



**NOTICE OF MEETING  
Landscape Architects Technical Committee**

**LATC MEMBERS**

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

**April 21, 2023**

**Department of Consumer Affairs  
1625 North Market Blvd.  
First Floor Hearing Room  
Sacramento, CA 95834**

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

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

**Teleconference Information to Register/Join Meeting for Members of the Public via WebEx:** To access the WebEx event, attendees will need to click the following link and enter their first name, last name, and email. Instructions to connect to the meeting can be found at the end of this agenda.

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m6e4ef7db803c7c9fa87447fbfc6694df>

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make a public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com

**AGENDA**

**10:30 a.m. to 5 p.m.**  
(or until completion of business)

**Action may be taken on any item listed below.**

- A. Call to Order – Roll Call – Establishment of a Quorum
- B. Chair’s Procedural Remarks and Committee Member Introductory Comments

*(Continued)*

- C. Public Comment on Items Not on the Agenda  
*The Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Committee's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).*
- D. Update from the Department of Consumer Affairs (DCA) – Board and Bureau Relations, DCA
- E. Review and Possible Action on November 4, 2022, LATC Meeting Minutes
- F. Program Manager's Report – Update on Committee's Administrative/Management, Examination, Licensing, and Enforcement Programs
- G. Review and Discuss 2023 Legislation
  - 1. Assembly Bill (AB) 342 (Valencia) Architects and Real Estate Appraisers: Applicants and Licensees: Demographic Information
  - 2. Senate Bill (SB) 372 (Menjivar) Department of Consumer Affairs: Licensee and Registrant Records: Name and Gender Changes
  - 3. SB 544 (Laird) Bagley-Keene Open Meeting Act: Teleconferencing
- H. Discuss and Possible Action on 2022-2024 Strategic Plan Objectives to:
  - 1. Conduct a Review of the Landscape Architect Registration Examination (LARE) and Linkage Study to Determine Areas Not Covered in the LARE that Need to be Covered in the California Supplemental Exam (CSE) to Ensure the CSE Reflects the Content that is Unique to California
  - 2. Identify and Analyze the Causes of Low Pass Rates Among California Exam Candidates in Comparison to National Pass Rates to Determine Areas of Concern and Develop a Plan of Action to Decrease Deficiencies
  - 3. Research the Economic and Consumer Protection Impact of Re-Establishing the Landscape Architects Board or Establishing a Merged Board with the California Architects Board to Provide Better Representation, Strengthen the Distinction Between the Two Entities, and Increase Efficiency
- I. Presentation on American Society of Landscape Architects Diversity x Landscape Architecture Program
- J. Review of Future Committee Meeting Dates
- K. Closing Comments
- L. 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 LATC plans to webcast this meeting, 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)).

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:** Kourtney Nation

**Telephone:** (916) 575-7230

**Email:** [Kourtney.Nation@dca.ca.gov](mailto:Kourtney.Nation@dca.ca.gov)

**Telecommunication Relay Service:** Dial 711

**Mailing Address:**

Landscape Architects Technical Committee

2420 Del Paso Road, Suite 105

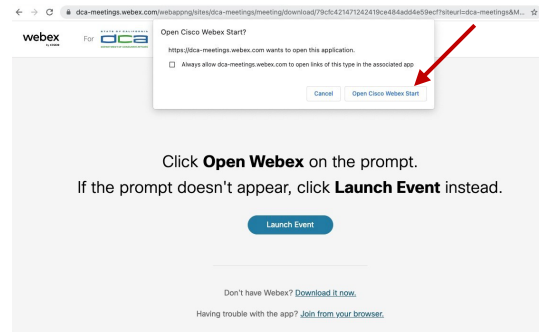
Sacramento, CA 95834

Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

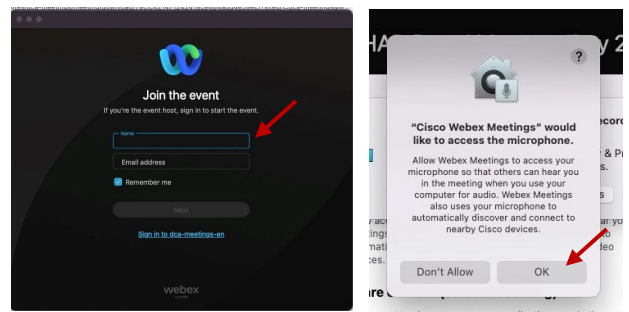
***Protection of the public shall be the highest priority for the Committee in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions Code section 5620.1).***

## If joining using the meeting link

- 1 Click on the meeting link. This can be found in the meeting notice you received.
- 2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click "Open Cisco Webex Start" or "Open Webex", whichever option is presented. DO NOT click "Join from your browser", as you will not be able to participate during the meeting.



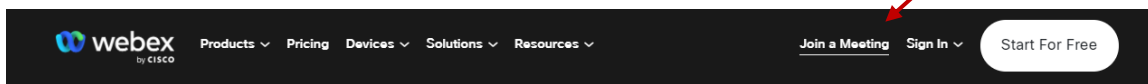
- 3 Enter your name and email address. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.



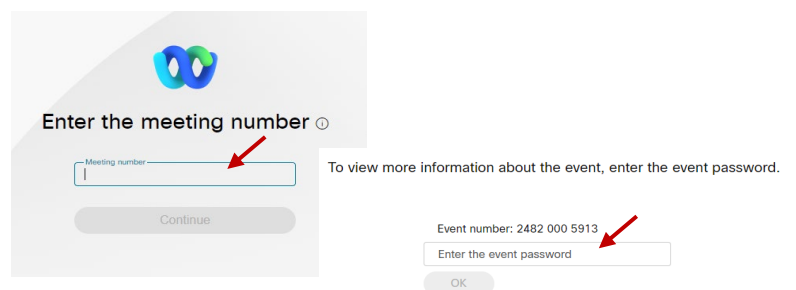
OR

## If joining from Webex.com

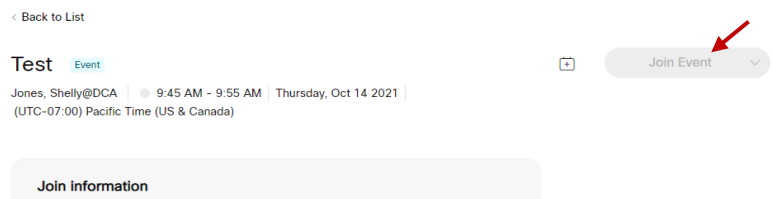
- 1 Click on "Join a Meeting" at the top of the Webex window.



- 2 Enter the meeting/event number and click "Continue". Enter the event password and click "OK". This can be found in the meeting notice you received.



- 3 The meeting information will be displayed. Click "Join Event".



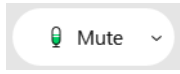
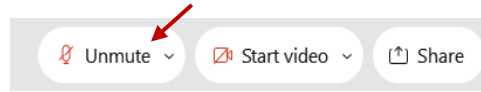
OR

## Connect via telephone\*:

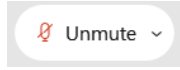
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

### Microphone

Microphone control (mute/unmute button) is located on the command row.

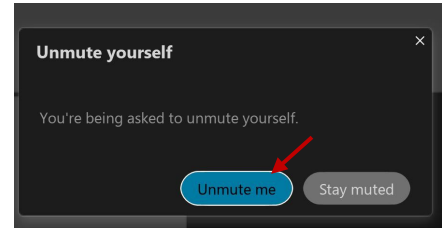


Green microphone = Unmuted: People in the meeting can hear you.



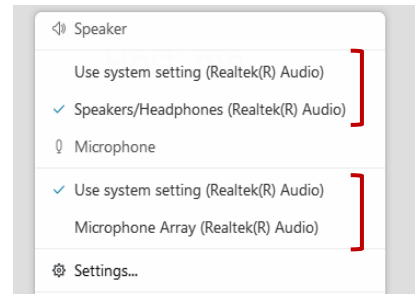
Red microphone = Muted: No one in the meeting can hear you.

*Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on "Unmute Me".*



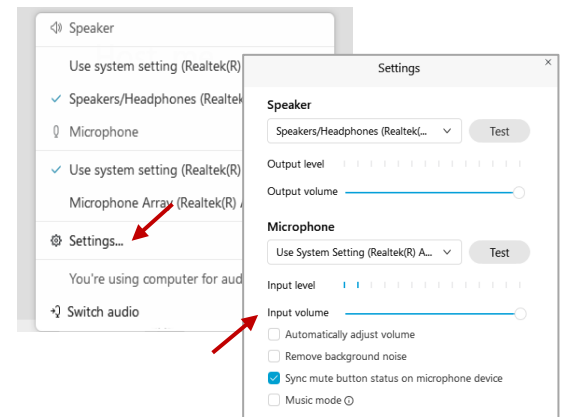
### If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
  - Microphone option if participants can't hear you.
  - Speaker option if you can't hear participants.



### If your microphone volume is too low or too high

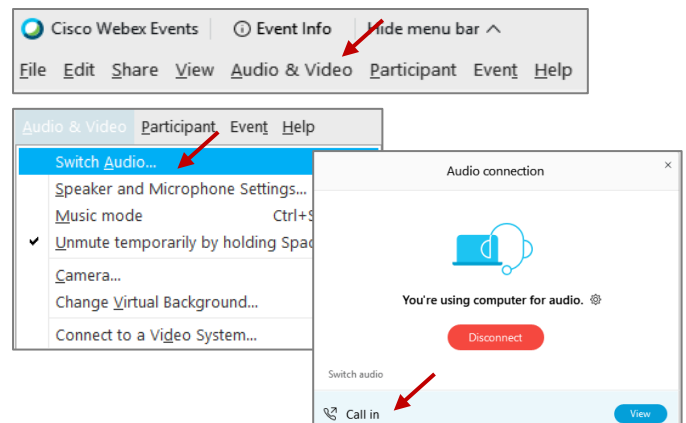
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
  - Click on "Settings...":
  - Drag the "Input Volume" located under microphone settings to adjust your volume.



### Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through Webex. Your phone will then become your audio source during the meeting.

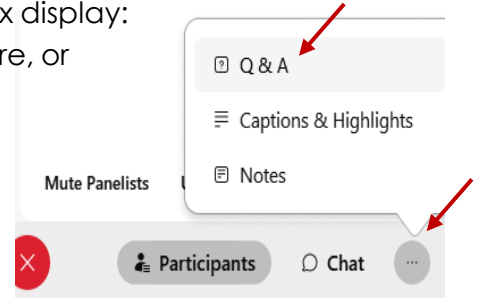
- 1 Click on "Audio & Video" from the menu bar.
- 2 Select "Switch Audio" from the drop-down menu.
- 3 Select the "Call In" option and following the directions.



The question-and-answer feature (Q&A) is utilized for questions or comments. Upon direction of the meeting facilitator, the moderator will open the Q&A panel for meeting participants to submit questions or comments. *NOTE: This feature is not accessible to those joining the meeting via telephone.*

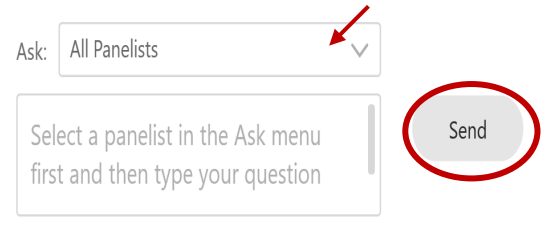
1 Access the Q&A panel at the bottom right of the Webex display:

- Click on the icon that looks like a “?” inside of a square, or
- Click on the 3 dots and select “Q&A”.



2 In the text box:

- Select “All Panelists” in the dropdown menu,
- Type your question/comment into the text box, and
- Click “Send”.



