confirm compliance.

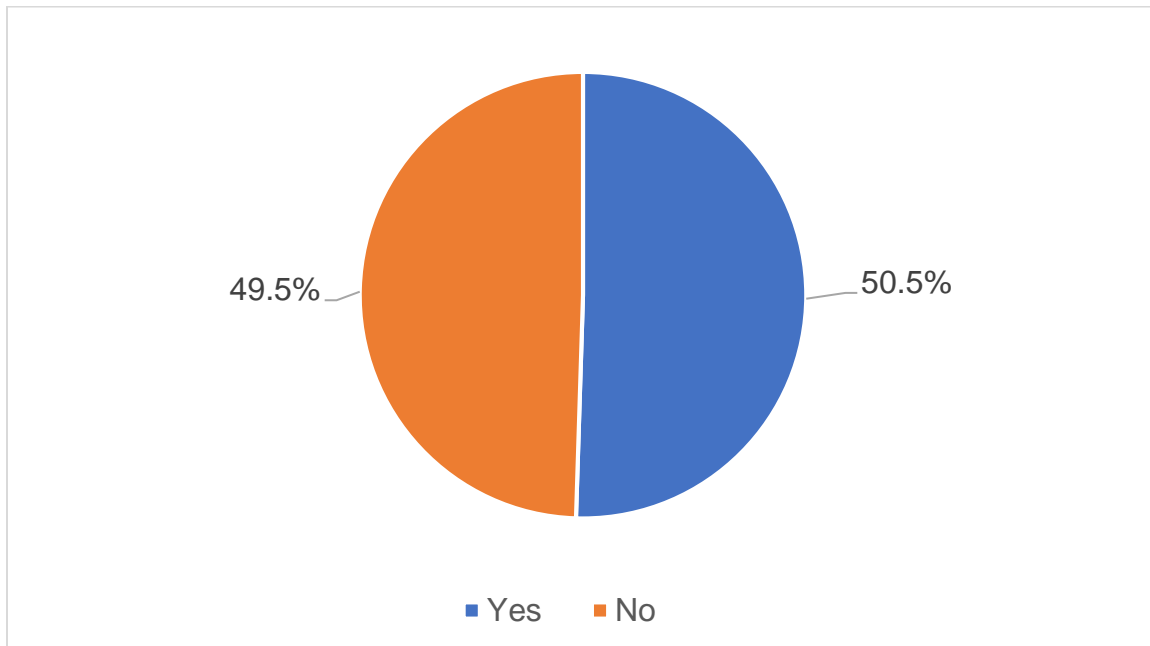
				<p>A minimum of 18 of the 36 hours of continuing education must be completed in courses of learning for landscape architects. Health, Safety and Welfare Areas: code of ethics; codes, acts, laws, and regulations governing the practice of landscape architecture; construction administration, including the administration of construction contracts; construction documents; environmental process and analysis; erosion control methods, including storm water management as is incidental and necessary to the practice of landscape architecture; design of environmental systems and use of site materials and methods of site construction; grading and natural drainage; horticulture; irrigation methods; land planning and land use analysis; landscape preservation, landscape restoration and adaptive reuse; natural hazards - impact of earthquake, hurricane, or flood related to site design; New York State Building Code as it affects landscape architecture; resource conservation and management; site accessibility, including American with Disabilities Act standards for accessible site design; site and soils analysis; site design; site security and safety; specifications writing; surveying methods and techniques as they affect landscape architecture; sustainable design, including techniques related to energy efficiency; vegetative management; wetlands; zoning as it relates to the improvement and/or protection of the health, safety and welfare of the public; other matters of law and ethics which contribute to the health, safety and welfare of the public.</p>
New York State Board for Landscape Architecture	36 hours; Adopted January 1, 2007	Triennial	Yes	
North Carolina Board of Landscape Architects	10 hours; Adopted May 1, 1990	Annual	Yes	<p>Providers of CE vary. There is National ASLA and the local chapter. Many companies do on demand lunch &amp; learns and there are many industry conferences. Either the LA or the provider may make application for continuing education. To be acceptable for credit toward this requirement, all courses, seminars, webinars, sessions, or programs shall first be submitted to the CEAC. The CEAC shall review and recommend to the Board any course, seminar, webinar, session, or program for continuing education credit to the Board that the CEAC determines meets the criteria.</p>
North Dakota Board of Architecture				Board does not require CE for license renewal.
Ohio Landscape Architects Board	24 hours; Adopted 2005	Biennial	Yes	<p>16 hours must be structured health, safety, and welfare. Board provides acceptable subject matter defined in regulations. Board conducts an audit to confirm compliance.</p>