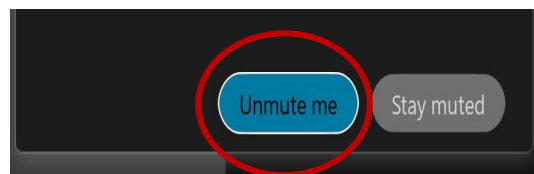
OR

If connected via telephone:

- Utilize the raise hand feature by pressing \*6 to raise your hand.
- Repeat this process to lower your hand.

3 The moderator will call you by name and indicate a request has been sent to unmute your microphone. Upon hearing this prompt:

- Click the **Unmute me** button on the pop-up box that appears.

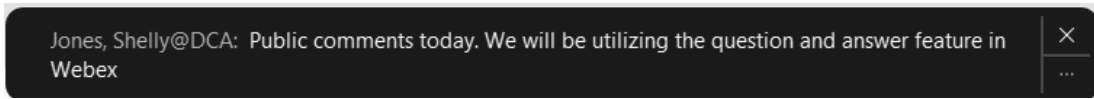


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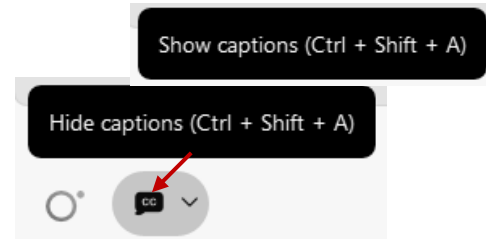
If connected via telephone:

- Press \*3 to unmute your microphone.

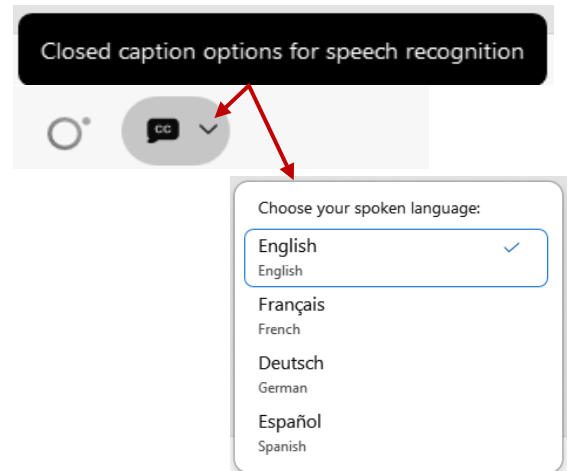
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



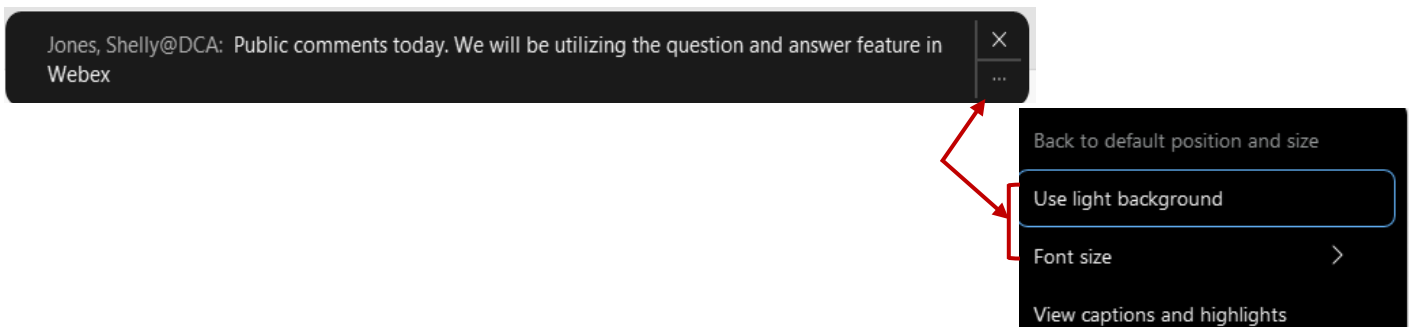
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



You can select the language to be displayed by clicking the drop-down arrow next to the closed captioning icon.



You can view the closed captioning dialog box with a light or dark background or change the font size by clicking the 3 dots on the right side of the dialog box.



## **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 FROM 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: REVIEW AND POSSIBLE ACTION ON NOVEMBER 4, 2022, LATC MEETING MINUTES**

### **Summary**

The Committee is asked to review and take possible action on the minutes of the November 4, 2022, LATC meeting.

### **Action Requested**

Approval of the November 4, 2022, LATC Meeting Minutes

### **Attachment**

November 4, 2022, LATC Meeting Minutes (Draft)



## **Draft Minutes**

### CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee Meeting

November 4, 2022

Davis

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

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

#### Staff Present

Laura Zuniga, Executive Officer  
Trish Rodriguez, Program Manager  
Nicholas Barnhart, Licensing Coordinator  
Blake Clark, Examination Analyst  
Kourtney Nation, Special Projects Analyst

#### Department of Consumer Affairs (DCA) Staff Present

Judie Bucciarelli, Board and Bureau Relations  
Karen Halbo, Regulatory Counsel, Attorney III  
Michael Kanotz, LATC Counsel, Attorney III  
Matt Nishimine, Regulatory Specialist, Fiscal Operations/Budget Office

#### Guests Present

Mavi Arias, President, University of California, Davis (UC Davis) National  
Association of Minority Landscape Architects  
Madeline Laun, Vice President, UC Davis Student Chapter of the 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 10:30 a.m. and Vice Chair, Pamela Brief called roll. Five members of LATC were present, thus a quorum was established.

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

Mr. Wreschinsky announced that Agenda Item F, Discuss and Possible Action on Proposal to Amend the Committee's Fee Schedule, would be discussed after lunch. He reminded members that votes on all motions will be taken by roll call.

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

Mr. Wreschinsky invited members of the public to address the LATC. There were no guests present at this time. Trish Rodriguez shared that Donna Tylor emailed the LATC the day before the meeting in support of the proposed regulatory language to amend California Code of Regulations section 2615 (Form of Examinations).

## **G. Review and Possible Action on August 2, 2022 LATC Meeting Minutes**

- **Susan M. Landry moved to approve the August 2, 2022 LATC Meeting Minutes as presented.**

**Patricia M. Trauth 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.**

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

Ms. Rodriguez presented the October 1, 2022 Program Manager's Report. She shared that LATC staff are working with the business modernization vendor to transition the Eligibility and California Supplemental Examination (CSE) Applications to the new platform. She added that the project started in May and is expected to be fully implemented in 18 months with incremental releases to the public. Ms. Rodriguez added that project cohorts continue to meet monthly with DCA and the vendor to view demos, provide feedback, and discuss any issues. She expanded that the first project release, which will allow use of the Eligibility and CSE Applications, is expected in early 2023.

Ms. Rodriguez reminded the Committee members that the Board met via teleconference on September 16, 2022 and approved the LATC's 2022-2024 Strategic Plan. She added that the next Board meeting will be held on December 9, 2022, at Stanford University.

Ms. Rodriguez shared that staff continue to follow state-wide guidelines for COVID-19 and employees continue to telework and work in the office as needed.

Ms. Rodriguez shared that an outreach presentation was provided in-person by LATC staff and landscape architect Christine Anderson on October 20, 2022, at UC

Davis for students enrolled in the Professional Practice course. She added that the presentation included an overview of LATC's mandate, examination registration process, and updates to the various pathways to licensure.

Ms. Rodriguez also provided updates on LATC's social media activity, website changes, pending legislative and regulatory proposals, and examination program. She shared that the Council of Landscape Architectural Registration Boards (CLARB) concluded a Job Task Analysis in August which resulted in changes to the content and structure of the Landscape Architect Registration Examination (LARE) beginning in December 2023. She added that the changes could impact some California candidates and will be discussed further under Agenda Item I. Ms. Rodriguez also provided an update on recent enforcement activity.

Mr. Wreschinsky asked if the citation issued to Kathleen McKernin was the full extent of the action taken for the violation. Ms. Rodriguez confirmed that no further action was taken. Laura Zuniga added that the citation is disclosable to the public. Michael Kanotz explained that the citation process is an alternative to the traditional disciplinary process and that a citation was issued in this case in lieu of disciplinary action. Mr. Wreschinsky asked if the individual would be monitored after the citation. Mr. Kanotz explained that there is no monitoring method similar to probation for citations. Mr. Wreschinsky asked if further action would be taken if LATC receives a similar complaint about the individual in the future. Ms. Zuniga confirmed that prior violations are taken into consideration when determining enforcement actions. Andrew Bowden added that there are civil remedies available to a consumer aside from the LATC complaint process.

Mr. Bowden asked for clarification on the status of the legislative proposal to implement Business and Professions Code (BPC) section 5659 (Inclusion of License Number – Requirement). Ms. Zuniga confirmed she resubmitted the proposal as part of an omnibus bill to the Senate Business, Professions, and Economic Development Committee.

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

Judie Bucciarelli shared that the Governor recently appointed Melissa Gear as the new Deputy Director of Board and Bureau Relations and she joined DCA on October 3, 2022. Ms. Bucciarelli announced that DCA Director Kimberly Kirchmeyer established the Department's first Diversity, Equity, and Inclusion Steering Committee (DEI Committee) which will hold its official kick-off meeting on November 9, 2022. She added that the new DEI Committee will inform the Department's strategic planning process and, by March 2023, DCA will begin implementing the revised processes and working with the programs to update existing strategic plans or developing new strategic plans.

Ms. Bucciarelli reminded the LATC of the upcoming "Our Promise: California State Employees" donation campaign, current COVID-19 safety measures, and Board member travel policies. She also announced an upcoming partnership between DCA and the State Controller's Office to share information with consumers and certain licensees about the Unclaimed Property Program.

Mr. Wreschinsky asked if the members of the DEI Committee have already been selected and if the meetings will be open to the public or board members.

Ms. Bucciarelli responded that an announcement should be made prior to the kick-off meeting on November 9, 2022. Ms. Zuniga added that the meetings will not be open to the public.

Patricia Trauth asked how the DEI Committee will be funded. Ms. Zuniga explained that any work the Department does is funded through pro-rata by licensing fees from all DCA programs. She added that DCA does not receive General Fund support.

## **I. Council of Landscape Architectural Registration Boards**

### **1. Update on California Code of Regulations (CCR) Title 16, Division 26, Article 1, Section 2614 (Examination Transition Plan)**

Ms. Rodriguez reminded the Committee members that CLARB has proposed changes to the LARE format and, due to the time sensitivity of the change, amendments to CCR section 2614 (Examination Transition Plan) were presented to the Board on September 16, 2022. She explained that the Board approved the amendments to incorporate the new LARE format within the examination transition plan and the related Notice of Proposed Regulatory Action was submitted to the Office of Administrative Law (OAL) to start the 45-day public comment period on November 11, 2022. Mr. Bowden asked if California is the only state where candidates are allowed early entrance to LARE Section 1 (Project and Construction Management) prior to being eligible for Section 4 (Grading, Drainage and Construction Documentation). Ms. Rodriguez responded that California is a pre-approval state and one of the approved pathways is early entrance to LARE Sections 1 (Project and Construction Management) and 2 (Inventory and Analysis), however, CLARB's position is that candidates should be allowed to take all LARE sections upon completion of an approved landscape architecture degree. She reminded the members that LATC previously decided that candidates must verify training experience prior to taking LARE Sections 3 (Design) and 4 (Grading, Drainage and Construction Documentation). Mr. Wreschinsky stated that he questions CLARB's suggestion that candidates are more successful on the exam right out of school. He reminded the members that LATC has expressed to CLARB that it is a disservice to let candidates take all sections of the LARE right out of school, before obtaining training experience.

### **2. Discuss and Possible Action on Proposed Regulatory Language to Amend CCR Section 2615 (Form of Examinations) as an Emergency Rulemaking**

Ms. Rodriguez explained that some California candidates have passed Section 1 (Project and Construction Management) and may not have sufficient time to qualify for Section 4 (Grading, Drainage and Construction Documentation) prior to the LARE transition. She explained that the emergency rulemaking would amend CCR section 2615 to allow opportunities for those candidates to take Section 4 (Grading, Drainage and Construction Documentation) prior to the LARE transition. She added that the proposal would also rescind the pathway for early entrance to the LARE without training experience, effective September 1, 2023.

- **Andrew C. N. Bowden moved to recommend to the Board approval of the attached Emergency Proposed Regulatory Language to amend 16 CCR section 2615 regarding Form of Examinations, direct staff to submit the text to the Director of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and direct the Executive Officer to take all steps necessary to initiate the rulemaking process, make any technical or non-substantive changes to the rulemaking package, and set the matter for hearing if requested. If no adverse comments are received during the 5-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at 16 CCR section 2615 as noticed.**

**Susan M. Landry 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.**

Mr. Wreschinsky recommended the Committee revisit this issue after the LARE transition in December 2023 to determine if California candidates should be able to take certain sections of the new format upon graduation. Karen Halbo added that the emergency regulation would allow candidates opportunities to take LARE Section 4 (Grading, Drainage and Construction Documentation) for 180 days and can be extended for an additional 90 days. Mr. Bowden asked how many candidates are affected by the transition. Ms. Rodriguez explained that approximately 200 candidates have been approved for LARE Sections 1 (Project and Construction Management) and 2 (Inventory and Analysis).

**J. Discuss and Possible Action on Modified Proposed Regulatory Language to Amend CCR Title 16, Division 26, Article 1, Section 2680 (Disciplinary Guidelines)**

Ms. Rodriguez explained that the final rulemaking package for CCR section 2680 (Disciplinary Guidelines) was submitted to OAL, where the reviewing attorney had questions surrounding license surrender and continuing education course providers. She added that the package was withdrawn from OAL review to make necessary changes, a 15-day Notice of Modified Text was issued on October 15, 2022, and no public comments were received.

- **Pamela S. Brief moved to recommend to the Board approval of the attached proposed Modified Text to amend 16 CCR section 2680, and delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file and to adopt the proposed Modified Text.**

**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.**

**F.\* Discuss and Possible Action on Proposal to Amend the Committee's Fee Schedule**

Ms. Rodriguez explained that the Committee was presented with the program's revenues and expenditures at the August 2, 2022, LATC meeting. She reminded the members that the LATC fund condition indicates a structural imbalance due to expenditures outweighing revenue that would cause the fund to become insolvent by fiscal year (FY) 2023-24. Ms. Rodriguez explained that staff and the Budget Office conducted a fee study to help guide the Committee in making sure it can fulfill its mandate to provide oversight and enforcement of the Landscape Architects Practice Act.

Matt Nishimine thanked Ms. Rodriguez, Ms. Zuniga, and LATC staff for their time and effort on the fee study project. He provided an overview of the October 2022 Fee Analysis Report and explained how the three proposed fee models were calculated. Mr. Nishimine explained that the DCA Legislative Affairs and Budget Offices would assist LATC in proposing a legislative change to amend the Committee's fee schedule during the 2022-23 legislative session to be effective January 1, 2024.

Mr. Nishimine advised that the projected costs related to LATC's business modernization project would decrease as the project changes from procurement and implementation to ongoing system maintenance. He also recommended that LATC request a presentation from the DCA Office of Information Services for further details on the business modernization system.

Mr. Nishimine directed the Committee members to the three proposed fee model options outlined in the October 2022 Fee Analysis Report. He explained that the presented fee models are sufficient to keep the LATC fund solvent and to ensure existing programs continue through FY 2029-30. He added that the fee increases are necessary to align revenues with expenditures and are not intended to cause barriers to licensure or hardship.

Ms. Landry asked about the projected amounts listed on Appendix 3 for costs related to "consulting and professional services (external)". Mr. Nishimine explained that those costs are related to business modernization and were calculated with the assumption that the project is on track to fully expend this year. Mr. Bowden expressed that the Committee does not have control over the cost of staff and asked if LATC costs are tied to the costs of living. Mr. Nishimine responded that members are entitled to personnel costs information. He explained that the annual budget process does not account for inflation or cost of living increases. Ms. Trauth asked if the Assistant Executive Officer position is vacant. Ms. Rodriguez confirmed and explained that the position is part of the Board budget. Ms. Zuniga explained the position is being held vacant for salary savings. Ms. Trauth asked if costs related to DCA's DEI Committee are integrated in the projected budget. Ms. Zuniga explained that funding for the DEI Committee would be included under existing pro

rata costs. Mr. Wreschinsky inquired about the LARE administration cost to LATC. Nicholas Barnhart responded that the most recent annual fee paid to CLARB was approximately \$6,000. Ms. Brief asked if the temporary staff position is expected to be filled. Ms. Rodriguez stated that the temporary position is not expected to be filled at this time. Mr. Wreschinsky asked if all the DCA costs are paid for by the boards and programs. Mr. Nishimine confirmed that centralized services are paid through the DCA pro rata assessment. Mr. Wreschinsky asked which state department sets staff salary levels and negotiates benefit packages. Mr. Nishimine explained that those costs are under the purview of the Governor and the legislature. He added that the proposed fee models were calculated based on historical employee compensation and benefit adjustments.

Mr. Nishimine explained that the proposed fee models are starting points and the members could determine to offset some costs by increasing others. Ms. Brief opined that the Committee intends to encourage new potential licensees and could consider increasing fees for reciprocity or other categories. Mr. Nishimine explained that increasing the initial license or renewal fees could allow the Committee to set a lower Eligibility Application fee. Ms. Brief asked the Committee members if they would like to decide how many months in reserve is reasonable and if any adjustments should be made to the proposed fees. Mr. Wreschinsky noted that the third fee model would provide one to two months in reserve. He added that the Committee must keep in mind that a lot of licensees will pay out of pocket. Mr. Bowden expressed that licensees could be willing to pay \$700 or \$800 for renewal. He added that LATC has not been charging enough and the license fee should have been higher than \$400. Ms. Trauth reminded the members that LATC recently had a surplus in reserve. Mr. Bowden explained that while there was a surplus in reserve LATC's costs still outweighed revenues at that time. He added that he was not aware there was an imbalance until the fee study was initiated. He suggested all fees, aside from the Eligibility Application, should cover the direct costs associated with those fees. Mr. Wreschinsky stated that LATC will need to explain how the new fees align with the actual costs to the program. Ms. Trauth suggested that LATC charge more for a Reciprocity Application since those individuals typically want reciprocity so they can participate in the California market. She added that doing so could keep the Eligibility Application fee down. Mr. Wreschinsky asked if there is any way to set up a payment plan for license fees. Ms. Rodriguez responded that LATC could shorten the license renewal period so licensees would pay a smaller amount more frequently. Mr. Bowden suggested that LATC increase the Eligibility Application fee to \$100. Ms. Brief asked if LATC receives an average of 29 Reciprocity Applications annually. Mr. Nishimine explained that LATC received an average of 29 Reciprocity Applications over the last four years.

Ms. Landry opined that some licensees may not maintain their license if the fee is increased by \$300. Ms. Brief explained that a license is needed to work as a landscape architect in California and the fee increase would not cause many people to give up their career. Ms. Landry asked if LATC could cut any expenses. Ms. Trauth noted that LATC must absorb costs related to business modernization and DCA's DEI Committee. She added that Committee members should be included in the decisions to fund these projects. Ms. Brief agreed and stated that members are tasked with a job that they can not fulfill without sufficient information.



Mr. Wreschinsky asked why the costs related to initial licensure and license renewal are similar. Ms. Rodriguez explained that there are similar questions on those applications and staff must complete a similar review process. Mr. Wreschinsky asked if the CSE cost is fixed. Ms. Rodriguez confirmed that the cost is fixed and is paid to the examination vendor, PSI. Ms. Landry asked if individuals licensed through reciprocity must pay the same renewal fee as other licensees. Ms. Rodriguez confirmed they pay the same renewal fee amount.

Mr. Wreschinsky proposed raising the Eligibility Application fee to \$150 or \$200. Ms. Brief suggested setting the Eligibility Application fee at \$100 and doubling the proposed fee for a duplicate license. Ms. Rodriguez asked if LATC could charge more than the actual cost for each service. Mr. Nishimine explained that exam related fees should be aligned with actual costs. He added that costs for initial licenses and license renewals can be increased as a policy decision to shift costs from other line items. Mr. Bowden and Ms. Landry suggested increasing the CSE fee to \$400.

Mr. Nishimine shared that DCA has not proposed any increase to costs as a result of the new DEI Committee. He added that LATC allocations of department-wide proposals do not significantly impact the LATC budget. Ms. Trauth asked if the business modernization costs were something LATC did not have control over. Ms. Zuniga explained that LATC could have chosen not to move forward with business modernization but that would not benefit the program.

Ms. Landry repeated the member's suggestions to set the Eligibility Application fee at \$100 and the CSE Application fee at \$400. Ms. Brief opined that if the Eligibility Application fee is set at \$100, then the Reciprocity Application fee should be increased to adjust revenue. Mr. Wreschinsky asked the members for input on the license renewal fee. Ms. Landry suggested the renewal fee should be at least \$766 to cover costs. Ms. Brief suggested that the renewal fee be raised to \$780 as proposed in the third fee model. She added that LATC should explain to licensees that the increased renewal fee will cover costs and ensure the fund is solvent. Mr. Wreschinsky asked about the renewal fee for an architect license. Ms. Zuniga responded that the architect license renewal fee is being raised to \$400. She added that the licensing population of architects is larger than landscape architects so the renewal fee can be lower. She explained that the Board will go through a similar fee study as LATC and increase fees in the future. Ms. Brief noted that professional landscape architects should encourage their peers to become licensed. Mr. Wreschinsky opined that LATC costs may increase in the future, so it is reasonable to set the renewal fee at \$800. Ms. Brief asked Mr. Nishimine if he could update the fee model to determine if the member's suggested fee changes would cover expenditures. Mr. Nishimine asked if the Committee would like to set both minimum and maximum fees in statute. Mr. Bowden asked if it would be possible to set the fee in statute as the cost to LATC plus fifteen percent. Mr. Kanotz explained that could violate the constitution since appropriations must be in fixed amounts. Ms. Landry asked if the budget would be balanced if LATC increased the maximum fees for the Eligibility Application to \$100, CSE Application to \$400, Reciprocity Application to \$800, Initial License Application to \$800, license renewal to \$800 and duplicate license to \$300. Mr. Nishimine calculated the projected revenue and confirmed that those proposed fees would be more aligned with the third fee model.

Mr. Bowden asked if there would be a way to start with lower fees and increase over time. Mr. Nishimine confirmed that LATC could adopt the first fee model as the floor effective January 1, 2024, and then within the next two years the Committee could meet and decide to implement regulations to increase the renewal fee to \$800. Ms. Landry suggested that the minimum fees should be set at \$100 for Eligibility Application, \$350 for CSE Application, \$700 for Reciprocity Application, \$700 for Initial License Application, \$700 for renewal, and \$300 for duplicate license. Ms. Brief asked when Mr. Nishimine could provide an updated projected fund condition statement based on the member's proposed minimum and maximum fees. Mr. Nishimine responded that he could update the statement and check back in with the Committee in about thirty minutes.

**E.\* Presentation on the University of California, Davis Landscape Architecture Program**

Mavi Arias, President of the UC Davis National Association of Minority Landscape Architects, and Madeline Laun, Vice President of the Student Chapter of the American Society of Landscape Architects, provided an update on current UC Davis landscape architecture degree program courses and activities. They shared that the program helped fund a trip for a group of students to attend the 2022 American Society of Landscape Architects (ASLA) Annual Conference in San Francisco.