Oklahoma Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers	24 hours (HSW only)	Biennial	Yes	Board allows for a maximum of 4 hours to be carried-over to the next renewal cycle. Board approves programs/courses. Board provides acceptable activities/content areas as defined in regulations. Licensee's must submit a CE report with license renewal and they may be subject to an audit.
Ontario Association of Landscape Architects			Yes	No additional information available
Oregon State Landscape Architect Board	12 hours	Annual	Yes	The Board does not pre-approve continuing education activities.
Pennsylvania State Board of Landscape Architects	24 hours Adopted August 25, 2000	Biennial	Yes	Only courses approved by the Board will be accepted for continuing education credit. Acceptable subject matter for continuing education courses is limited to courses pertaining to the enhancement of the landscape architect's professional skills. A maximum of 1/2 of the required clock hours per biennium will be accepted in courses consisting of satellite seminars, electronic presentations and correspondence courses.
Puerto Rico Board of Examiners of Architects & Landscape Architects				Does not require CE at this time.
Rhode Island Board of Examiners of Landscape Architects			No	Does not require CE and there has been no consideration of such a requirement.
South Carolina Department of Labor, Licensing and Regulation	20 hours; Adopted February 24, 2012	Biennial	Yes	15 of these hours must be in health/safety/welfare topics, and 12 hours must be in structured education settings. A maximum of 8 hours is allowed for self-directed study which includes volunteer activities, serving on public committees, authoring papers or books, business related courses (most of our licensees are sole-practitioners), reading books or papers, or non-interactive webinars or seminars. . The Board does not pre-approve courses. It is the responsibility of the licensee to take courses that assist them in their practice, and to obtain documentation of the course that includes the course name, date, description, location, instructor name, and number of hours offered for the course. Regulatory authority under Section 40-28-60(A). There were no Board discussions. The continuing education requirement was added to the law when they were making an update to move the Board from the Department of Natural Resources to the Department of Labor, Licensing and Regulation. Their State Chapter ASLA wanted to add continuing education to the bill, and petitioned the legislature to add it to the bill.
South Dakota Board of Technical Professions	30 hours; Adopted in 1999	Biennial	Yes	South Dakota Board may not pre-approve courses or providers of continuing education per Administrative Rules.

Texas Board of Architectural Examiners	12 hours	Annual	Yes	All 12 CEHP must include the study of subjects related to your profession and be pertinent to the health, safety, and welfare of the public.
Utah Division of Occupational and Professional Licensing	16 hours; Began June 1, 2012	Biennial	Yes	The activity shall have a defined objective directly related to the practice of landscape architecture and directly related to topics involving the public health, safety, and welfare of landscape architecture practice and the ethical standards of landscape architectural practice.
Vermont Landscape Architect Advisory Group				Does not require CE.
Virginia Board for Arch., Prof. Eng., Land Surveyors, Cert. Int. Designers and Landscape Architects	16 hours beginning July 1, 2010	Biennial	Yes	Board does not preapprove courses. Online courses are acceptable. Board conducts a random audit to confirm compliance.
Washington Board of Licensure for Landscape Architects	24 hours; effective in 2010	Biennial	Yes	At least 18 PDH must address public health, safety & welfare. Board does not approve providers. Board conducts a 5%-10% random audit to confirm compliance.
West Virginia Board of Landscape Architects	8 hours	Annual	Yes	A minimum of 6 PDH units obtained must be in structured education activities which directly address public health, safety, interest and welfare issues related to the practice of landscape architecture.
Wisconsin Department of Safety and Professional Services	24 hours; Effective July 1, 2010	Biennial	Yes	Continuing education shall be in the topics or subject areas of landscape architecture, building design, landscape design, environmental or land use analysis, life safety, landscape architectural programming, site planning, site and soils analyses, plant material, accessibility, lateral forces, selection of building systems and structural systems, construction methods, contract documentation and construction administration, or the Wisconsin statutes and rules regulating landscape architects. No less than 16 hours shall be in HSW topics. No less than 2 hours shall be in professional conduct and ethics. Approved providers of continuing education programs may include the following: American Society of Landscape Architects, Council of Landscape Architectural Registration Boards, Urban Land Institute, American Nursery and Landscape Association, American Planning Association, National Society of Professional Engineers, National Recreation and Park Association, American Institute of Architects, Construction Specifications Institute, State or federal training programs.
Wyoming State Board of Architects and Landscape Architects	24 hours	Biennial	Yes	Board does not approve providers and online courses are acceptable. CE must be completed in HSW subject areas which are technical and professional subjects relative to the practice. Licensee's provide evidence of CE with renewal of their license.