**F.\* Discuss and Possible Action on Proposal to Amend the Committee's Fee Schedule**

Mr. Nishimine asked if the members wanted to set the new fees at \$100 for Eligibility Application, \$350-\$400 for CSE Application, \$700-\$800 for Reciprocity Application, \$700-\$800 for Initial License Application, \$700-\$800 for renewal, and \$300 for a duplicate license. Mr. Wreschinsky noted that the fee for a Reciprocity Application should be lowered since a reciprocity applicant must pay both the Reciprocity and Initial License Application fees. He suggested the Reciprocity Application fee could be set at \$250-\$300. Mr. Nishimine confirmed the fees proposed are projected to cover LATC's expenditures.

Ms. Rodriguez commented that currently the Reciprocity and CSE Application fees are the same. Blake Clark added that the fees for both the Reciprocity and CSE Applications go toward review of the application and registration for the CSE. Ms. Landry suggested increasing the proposed Reciprocity Application fee to \$350-\$400.

- **Susan M. Landry moved to recommend to the Board fee increases at a floor and ceiling as presented on the view screen by Matt Nishimine.**

**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.**

## **K. Review and Discuss 2022 Legislation**

### **1. Senate Bill (SB) 1237 (Newman) Licenses: Military Service**

Ms. Zuniga shared that both bills listed have been signed by the Governor. She explained that existing law already provided renewal fee waivers for active duty military members and this bill changed the definition of active duty.

### **2. SB 1443 (Roth) The Department of Consumer Affairs**

Ms. Zuniga explained that this was an omnibus bill that extended the sunset date for both the Board and LATC for an additional year, to January 1, 2025.

## **L. Discuss and Possible Action on 2022-2024 Strategic Plan Objectives to:**

### **1. Explore the Etiquette of Social Media and Develop a Messaging Plan, Such as Celebrating New Licensees, to Reach Out to the Public and Practitioners**

Ms. Rodriguez directed the members to the Social Media Messaging Plan included in the meeting materials and explained that it identifies target audiences and includes examples of messages that could be shared on LATC's social media.

Ms. Trauth asked if additional staff are needed to work on social media.

Ms. Rodriguez explained that existing staff would work on the social media messaging and could coordinate with the Board and DCA as needed. She added that input from the Committee is encouraged and appreciated. Mr. Bowden asked if there are any additional social media platforms that the LATC would like to use.

Ms. Rodriguez explained that the Committee considered other platforms during its strategic planning session and decided to join LinkedIn. Ms. Landry expressed that the images used on social media should show low-water landscapes.

Ms. Rodriguez shared that staff worked with DCA to prepare social media graphics which Ms. Brief reviewed to ensure water usage was taken into consideration.

Ms. Brief added that Instagram is a great platform for landscape architecture. She explained that Facebook seems to have a decrease in engagement for organizations and that Twitter and LinkedIn are better options. Ms. Brief suggested that LATC write a letter to local ASLA chapters to request assistance with sharing LATC's social media accounts.

- **Pamela S. Brief moved to approve the Social Media Messaging Plan as presented.**

**Susan M. Landry 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.**

## **2. Explore Linking LATC’s Website Directly to Other Jurisdictions’ and Licensing Boards’ Websites for Increased Licensee Awareness of What Other States are Doing and to Promote Dialogue**

Ms. Rodriguez directed the members to the contact lists provided in the meeting materials and explained that the included links have been posted to the LATC website. Ms. Brief thanked staff for collecting the website addresses. Ms. Landry advised that the list should be updated to reflect the new Campbell City website address.

### **M. Election of 2023 Committee Officers**

Ms. Landry nominated Mr. Wreschinsky for LATC Chair. Ms. Brief shared that she would like to be Vice Chair again.

- **Susan M. Landry moved to elect Jon S. Wreschinsky as 2023 LATC Chair.**

**Pamela S. Brief 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.**

- **Susan M. Landry moved to elect Pamela S. Brief as 2023 LATC Vice Chair.**

**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.**

### **N. Review of Future Committee Meeting Dates**

Ms. Rodriguez reminded the members that she sent out a poll to determine which dates would work for the 2023 LATC meetings. Mr. Wreschinsky shared that the next Board meeting is on December 9, 2022, at Stanford University. Ms. Landry offered to attend the upcoming Board meeting.

### **O. Adjournment**

The meeting adjourned at 2:30 p.m.

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

**AGENDA ITEM F: PROGRAM MANAGER’S REPORT – UPDATE ON COMMITTEE’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 April 1, 2023



## MEMORANDUM

<b>DATE</b>	April 1, 2023
<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 April 1, 2023.

### Administrative/Management

Department of Consumer Affairs On January 3, 2023, DCA transitioned to a new logo. The logo has been replaced on the public-facing website as well as other products and elements. As with any significant change, the transition will take place over time. Any existing items that have the previous DCA logo are still valid. A notification of the change has been posted on LATC’s social media accounts and mailed to its interested parties list on December 30.

Business Modernization Cohort 2 Project programs consisting of LATC, California Architects Board, Structural Pest Control Board, Cemetery and Funeral Bureau, and the Bureau of Household Goods and Services started the Project on May 16, 2022. The Project is an 18-month duration with incremental releases to the public. Through inLumon’s Connect platform, the examination, licensing, and enforcement processes will be automated. The first release of Connect is scheduled for April and will include automation of the Eligibility Application, California Supplemental Examination Application, and Initial License Application. The second release is targeted for July 2023 and will include automation of the Certification of Experience and Reciprocity Application. The second release will also incorporate the online license renewal system into Connect.

California Architects Board The Board met via teleconference on February 24, 2023. Remaining dates for 2023 are May 19, September 8, and December 1.

Committee The next LATC meetings are scheduled for August 11 and November 3.

Outreach An outreach presentation was held on October 20, 2022, for students enrolled in a professional practice course at the University of California, Davis. The presentation was provided in-person and included an overview of LATC’s mandate, Landscape Architects Practice Act, importance of licensure, examination process, and updates to the various education and training pathways to licensure. Twenty-eight students attended the outreach presentation and were asked to complete a survey regarding the usefulness of the information in the outreach

presentation. Overall, attendees appreciated the presentation and found the information regarding the pathways to licensure and the importance of licensure helpful. Survey results are provided below:

Outreach Student Survey – UC Davis, October 20, 2022					
Statement:	Strongly Agree	Agree	Disagree	Strongly Disagree	N/A
The presentation was informative. I learned more about pathways to licensure than I already knew.	22	6	0	0	0
	79%	21%	0%	0%	0%
I understand the importance of licensure and how it relates to the public's health, safety, and welfare	21	7	0	0	0
	75%	25%	0%	0%	0%
I know what I have to do to become licensed.	18	10	0	0	0
	64%	36%	0%	0%	0%
I could have used this information earlier.	8	13	3	0	4
	29%	46%	11%	0%	14%
The presentation answered all of my questions.	9	12	1	0	6
	32%	43%	4%	0%	21%

Personnel The Assistant Executive Officer position remains vacant. Nicholas Barnhart promoted on March 6, 2023, to fill the Examination Coordinator (Staff Services Analyst) position. The Licensing/Administration Coordinator (Office Technician) position is vacant.

This year's Statement of Economic Interests (Form 700) annual filing period covers the prior calendar year (January 1, 2022 through December 31, 2022). The filing deadline was Friday, April 1, 2023.

Social Media LATC has maintained a Twitter account since 2014 that currently has 260 followers. On April 26, 2022, staff established an Instagram account that currently has 68 followers, and a LinkedIn account that has 11 followers. These accounts largely permit the LATC to have active social media participation with the public and professionals.

Training Courses completed by staff October 1, 2022 -March 31, 2023:

- October 13 Tracking Regulatory Changes using Microsoft Word (Kourtney Nation)
- November 9 ATS Training (Nicholas Barnhart)
- November 15 RMA 103: Conducting an Inventory of Records (Nicholas Barnhart)
- November 16 RMA 104: Developing a Records Retention Schedule (Nicholas Barnhart)
- December 8 Regulations: Tips for Preparing Agenda Items and Motions for a Rulemaking (Kourtney Nation)
- December 15 Regulations: What Happens AFTER Submission (Kourtney Nation)
- March 6 Connect Training: Registration and Login (All staff)
- March 9 Connect Training: Eligibility, CSE, and Initial License Applications (All staff)
- March 10 Connect Training: Back Office Application Workflow (All staff)
- March 10 Connect Training: Connect Cashiering (Nicholas Barnhart and Stacy Townsend)
- March 10 Connect Training: Search for Individuals or Organizations (All staff)

Website

1. November 16, 2022-the "Committee Members" page was updated to reflect the re-appointment and current term expiration date for Jon S. Wreschinsky.
2. November 18, 2022-the minutes of the August 2, 2022 LATC meeting were posted.
3. December 7, 2022-2023 LATC meeting dates were posted.

4. December 20, 2022-the 2023 Landscape Architects Registration Examination (LARE) administration dates and Eligibility Application deadlines were posted.
5. January 12, 2023-quarterly license processing data was updated for October-December 2022.
6. February 22, 2023-the Notice of Approval of Regulatory Action for CCR section 2614 (Examination Transition Plan) was posted.
7. March 10, 2023-the redesigned 2022-2024 LATC Strategic Plan was posted.

Legislative Proposal **Business and Professions Code (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. LATC resubmitted this proposal on November 4, 2022 to the Senate Business, Professions, and Economic Development Committee.

<b>Date</b>	<b>Action Taken</b>
February 28, 2020	Proposed language approved by Board
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
November 4, 2022	Resubmitted to Senate Business, Professions, and Economic Development Committee

Regulatory Proposals

**CCR Section 2614 (Examination Transition Plan)** On August 25, 2022, the Council of Landscape Architectural Registration Boards (CLARB) announced changes to the content and structure of the LARE effective December 2023. At its September 16, 2022 meeting, the Board approved proposed regulatory language to establish a plan to grant examination credit, toward the new LARE sections, to candidates who passed sections of the previously administered LARE. Amendments became effective on April 1, 2023. Staff are pursuing a secondary regulatory proposal to extend the transition date from August 2023 to November 2023 to accommodate an additional LARE administration date announced by CLARB. This new administration was added to allow affected candidates another opportunity to pass the current



LARE prior to the format change in December 2023.

Following is a chronology of LATC's secondary regulatory proposal for CCR section 2614:

<b>Date</b>	<b>Action Taken</b>
March 22, 2023	Proposed regulatory package submitted to DCA Legal Affairs Division for initial analysis
May 19, 2023	Board to review proposed regulatory language

**CCR Section 2615 (Form of Examinations)** At its February 24, 2023, meeting, the Board approved proposed regulatory language to update CCR section 2615 to allow California candidates to take any section of the LARE if they hold a degree in landscape architecture accredited by the Landscape Architectural Accreditation Board or an approved extension certificate in landscape architecture along with a four-year degree. This proposal will also align California's regulations with the new LARE format by removing references to LARE Sections 1-4 which will no longer be administered after December 2023. The package was submitted to DCA Legal Affairs Division for initial analysis on February 6, 2023.

Following is a chronology of LATC's regulatory proposal for CCR section 2615:

<b>Date</b>	<b>Action Taken</b>
February 6, 2023	Proposed regulatory package submitted to DCA Legal Affairs Division for initial analysis
February 24, 2023	Proposed regulatory language approved by Board
March 17, 2023	Regulatory package provided to Director for review

**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 was added to clarify the Board's existing ability to issue orders of corrections to cease unlawful advertising under BPC section 149, and that the 30-day deadlines are counted as calendar days, amending the appeal of citations process. The final package was submitted for OAL review on December 23, 2022 and approved on February 8, 2023. The amendments became effective on April 1, 2023.

**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 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.

The LATC and Board approved additional amendments to the proposed regulatory language at their meetings on August 4, 2021, and September 10, 2021, respectively. On March 4, 2022, DCA Legal completed their initial review of the rulemaking file and provided edits for staff review. On March 25, 2022, the revised documents were submitted to the Director's office for review and on April 11, 2022, the documents were provided to Agency and approved on May 5, 2022. The package was submitted to OAL to publish Notice of the 45-day comment period May 20, 2022, through July 5, 2022. No written comments were received. The final regulatory package

was submitted to OAL for review on August 11, 2022. Due to concerns from the OAL reviewing attorney regarding License Surrender while on Probation as well as Continuing Education courses and providers, the regulatory package was withdrawn on September 20, 2022. Staff worked with DCA Legal to address the concerns and the 15-day comment period of the modified text commenced on October 14, 2022 and ended on October 31, 2022. In anticipation of the Board's approval of the modified text, staff prepared the final documents and submitted to DCA Legal on November 30, 2022. The Board reviewed and approved the modified text at its December 9, 2022 meeting. Staff worked with DCA Legal to prepare the final documents and the regulatory package was resubmitted to OAL on March 23, 2023.

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

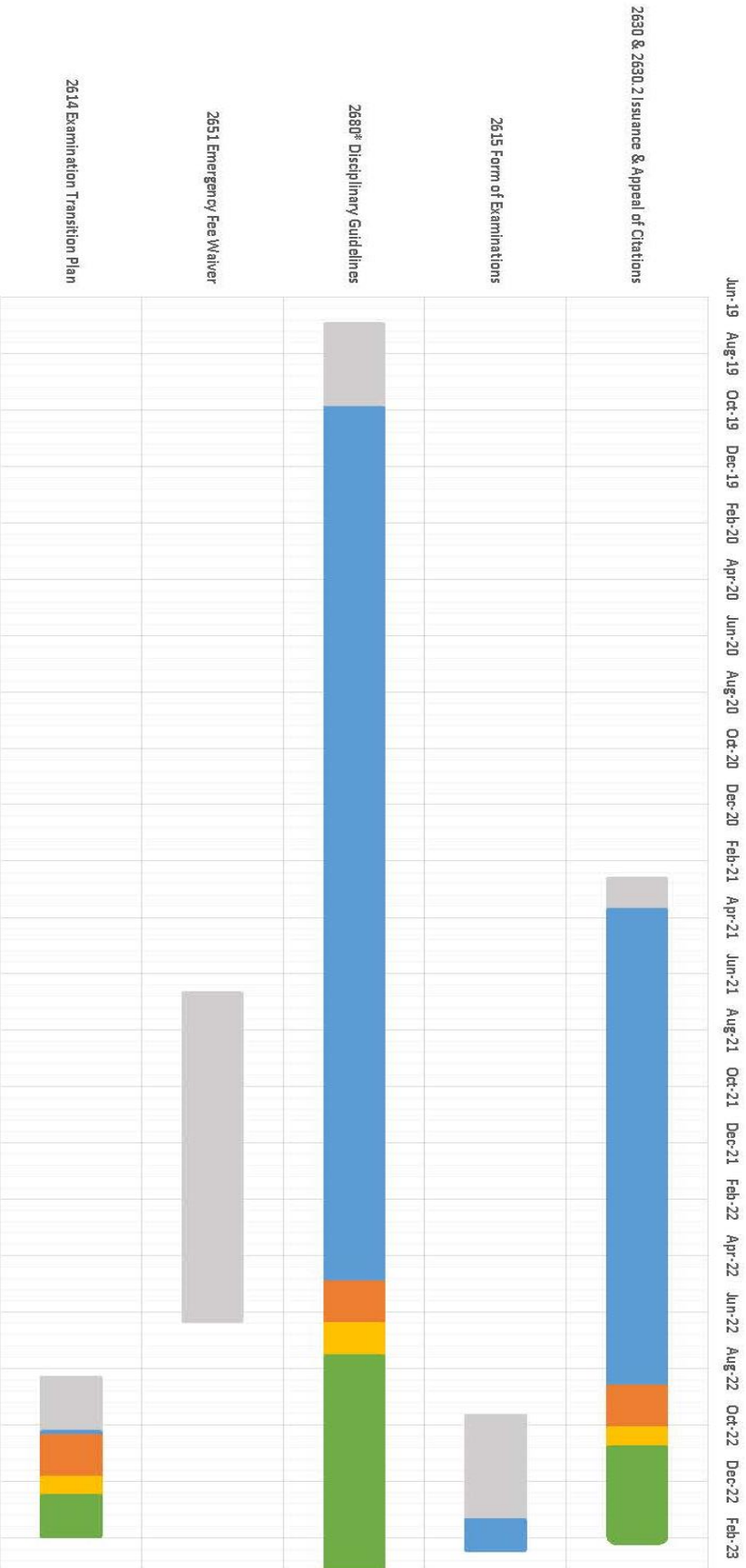
<b>Date</b>	<b>Action Taken</b>
February 8, 2019	Revised proposed regulatory language to amend LATC's Disciplinary Guidelines, due to the passing of AB 2138, approved by LATC
February 27, 2019	Revised proposed regulatory language to amend both LATC's and Board's Disciplinary Guidelines approved by Board
August 4, 2021	The Committee approved additional amendments to the Guidelines
September 10, 2021	The Board approved the additional amendments to the Guidelines
May 5, 2022	Regulatory package submitted to OAL for Notice publication
May 20, 2022	Start of 45-day comment period
July 5, 2022	End of 45-day comment period
August 11, 2022	Final regulatory package submitted to OAL
September 20, 2022	Regulatory package withdrawn to address OAL's concerns
October 14, 2022	Start 15-day comment period for modified text
October 31, 2022	End of 15-day comment period
November 30, 2022	Final documents submitted to DCA Legal for review
December 9, 2022	Board approved amended language
March 23, 2023	Regulatory package resubmitted to OAL

Regulation Proposals Tracker The attached chart allows at-a-glance tracking of the pending regulation packages. Since the November LATC meeting, the 45-day public comment period ended for CCR sections 2614 (Examination Transition Plan) and 2630/2630.5 (Issuance and Appeal of Citations) and the final regulatory packages were approved by OAL in February. Additionally, the regulatory package for CCR section 2680 (Disciplinary Guidelines) was revised to address concerns from OAL and staff worked with DCA Legal to resubmit the regulatory package to OAL on March 23, 2023.

## 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
2630 & 2630.2 Issuance & Appeal of Citation	Mar-21	Apr-21	34	Apr-21	Sep-22	524	Sep-22	Nov-22	46	Dec-22	Dec-22	21	Dec-22	Feb-23	47
2615 Form of Examinations	Oct-22	Feb-23	115	Feb-23	Mar-23	32			0	Dec-22	Dec-22	0	Dec-22	Feb-23	0
2680* Disciplinary Guidelines	Jul-19	Oct-19	92	Oct-19	May-22	961	May-22	Jul-22	46	Jul-22	Aug-22	36	Aug-22	Mar-23	232
2651 Emergency Fee Waiver	Jul-21	Jun-22	359			0			0	Dec-22	Dec-22	0	Dec-22	Feb-23	0
2614 Examination Transition Plan	Sep-22	Oct-22	60	Oct-22	Nov-22	4	Nov-22	Dec-22	46	Dec-22	Dec-22	20	Dec-22	Feb-23	44

Tracking of Pending LATC Regulatory Proposals



■ DCA Pre-Review   
 ■ Initial DCA Review   
 ■ Public Comment Period   
 ■ Final DCA Review   
 ■ OAL Review

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

## LATC EXAMINATION PROGRAM

California Supplemental Examination (CSE). Performance data for the CSE during the current and prior FYs is displayed in the following tables.

### CSE Performance by Candidate Type (July 1, 2022 to March 31, 2023)

Candidate Type	Passed	Rate	Failed	Rate	Total
First-time	81	81%	19	19%	100
Repeat	18	72%	7	28%	25
Total	99	79%	26	21%	125

### CSE Performance by Candidate Type (FY 21/22)

Candidate Type	Passed	Rate	Failed	Rate	Total
First-time	57	63%	33	37%	90
Repeat	10	29%	24	71%	34
Total	67	54%	57	46%	124

Landscape Architect Registration Examination (LARE). A LARE administration was held December 5-17, 2022. Examination results for all LARE administrations are released by CLARB within six weeks of the last day of administration. The next LARE administration will be held April 3-16, 2023. The application deadline is February 17, 2023. The pass rates for LARE sections taken by California candidates during the December 5-17, 2022, administration are shown in the following table:

### LARE Pass Rates by CA Applicants (December 5-17, 2022)

Section	CA Applicants	Passed	Rate	Failed	Rate
Project and Construction Management	44	25	57%	19	43%
Inventory and Analysis	67	38	57%	29	43%
Design	39	19	49%	20	51%
Grading, Drainage and Construction	85	41	48%	44	52%

Included below are the national pass rates for the LARE sections taken during the December 5 - 17, 2022 administration:

### LARE National Pass Rates (December 5-17, 2022)

Section	CA Applicants	Pass Rate	National Applicants	Pass Rate	▲ %
Project and Construction Management	44	57%	298	66%	-9%
Inventory and Analysis	67	57%	352	62%	-5%
Design	39	49%	297	60%	-11%
Grading, Drainage and Construction	85	48%	539	58%	-10%

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

## CA Versus National LARE Pass Rates (2019 to 2022)

California and national pass rates for LARE sections taken in 2022 are shown in the following table:

Section	CA Applicants	Pass Rate	National Applicants	Pass Rate	▲%
Project and Construction Management	140	56%	948	60%	-4%
Inventory and Analysis	166	54%	1,002	63%	-9%
Design	138	49%	922	57%	-8%
Grading, Drainage and Construction	189	56%	1138	63%	-7%

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

California and national pass rates for LARE sections taken in 2021 are shown in the following table:

Section	CA Applicants	Pass Rate	National Applicants	Pass Rate	▲%
Project and Construction Management	158	60%	1,013	61%	-1%
Inventory and Analysis	192	49%	1,076	60%	-11%
Design	186	51%	1,036	57%	-6%
Grading, Drainage and Construction	149	53%	966	62%	-9%

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

California and national pass rates for LARE sections taken in 2020 are shown in the following table:

Section	CA Applicants	Pass Rate	National Applicants	Pass Rate	▲%
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.

California and national pass rates for LARE sections taken in 2019 are shown in the following table:

Section	CA Applicants	Pass Rate	National Applicants	Pass Rate	▲%
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.

CLARB 2022 Job/Task Analysis In late January 2022, CLARB launched its Job Task Analysis (JTA). Conducted every 5-7 years as a survey, a JTA of the practice of landscape architecture ensures what is tested on the Landscape Architect Registration Examination (LARE) accurately reflects the knowledge and skills required to practice as a licensed professional. The JTA is used in the development of LARE content and to create the next LARE blueprint. On January 18, 2022, CLARB invited a representative from the LATC to participate in a 2023 work group to evaluate the outcomes of the JTA and to determine how the outcomes may influence refinements to the experience required for licensure. Jon S. Wreschinsky was appointed to the work group at the April 7, 2022, LATC meeting. In August 2022, CLARB concluded its JTA. The findings from this JTA resulted in changes to the content and structure of the LARE. Beginning in December 2023, a new LARE blueprint will go into effect. The last administration of the current

LARE will be in August 2023.

The new LARE blueprint will be the following four sections:

- Inventory, Analysis, and Project Management
- Planning and Design
- Construction Documentation and Administration
- Grading, Drainage, and Stormwater Management

The table below displays equivalency for current LARE sections to the new LARE blueprint.

<b>Current LARE Section</b>	<b>Equivalent to</b>	<b>New LARE Section</b>
Section 2 Inventory and Analysis	→	Inventory, Analysis, and Project Management
Section 3 Design	→	Planning and Design
Sections 1 Project and Construction Management AND 4 Grading, Drainage and Construction Documentation	→	Construction Documentation and Administration
Section 4 Grading, Drainage and Construction Documentation	→	Grading, Drainage, and Stormwater Management

CLARB has advised all candidates who have completed Section 1 to also complete Section 4 prior to or during the August 2023 administration, which will be the final administration using the current LARE blueprint. They also recommended that those who have completed Section 4 should complete Section 1 in this same timeframe.