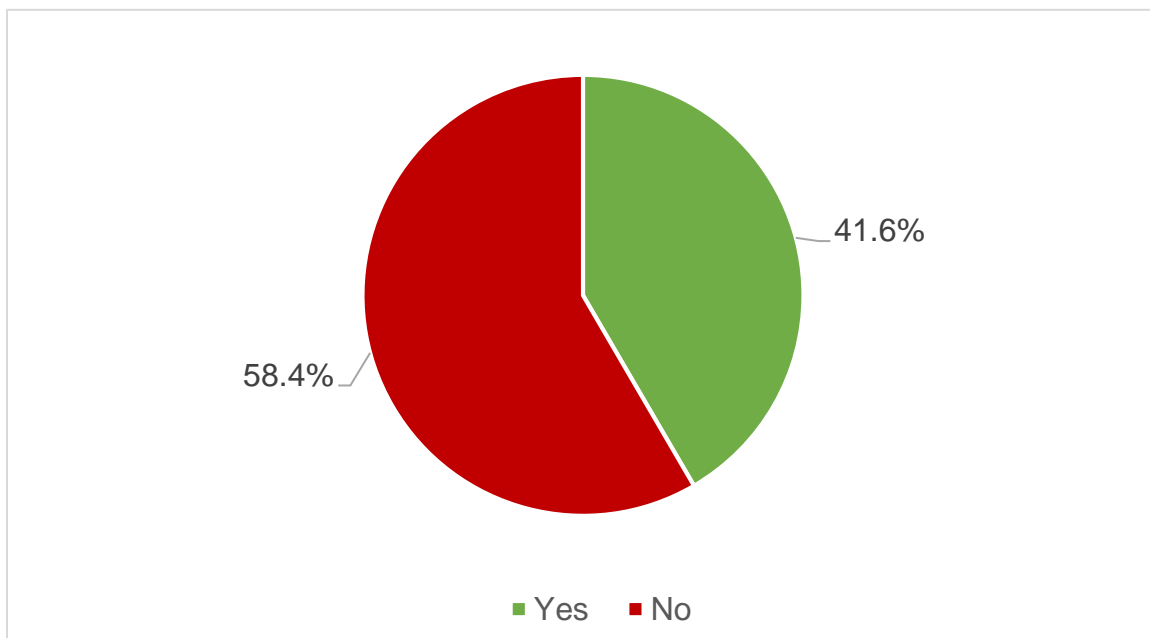
## Continuing Education Survey

Although CE is not a current requirement for licensure renewal in California, do you participate in CE offerings?