LATC continues to communicate with candidates who have passed Section 1 but have yet to report the necessary experience to receive pre-approval for Section 4 about the upcoming LARE transition and its impact on their examination process.

## LATC ENFORCEMENT PROGRAM

Enforcement Actions None

<u>Enforcement Statistics</u>	<u>Current Quarter</u> Jan-Mar 2023	<u>Prior Quarter</u> Oct-Dec 2022	<u>FYTD</u> 22/23	<u>5-FY Avg</u> 2017/18- 2021/22
<b>Complaints</b>				
Received/Opened (Reopened):	7 (0)	12 (0)	24 (0)	35 (0)
Closed:	8	11	28	36
Average Days to Close:	44 days	64 days	81 days	102 days
Pending:	5*	5*	6*	10
Average Age (Pending):	63 days*	48 days*	66 days	103 days
<b>Citations</b>				
Issued:	1	1	2*	1
Pending:	0*	1*	1*	0
Pending AG: †	1*	0*	1*	0
Final:	0	1	3	1
<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	0	1	2
Closed:	0	1	1	1
Pending:	0*	0*	0*	1

\* Calculated as a quarterly average of pending cases.

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

† Also included within "Pending Citations"

## **AGENDA ITEM G: REVIEW AND DISCUSS 2023 LEGISLATION**

### **Summary**

An update to the 2023 legislative items listed below will be presented to the LATC.

### **Action Requested**

None

### **Attachments**

1. [Assembly Bill \(AB\) 342 \(Valencia\) Architects and Real Estate Appraisers: Applicants and Licensees: Demographic Information](#)
2. [Senate Bill \(SB\) 372 \(Menjivar\) Department of Consumer Affairs: Licensee and Registrant Records: Name and Gender Changes](#)
3. [SB 544 \(Laird\) Bagley-Keene Open Meeting Act: Teleconferencing](#)



AMENDED IN ASSEMBLY MARCH 21, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 342**

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**Introduced by Assembly Member Valencia**

January 31, 2023

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An act to add ~~Section 5552.2~~ *Sections 5552.2 and 11347* to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 342, as amended, Valencia. ~~California Architects Board: licensee: Architects and real estate appraisers: applicants and licensees:~~ demographic information.

Existing law, the Architects Practice Act, establishes the California Architects Board in the Department of Consumer Affairs for the licensure and regulation of persons engaged in the practice of architecture. Existing law requires the protection of the public to be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions. ~~law, the Real Estate Appraisers' Licensing and Certification Law, establishes the Bureau of Real Estate Appraisers to license and regulate real estate appraisers.~~

This bill would authorize the ~~board~~ *California Architects Board and the Bureau of Real Estate Appraisers* to request that ~~a~~ *an applicant or licensee* identify their race and gender on a form prescribed by the ~~board.~~ *board or bureau.*

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

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

1 SECTION 1. Section 5552.2 is added to the Business and  
2 Professions Code, to read:

3 5552.2. The board may request that ~~a~~ *an applicant or licensee*  
4 identify their race and gender on a form prescribed by the board.

5 SEC. 2. Section 11347 is added to the Business and Professions  
6 Code, to read:

7 11347. The bureau may request that an applicant or licensee  
8 identify their race and gender on a form prescribed by the bureau.

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AMENDED IN SENATE MARCH 20, 2023

**SENATE BILL**

**No. 372**

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**Introduced by Senator Menjivar**

~~(Coauthor: Senator~~ *(Coauthors: Senators Cortese and Wiener)*

~~(Coauthor: (Coauthors: Assembly Member Pellerin Members Lee,~~  
*Pellerin, and Wallis)*

February 9, 2023

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An act to add Section 27.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 372, as amended, Menjivar. Department of Consumer Affairs: licensee and registrant records: name and gender changes.

Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs. ~~Under existing law, the department is composed of various boards, bureaus, committees, and commissions.~~ Existing law establishes various boards within the department for the licensure, regulation, and discipline of various professions and vocations. Existing law defines "board" for purposes of the Business and Professions Code to include bureau, commission, committee, department, division, examining committee, program, and agency, unless otherwise expressly provided.

This bill would require a board to update a ~~licensee~~ *licensee's* or registrant's records, including records contained within an online license verification system, to include the ~~licensee~~ *licensee's* or registrant's updated legal name or gender if the board receives government-issued documentation, as described, from the licensee or registrant demonstrating that the licensee or registrant's legal name or gender has been changed. *The bill would require the board to remove the licensee's*

or registrant's former name or gender from its online license verification system and treat this information as confidential. The board would be required to establish a process to allow a person to request and obtain this information, as prescribed. The bill would require the board, if requested by a licensee or registrant, to reissue specified documents conferred upon, or issued to, the licensee or registrant with their updated legal name or gender. The bill would prohibit a board from charging a higher fee for reissuing a document with a corrected or updated legal name or gender than the fee it charges for reissuing a document with other corrected or updated information.

*Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

*This bill would make legislative findings to that effect.*

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

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

1 SECTION 1. Section 27.5 is added to the Business and  
2 Professions Code, to read:  
3 27.5. (a) (1) Notwithstanding any other law, if a board receives  
4 government-issued documentation, as described in subdivision  
5 (b), from a licensee or registrant demonstrating that the licensee  
6 licensee's or registrant's legal name or gender has been changed,  
7 the board shall update their records, including any records  
8 contained within an online license verification system, to include  
9 the updated legal name or gender. ~~If requested by the licensee or~~  
10 ~~registrant, the board shall reissue any documents conferred upon~~  
11 ~~the licensee or registrant with the licensee or registrant's updated~~  
12 ~~legal name or gender.~~  
13 (2) (A) *If the board operates an online license verification*  
14 *system, it shall remove the licensee's or registrant's former name*  
15 *upon receipt of government-issued documentation, as described*  
16 *in subdivision (b). The licensee's or registrant's former name and*  
17 *gender shall be deemed confidential.*  
18 (B) *The board shall establish a process for providing a*  
19 *licensee's or registrant's former name and gender upon receipt*

1 of a request that is related to a complaint against the licensee or  
2 registrant.

3 (C) In establishing a process to provide a licensee's or  
4 registrant's former name and gender, the board shall consider  
5 respect for the licensee's or registrant's privacy and safety.

6 ~~(2)~~

7 (3) If requested by the licensee or registrant, the board shall  
8 reissue any documents conferred upon the licensee or registrant  
9 with the licensee's or registrant's updated legal name or gender.

10 A board shall not charge a higher fee for reissuing a document  
11 with a corrected or updated legal name or gender than the fee it  
12 charges for reissuing a document with other corrected or updated  
13 information.

14 (b) The documentation of a licensee or registrant sufficient to  
15 demonstrate a legal name or gender change includes, but is not  
16 limited to, any of the following:

17 (1) State-issued driver's license or identification card.

18 (2) Birth certificate.

19 (3) Passport.

20 (4) Social security card.

21 (5) Court order indicating a name change or a gender change.

22 (c) This section does not require a board to modify records that  
23 the licensee or registrant has not requested for modification or  
24 reissuance.

25 *SEC. 2. The Legislature finds and declares that Section 1 of*  
26 *this act, which adds Section 27.5 to the Business and Professions*  
27 *Code, imposes a limitation on the public's right of access to the*  
28 *meetings of public bodies or the writings of public officials and*  
29 *agencies within the meaning of Section 3 of Article I of the*  
30 *California Constitution. Pursuant to that constitutional provision,*  
31 *the Legislature makes the following findings to demonstrate the*  
32 *interest protected by this limitation and the need for protecting*  
33 *that interest:*

34 *In order to protect the privacy rights and safety of individuals,*  
35 *it is necessary that this act limit the public's right of access to that*  
36 *information.*

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AMENDED IN SENATE MARCH 20, 2023

**SENATE BILL**

**No. 544**

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**Introduced by Senator Laird**

February 15, 2023

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An act to amend Section ~~50280.1~~ *11123* of the Government Code, relating to ~~local~~ *state* government.

LEGISLATIVE COUNSEL'S DIGEST

SB 544, as amended, Laird. ~~Historical—property—contracts—~~  
*Bagley-Keene Open Meeting Act: teleconferencing.*

*Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting.*

*Existing law, until July 1, 2023, authorizes, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and suspends certain requirements of the act, including the above-described teleconference requirements.*

*This bill would amend existing law that will remain operative after July 1, 2023, to remove indefinitely the teleconference requirements that a state body post agendas at all teleconference locations, that each*

*teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public. The bill would require a state body to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely. The bill would require any notice required by the act to specify the applicable teleconference telephone number, internet website or other online platform, and physical address indicating how the public can access the meeting remotely and in person. The bill would revise existing law to no longer require that members of the public have the opportunity to address the state body directly at each teleconference location, but would continue to require that the agenda provide an opportunity for members of the public to address the state body directly. The bill would require a member or staff to be physically present at the location specified in the notice of the meeting.*

*This bill would require a state body that holds a meeting through teleconferencing pursuant to the bill and allows members of the public to observe and address the meeting telephonically or otherwise electronically to implement and advertise, as prescribed, a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990.*

*Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

*This bill would make legislative findings to that effect.*

~~Existing law authorizes an owner of any qualified historical property, as defined, to contract with the legislative body of a city, county, or city and county, to restrict the use of the property, as specified, in exchange for lowered assessment values.~~

~~This bill would make nonsubstantive changes to the provisions that define a qualified historical property.~~

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

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

1     *SECTION 1. Section 11123 of the Government Code is*  
2 *amended to read:*

3     11123. (a) All meetings of a state body shall be open and  
4 public and all persons shall be permitted to attend any meeting of  
5 a state body except as otherwise provided in this article.

6     (b) (1) This article does not prohibit a state body from holding  
7 an open or closed meeting by teleconference for the benefit of the  
8 public and state body. The meeting or proceeding held by  
9 teleconference shall otherwise comply with all applicable  
10 requirements or laws relating to a specific type of meeting or  
11 proceeding, including the following:

12     (A) The teleconferencing meeting shall comply with all  
13 requirements of this article applicable to other meetings.

14     (B) The portion of the teleconferenced meeting that is required  
15 to be open to the public shall be audible to the public at the location  
16 specified in the notice of the meeting.

17     (C) If the state body elects to conduct a meeting or proceeding  
18 by teleconference, it shall ~~post agendas at all teleconference~~  
19 ~~locations and~~ conduct teleconference meetings in a manner that  
20 protects the rights of any party or member of the public appearing  
21 before the state body. ~~Each teleconference location shall be~~  
22 ~~identified in the notice and agenda of the meeting or proceeding,~~  
23 ~~and each teleconference location shall be accessible to the public.~~  
24 *The state body shall provide a means by which the public may*  
25 *remotely hear audio of the meeting, remotely observe the meeting,*  
26 *or attend the meeting by providing on the posted agenda a*  
27 *teleconference telephone number, an internet website or other*  
28 *online platform, and a physical address for at least one site,*  
29 *including, if available, access equivalent to the access for a*  
30 *member of the state body participating remotely. The applicable*  
31 *teleconference telephone number, internet website or other online*  
32 *platform, and physical address indicating how the public can*  
33 *access the meeting remotely and in person shall be specified in*  
34 *any notice required by this article.*

35     (D) *The agenda shall provide an opportunity for members of*  
36 *the public to address the state body directly pursuant to Section*  
37 *11125.7 at each teleconference location. 11125.7.*

38     (⊕)



1 (E) All votes taken during a teleconferenced meeting shall be  
2 by rollcall.

3 ~~(E)~~

4 (F) The portion of the teleconferenced meeting that is closed  
5 to the public may not include the consideration of any agenda item  
6 being heard pursuant to Section 11125.5.

7 ~~(F)~~

8 (G) At least one member *or staff* of the state body shall be  
9 physically present at the location specified in the notice of the  
10 meeting.

11 (2) For the purposes of this subdivision, “teleconference” means  
12 a meeting of a state body, the members of which are at different  
13 locations, connected by electronic means, through either audio or  
14 both audio and video. This section does not prohibit a state body  
15 from providing members of the public with additional locations  
16 in which the public may observe or address the state body by  
17 electronic means, through either audio or both audio and video.

18 (c) *If a state body holds a meeting through teleconferencing*  
19 *pursuant to this section and allows members of the public to*  
20 *observe and address the meeting telephonically or otherwise*  
21 *electronically, the state body shall also do both of the following:*

22 (1) *Implement a procedure for receiving and swiftly resolving*  
23 *requests for reasonable modification or accommodation from*  
24 *individuals with disabilities, consistent with the federal Americans*  
25 *with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and*  
26 *resolving any doubt whatsoever in favor of accessibility.*

27 (2) *Advertise that procedure each time notice is given of the*  
28 *means by which members of the public may observe the meeting*  
29 *and offer public comment.*

30 ~~(e)~~

31 (d) The state body shall publicly report any action taken and  
32 the vote or abstention on that action of each member present for  
33 the action.

34 (e) *For purposes of this section, “participate remotely” means*  
35 *participation in a meeting at a location other than the physical*  
36 *location designated in the agenda of the meeting.*

37 *SEC. 2. The Legislature finds and declares that Section 1 of*  
38 *this act, which amends Section 11123 of the Government Code,*  
39 *imposes a limitation on the public’s right of access to the meetings*  
40 *of public bodies or the writings of public officials and agencies*

1 *within the meaning of Section 3 of Article I of the California*  
2 *Constitution. Pursuant to that constitutional provision, the*  
3 *Legislature makes the following findings to demonstrate the interest*  
4 *protected by this limitation and the need for protecting that*  
5 *interest:*

6 *(a) By removing the requirement for agendas to be placed at*  
7 *the location of each public official participating in a public meeting*  
8 *remotely, including from the member’s private home or hotel room,*  
9 *this act protects the personal, private information of public officials*  
10 *and their families while preserving the public’s right to access*  
11 *information concerning the conduct of the people’s business.*

12 *(b) During the COVID-19 public health emergency, audio and*  
13 *video teleconference were widely used to conduct public meetings*  
14 *in lieu of physical location meetings, and those public meetings*  
15 *have been productive, increased public participation by all*  
16 *members of the public regardless of their location and ability to*  
17 *travel to physical meeting locations, increased the pool of people*  
18 *who are able to serve on these bodies, protected the health and*  
19 *safety of civil servants and the public, and have reduced travel*  
20 *costs incurred by members of state bodies and reduced work hours*  
21 *spent traveling to and from meetings.*

22 *(c) Conducting audio and video teleconference meetings*  
23 *enhances public participation and the public’s right of access to*  
24 *meetings of the public bodies by improving access for individuals*  
25 *that often face barriers to physical attendance.*

26 ~~SECTION 1. Section 50280.1 of the Government Code is~~  
27 ~~amended to read:~~

28 ~~50280.1. “Qualified historical property” for purposes of this~~  
29 ~~article, means privately owned property that is not exempt from~~  
30 ~~property taxation and that meets either of the following criteria:~~

31 ~~(a) The property is listed in the National Register of Historic~~  
32 ~~Places or is located in a registered historic district, as defined in~~  
33 ~~Section 1.191-2(b) of Title 26 of the Code of Federal Regulations.~~

34 ~~(b) The property is listed in any state, city, county, or city and~~  
35 ~~county official register of historical or architecturally significant~~  
36 ~~sites, places, or landmarks.~~

**AGENDA ITEM H.1: DISCUSS AND POSSIBLE ACTION ON 2022-2024 STRATEGIC PLAN OBJECTIVE TO CONDUCT A REVIEW OF THE LANDSCAPE ARCHITECT REGISTRATION EXAMINATION (LARE) AND LINKAGE STUDY TO DETERMINE AREAS NOT COVERED IN THE LARE THAT NEED TO BE COVERED IN THE CALIFORNIA SUPPLEMENTAL EXAM (CSE) TO ENSURE THE CSE REFLECTS THE CONTENT THAT IS UNIQUE TO CALIFORNIA**

**Summary**

The Landscape Architects Technical Committee's (LATC) 2022-2024 Strategic Plan contains an objective to conduct a review of the Landscape Architect Registration Examination (LARE) and linkage study to determine areas not covered in the LARE that need to be covered in the California Supplemental Exam (CSE) to ensure the CSE reflects the content that is unique to California.

The attached findings of the LARE review and the resulting Linkage Study will be presented by OPES at today's meeting.

**Attachment**

Review of the Council of Landscape Architectural Registration Boards' LARE, Executive Summary Prepared by OPES – December 2022 (Including Results of Linkage Study)

## EXECUTIVE SUMMARY

Licensure boards and bureaus within the California Department of Consumer Affairs (DCA) are required to ensure that examination programs used in California licensure comply with psychometric and legal standards. To become a licensed landscape architect in California, a candidate must have the requisite education and experience and pass two examinations:

1. The Landscape Architect Registration Examination (LARE)
2. The California Supplemental Examination (CSE)

The Landscape Architects Technical Committee (Committee) requested that DCA's Office of Professional Examination Services (OPES) complete a comprehensive review of the Landscape Architect Registration Examination (LARE) developed by the Council of Landscape Architectural Registration Boards (CLARB). OPES performed this review to evaluate the continued use of the LARE for licensure of landscape architects in California.

The LARE is a national examination that measures knowledge related to the competencies required for safe, entry level practice as a landscape architect. The LARE is required for licensure as a landscape architect by all jurisdictions in the United States. CLARB, with the help of a contracted psychometric consultant and a test administration provider, develops and administers the LARE.

OPES, in collaboration with the Committee, reviewed a report provided by CLARB on the occupational analysis (OA) of the landscape architect profession that was conducted for CLARB in 2022. In addition, OPES reviewed other reports and documents provided by CLARB describing the practices and procedures used to develop and validate the LARE. OPES performed a comprehensive evaluation of the documents to determine whether the following LARE components met professional guidelines and technical standards: (a) OA, (b) examination development and scoring, (c) passing scores and passing rates, (d) test administration and score reporting, and (e) test security procedures. Follow-up emails were exchanged with CLARB representatives to clarify processes.

OPES found that the procedures used to establish and support the validity and defensibility of the components listed above appear to meet professional guidelines and technical standards outlined in the *Standards for Educational and Psychological Testing (2014 Standards)* and in California Business and Professions Code (BPC) § 139. However, to fully comply with BPC § 139 and related DCA *Policy OPES 20-01 Participation in Examination Development Workshops (OPES 20-01)*, OPES recommends phasing out the service of educators in examination development

processes. In addition, as stated in DCA *Departmental Procedures Memorandum OPES 22-01 Examination Security (OPES 22-01)*, remote proctoring is not recommended for high-stakes examinations. OPES recommends that CLARB closely monitor item performance data to detect potentially compromised examination items. In addition, OPES recommends that CLARB obtain passing rates for first-time test takers so that comparisons to repeat test takers can be performed. Finally, OPES recommends that CLARB attempt to increase participation of SMEs licensed 5 years or fewer to ensure an entry level perspective is maintained and that CLARB update its test preparation resources to increase fairness to candidates.

In addition to reviewing documents provided by CLARB, OPES test specialists convened a workshop of California licensed landscape architects in November 2022. The landscape architects served as subject matter experts (SMEs) and were selected to represent the profession in terms of geographic location and experience. The purpose of the workshop was to review the content of the LARE and to link the content of the LARE blueprint to the tasks and knowledge statements from the CSE content outline that resulted from the 2020 *Occupational Analysis of the Landscape Architect Profession* (2020 California Landscape Architect OA). The 2020 *California Landscape Architect OA* was performed by OPES. The linkage study was performed to identify whether there were areas of California landscape architectural practice that are not measured by the LARE.

The results of the linkage study indicated that the content of the LARE sufficiently assesses most of the knowledge necessary for competent landscape architectural practice at the time of licensure in California. However, the SMEs concluded that the content of the LARE does not adequately assess knowledge of the following areas required for practice in California:

- California codes and regulations.
- California-specific climate and environmental considerations.
- California-specific professional practice.
- California-specific construction site and user safety and security.

SMEs concluded that this content should continue to be measured by the CSE. OPES supports the Committee's continued use of the LARE along with the CSE for licensure in California.

**AGENDA ITEM H.2: DISCUSS AND POSSIBLE ACTION ON 2022-2024  
STRATEGIC PLAN OBJECTIVE TO IDENTIFY AND  
ANALYZE THE CAUSES OF LOW PASS RATES AMONG  
CALIFORNIA EXAM CANDIDATES IN COMPARISON TO  
NATIONAL PASS RATES TO DETERMINE AREAS OF  
CONCERN AND DEVELOP A PLAN OF ACTION TO  
DECREASE DEFICIENCIES**

**Summary**

The Landscape Architects Technical Committee's (LATC) 2022-2024 Strategic Plan contains an objective to identify and analyze the causes of low pass rates among California exam candidates in comparison to national pass rates to determine areas of concern and develop a plan of action to decrease deficiencies.

Possible causes for the differences between California and National pass rates, and associated data, will be presented by OPES at today's meeting.

**AGENDA ITEM H.3: DISCUSS AND POSSIBLE ACTION ON 2022-2024 STRATEGIC PLAN OBJECTIVE TO RESEARCH THE ECONOMIC AND CONSUMER PROTECTION IMPACT OF RE-ESTABLISHING THE LANDSCAPE ARCHITECTS BOARD OR ESTABLISHING A MERGED BOARD WITH THE CALIFORNIA ARCHITECTS BOARD TO PROVIDE BETTER REPRESENTATION, STRENGTHEN THE DISTINCTION BETWEEN THE TWO ENTITIES, AND INCREASE EFFICIENCY**

**Summary**

As a result of a legislative reorganization, the Landscape Architects Technical Committee (LATC), established on January 1, 1998, replaced the former Board of Landscape Architects and was placed under the purview of the California Architects Board.

The LATC's 2022-2024 Strategic Plan contains an objective to research the economic and consumer protection impact of re-establishing the Board of Landscape Architects or establishing a merged Board with the California Architects Board to provide better representation, strengthen the distinction between the two entities, and increase efficiency.

**Action Requested**

The Committee is asked to discuss this 2022-2024 Strategic Plan objective and determine next steps.

**Attachment**

Joint Legislative Sunset Review Committee Findings and Recommendations – January 1996

**JOINT LEGISLATIVE SUNSET  
REVIEW COMMITTEE FINDINGS AND  
RECOMMENDATIONS**

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**Review and Evaluation of the  
Board of Landscape Architects**

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**Report to the  
Department of Consumer Affairs**

**JANUARY 1996**



# **JOINT LEGISLATIVE SUNSET REVIEW COMMITTEE**

**Senator Ruben S. Ayala**  
Chairman

## **Senate Members**

Senator Daniel Boatwright  
Senator Maurice Johannessen

## **Assembly Members**

Assemblyman Jim Morrissey  
Assemblywoman Jackie Speier  
Assemblyman Bruce Thompson

## **Staff**

Bill Gage  
Consultant

## **Staff Assistance Provided By:**

Jay DeFuria  
Consultant  
Senate Business and Professions Committee

G.V. Ayers  
Consultant  
Senate Business and Professions Committee

Michael Abbott  
Consultant  
Senate Business and Professions Committee

Kim Connor  
Consultant  
Senate Office of Research

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## SUMMARY OF RECOMMENDATIONS AND FINDINGS

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ISSUE #1: Should the Board of Landscape Architects be continued as a separate agency, merged with another board, or sunsetted and have all of its duties, powers and functions turned over to the Department of Consumer Affairs?