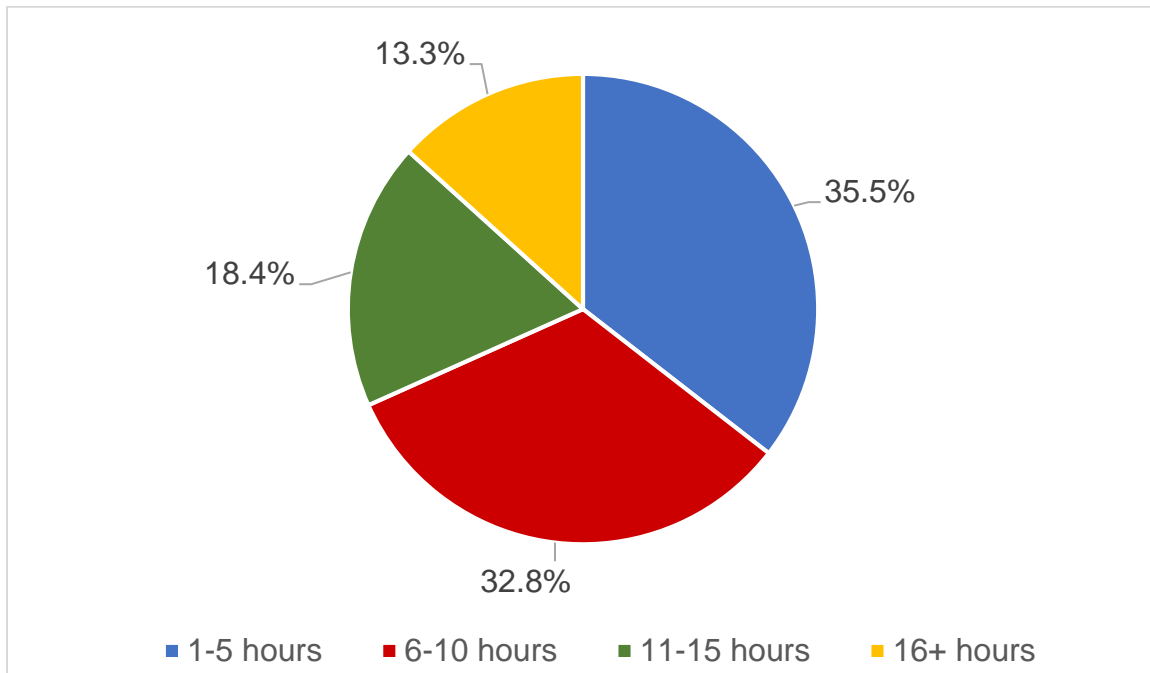


If Yes:

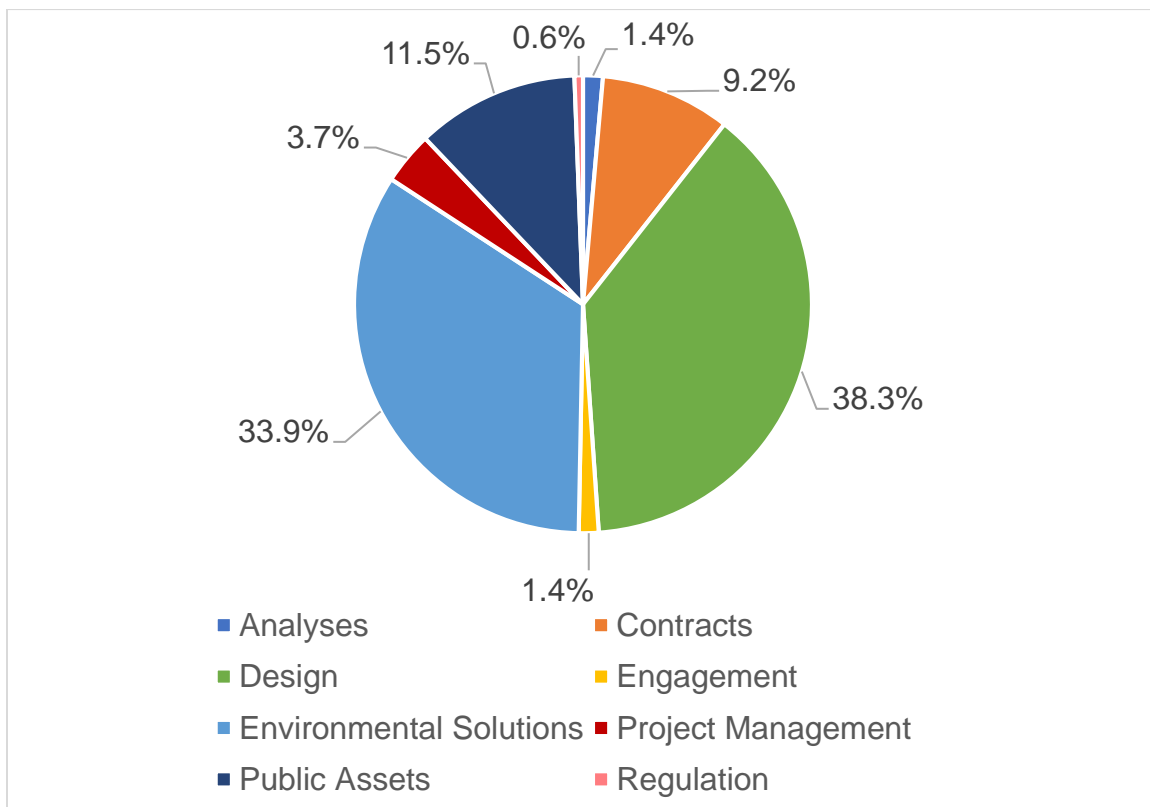
Do you hold a license in other jurisdictions requiring CE units for license renewal?



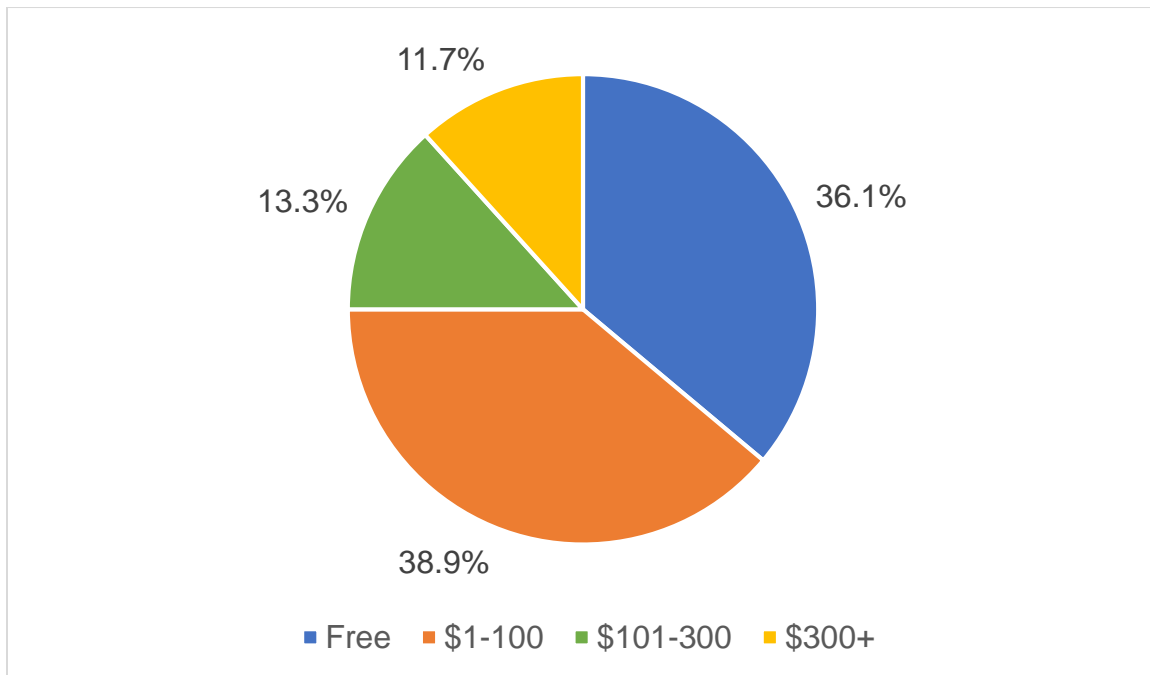
How many hours do you normally complete each year?



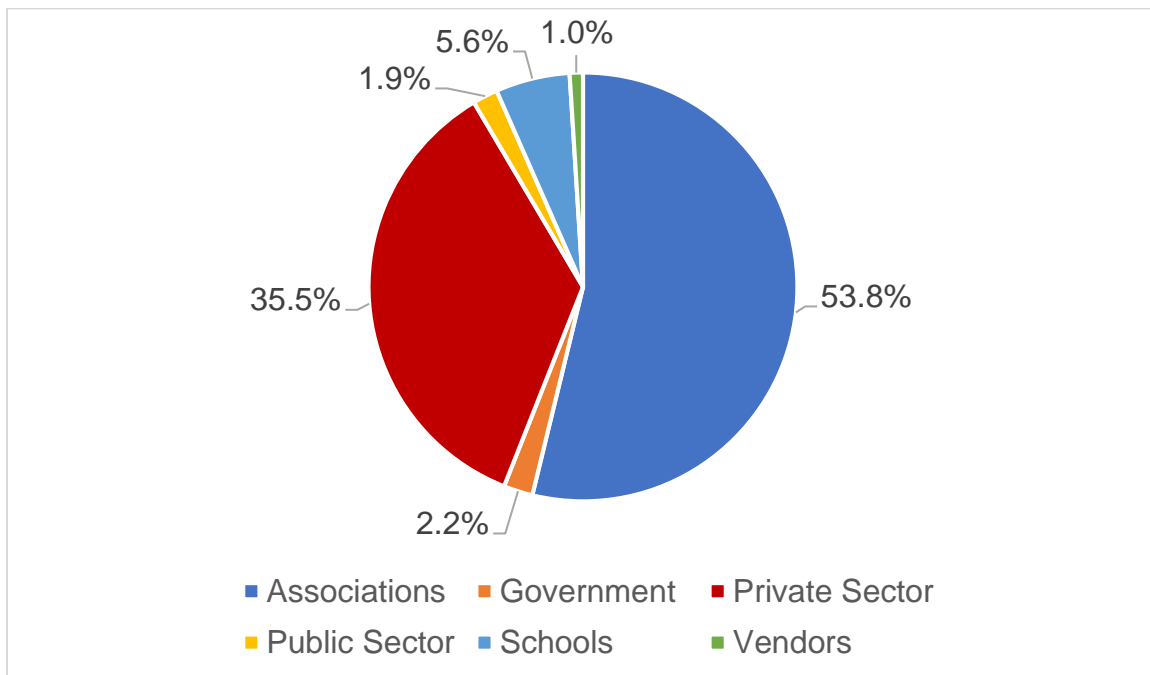
What subject areas have you participated in?



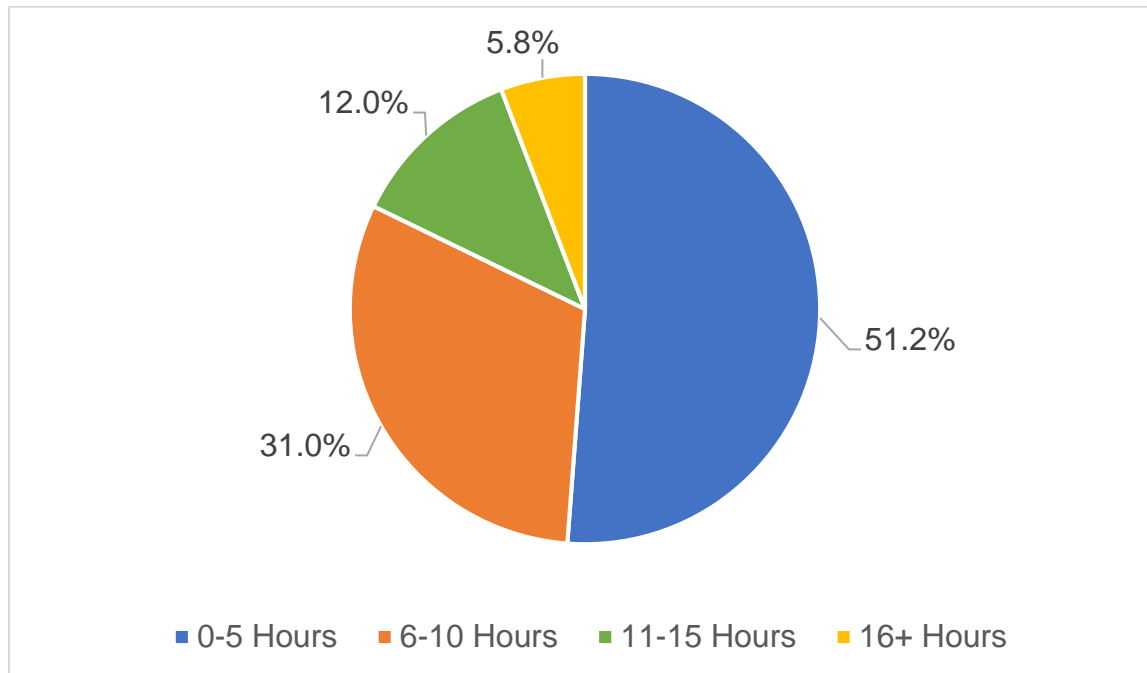
What was the typical cost of these CE course(s)?



What providers have you used?

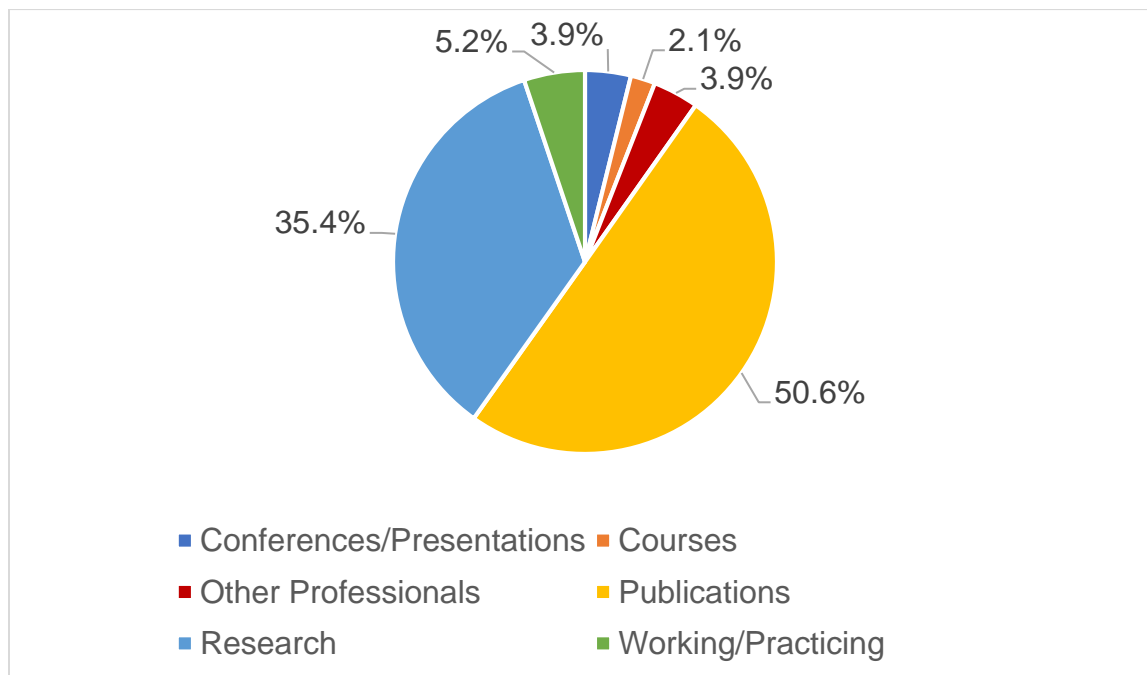


Based on your answers, how many hours of CE do you feel would be reasonable on a bi-annual basis?

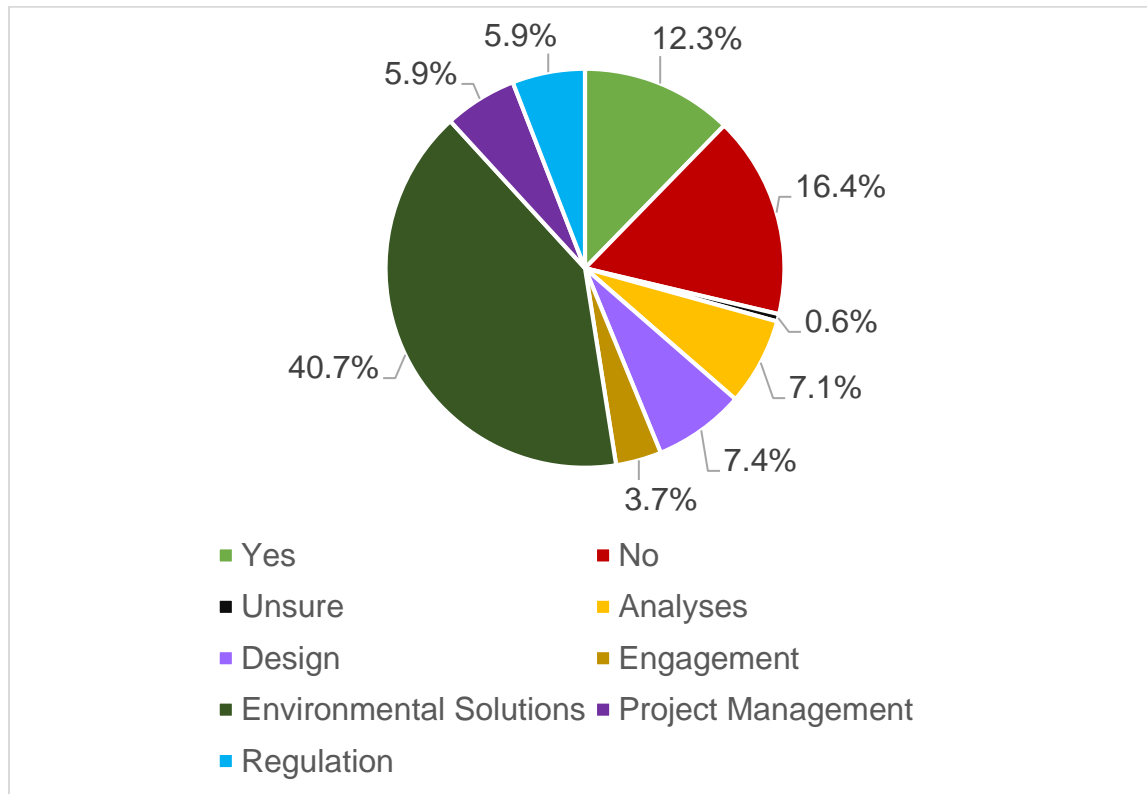


If No:

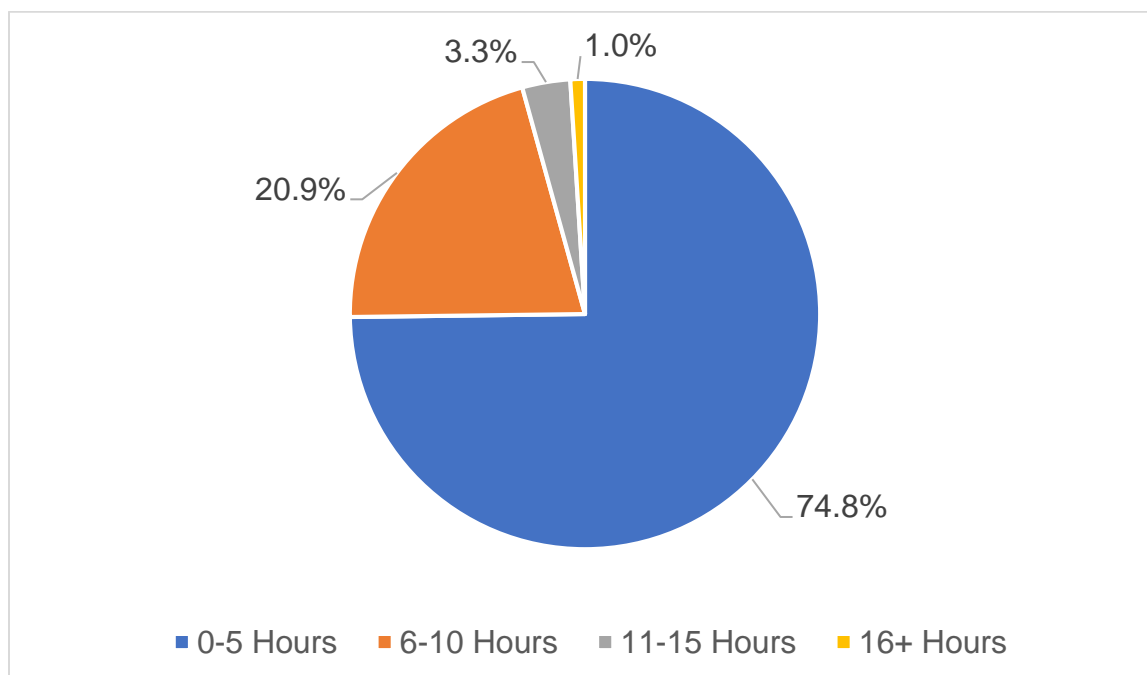
How do you keep abreast of changes in the industry?



Are there current issues within the Landscape Architecture profession that you feel are important for Landscape Architects to understand?



Based on your answers, how many hours of CE do you feel would be reasonable on a bi-annual basis?



## AGENDA ITEM O: REVIEW OF FUTURE LATC MEETING DATES

A schedule of planned meetings and events for the remainder of 2021 are provided to the Committee.

<u>Date</u>	<u>Event</u>	<u>Location</u>
September 9-10	Board Meeting	Sacramento
November 4-5	LATC Meeting	Sacramento
December 10	Board Meeting	Bay Area