### **RECOMMENDATION:**

*The board should not be continued as a separate agency and all of its duties, powers and functions should be turned over to the Department of Consumer Affairs.*

### **FINDINGS:**

#### **A. General Responsibilities, Duties and Powers of the Board**

- 1. The board has specified its mission and goals but has not identified any specific objectives for individual programs.*
- 2. The board has not established professional standards for its licensees, nor specific codes of professional ethics or conduct.*

#### **B. Funding and Organization of the Board and Staff**

- 1. The board has spent, on average, about 28 percent of its budget on enforcement activity over the past four years. Other boards have spent on average about 66 percent.*
- 2. The organizational breakdown and workload of the board and staff seem to provide the most efficient expenditure of funds. However, the board anticipates an applicant fee increase to cover any increased cost of administering the exam.*

#### **C. Licensing and Application Process**

- 1. It has been argued that the board is attempting to stiffen its educational requirement for applicants to the examination and thereby creating an artificial barrier to entry into the profession.*

2. *The board provides reciprocity for out-of-state landscape architects, but landscape architects licensed in California have difficulty in receiving reciprocity in other states.*

#### **D. Examination Process**

1. *The board left the national examination (LARE) because it presented unnecessary barriers to entry into the profession. It appears that the current state examination (PELA) also presents significant barriers to entry into the profession.*

#### **E. Continuing Education and Review of Professional Competence**

1. *The board does not have a continuing education requirement nor any sort of professional competence program.*

#### **F. Complaint Process**

1. *There are very few complaints filed against the 3,200 licensed landscape architects, and most of those are from licensees for unlicensed practice rather than from the public.*

#### **F. Enforcement Process**

#### **Unlicensed Activity**

1. *No specific data was submitted by the board relative to unlicensed activity, however, the "Annual Reports" submitted by the Department show little use made of the board's "cite and fine" authority.*

2. *The practice of landscape architecture is not clearly defined so as to determine licensed versus unlicensed activity.*

#### **Disciplinary Action**

1. *The board made little use of its citation authority against licensees for violations of the licensing act.*

2. *The board has taken little, if any, action against licensees over the past four years for violations of the licensing act.*

## Operational Improvements

1. *The board argues that it's regulatory mission is somewhat impeded by existing statutes which produce ambiguity with regard to practice and impede enforcement of the program. However, it does not appear that the board has taken any action to clarify these exemptions.*
2. *The board's administrative and regulatory changes have not improved its operations or increased its ability to operate more in the public interest.*
3. *The board's proposed administrative and regulatory changes do not address some of the basic problems which are identified in this report.*

## Legislative Efforts

1. *Legislative efforts by the board have not substantially improved the current regulatory program.*
2. *The board's proposed statutory changes only minimally address some of the basic problems which are identified in this report, and some are concerned with serving the profession rather than the consumer.*

ISSUE #2: Should the State continue with the licensing and regulation of landscape architects, and if not, should some other alternative form of regulation be recommended?
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### RECOMMENDATION:

*The Department should assure that the licensing and regulation of landscape architects continues, until it has had an opportunity to investigate whether the board's duties, powers, and functions could be combined with another licensing and regulatory program, or whether some other alternative to regulation would suffice.*

### FINDINGS:

1. *There is a potential for significant harm to the health, safety and welfare of the public as a result of incompetent practice.*
2. *There is a potential for major financial consequences for the consumer as a result of incompetent practice.*

3. *The current regulatory program does not provide any evidence that significant harm could result if the landscape architecture practice was deregulated.*
4. *Although landscape architects make judgments which could have potentially major financial, health, safety or other significant consequences for the consumer, whether harm has ever occurred is more difficult to determine.*
5. *Judgments made by landscape architects do require a high degree of skill and knowledge.*
6. *Judgments made by landscape architects, for the most part, are independent of oversight or supervision by another person or group.*
7. *There is a generally accepted core amount of knowledge, skill and ability that a landscape architect must have to meet minimum competency requirements, and which are measurable by objective, written standards.*
8. *There are other ways in which knowledge, skills and abilities necessary for this occupation can be obtained, but formal education is still considered as the best means to ensure that landscape architects are competent.*
9. *It is unclear what federal, state or local agencies require licensure of a landscape architect to perform work on public projects.*
10. *There does not appear to be any significant public demand for the regulation and licensing of landscape architects.*
11. *Most consumers of landscape architect services are more sophisticated than the average public about purchasing those services, and therefore, can readily evaluate the performance of a landscape architect. Also, there is a "repeat business" dynamic when it comes to the hiring of landscape architects. It is estimated that at least 75% of the business of landscape architects is with a single type of "consumer"— public agencies.*
12. *There are other ways in which the consumer can control their exposure to the risk of harm.*
13. *There are other public agencies, state or local, which regulate some portion of the services provided by landscape architects.*

*14. There are 45 states which regulate landscape architects, but almost half of those have title acts or certification programs. For those states which do not regulate landscape architects, there is no indication that consumer harm has resulted.*

*15. There is some evidence provided that landscape architects could be impacted economically if no longer licensed, but there is no evidence that deregulation would increase costs to the consumer for services offered.*

*16. This occupation is not clearly distinguishable from other professions which are non-regulated.*

*17. There is some overlap with currently regulated occupations.*

*18. There have been other attempts to eliminate the licensing and regulation of landscape architects in California.*

*19. There may be other alternatives to the current regulatory program which would not require the licensing of landscape architects.*

ISSUE #3: What changes should be made to the current regulatory program to improve its overall effectiveness and efficiency so that it may operate more in the public interest?
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### **RECOMMENDATIONS:**

*1. Standards for "negligence" and "incompetent practice" should be adopted if the licensing function is to continue. Standards of professional conduct and a code of ethics should also be developed.*

*2. Adequate justification should be provided for an increase in the examination fee.*

*3. The Department should review the six-year education and experience requirement to determine if it is justified.*

*4. The Department should review the current proposed regulatory amendments to the educational requirement, to ensure that they are not creating artificial barriers to entering the profession.*

*5. The Department should determine whether it should still require that landscape architects pass the "California Professional Examination for*

*Landscape Architects," or whether meeting the educational requirements would suffice.*

*6. The Department should survey cities and counties to determine if non-licensure would limit a public agency's ability to contract with a landscape architect. The Department should also survey insurance companies to determine if non-licensure would affect the ability of landscape architects to purchase liability insurance.*



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## OVERALL APPROACH TO THE SUNSET REVIEW

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### CURRENT APPROACH TO REVIEW

Legislation enacted in 1994 (Chapter 908/94, SB 2036, McCorquodale), put in place a procedure and schedule for the Legislature to assess the effectiveness of, or need for, state involvement in the 32 occupational areas currently regulated by various boards. ("Board," as used in this document, refers to a "commission," "committee," "examining committee," or "organization" that has the ultimate responsibility for administration of a regulatory program as required under provisions of the Business and Professions Code.)

Pursuant to this new law, independent boards become inoperative, according to a specified schedule, on July 1 of either 1997, 1998, or 1999. The respective statutes are then repealed six months later, on January 1 of either 1998, 1999, or 2000. Thus, the boards and their regulatory authorities "sunset," unless the Legislature passes laws to either reinstate the board or extend its sunset date.

Chapter 908/94 creates the Joint Legislative Sunset Review Committee (JLSRC) to review and analyze the effectiveness of and need for each of the boards. Each board, with the assistance of the Department of Consumer Affairs (DCA), is required to submit to the JLSRC -- 15 months before January 1, of the year its authorizing legislation becomes operative -- an analysis of its regulatory functions and reasons to continue regulatory activities. (Reports from the boards scheduled to sunset in 1997 were, therefore, due by October 1, 1995.)

The JLSRC must hold public hearings during the interim study recess to solicit testimony from the director of Consumer Affairs, the boards scheduled to sunset, the public, and the regulated industries/occupations. During those hearings, the committee members must evaluate and determine whether a board or regulatory program has demonstrated a public need for the continued existence of the board or regulatory program and for the degree of regulation based on the factors and minimum standards of performance listed below:

- (1) Whether regulation by the board is necessary to protect the public health, safety, and welfare.
- (2) Whether the basis or facts that necessitated the initial licensing or regulation of a practice or profession have changed.
- (3) Whether other conditions have arisen that would warrant increased, decreased, or the same degree of regulation.

(4) If regulation of the profession or practice is necessary, whether existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms, and whether the board rules enhance the public interest and are within the scope of legislative intent.

(5) Whether the board operates and enforces its regulatory responsibilities in the public interest and whether its regulatory mission is impeded or enhanced by existing statutes, regulations, policies, practices, or any other circumstances, including budgetary, resource, and personal matters.

(6) Whether an analysis of board operations indicates that the board performs its statutory duties efficiently and effectively.

(7) Whether the composition of the board adequately represents the public interest and whether the board encourages public participation in its decisions rather than participation only by the industry and individuals it regulates.

(8) Whether the board and its laws or regulations stimulate or restrict competition, and the extent of the economic impact the board's regulatory practices have on the state's business and technological growth.

(9) Whether complaint, investigation, powers to intervene, and disciplinary procedures adequately protect the public and whether final dispositions of complaints, investigations, restraining orders, and disciplinary actions are in the public interest; or if it is, instead, self-serving to the profession, industry or individuals being regulated by the board.

(10) Whether the scope of practice of the regulated profession or occupation contributes to the highest utilization of personnel and whether entry requirements encourage affirmative action.

(11) Whether administrative and statutory changes are necessary to improve board operations to enhance the public interest.

The JLSRC must also consider alternatives to placing responsibilities and jurisdiction of the board under the Department of Consumer Affairs.

The JLSRC must then report its findings and recommendations to the DCA for its review. The DCA must then prepare a final report including its own findings and recommendations and those of JLSRC. This final report must then be submitted to the Legislature within 60 days, and shall include whether each board scheduled for repeal should be terminated, continued, or re-established, and whether its functions should be revised. If the JLSRC or DCA deems it advisable, the report may include proposed bills to carry out these recommendations.

## **REQUEST FOR INFORMATION AND BOARD REPORT**

As indicated, all boards are required to prepare an analysis and submit a report to the JLSRC "no later than one year plus 90 days prior to the January 1st of the year

during which that board shall become inoperative.” (October 1, 1995, was the deadline for those boards which sunset in 1997.)

The analysis and report must include, at a minimum, all of the following:

(a) A comprehensive statement of the board’s mission, goals, objectives and legal jurisdiction in protecting the health, safety, and welfare of the public.

(b) The board’s enforcement priorities, complaint and enforcement data, budget expenditures with average- and median-costs per case, and case aging data specific to post and pre-accusation cases at the Attorney General’s office.

(c) The board’s fund conditions, sources of revenue, and expenditure categories of the last four fiscal years by program component.

(d) The board’s description of its licensing process including the time and costs required to implement and administer its licensing examination, ownership of the license examination, and passage rate and areas of examination.

(e) The board’s initiation of legislative efforts, budget change proposals, and other initiatives it has taken to improve its legislative mandate.

In an attempt to reconcile this requirement for information, along with those considerations and factors which the JLSRC must make during its deliberations, a request for information was prepared by JLSRC staff and sent to all boards on July 3, 1995.

The request asked a number of questions about the board’s operations and programs, about the continued need to regulate the particular occupation, and about the efforts which the board has made, or should make, to improve its overall efficiency and effectiveness. There was also a specific request for information dealing with the board’s funding, licensing, examination, complaint and enforcement process for the past four years.

Staff then continued to meet with boards, as needed, to assist them in compiling this information and completing the report.

The report submitted by each board was broken down into three parts. The first part, provided background information dealing with each aspect of the board’s current regulatory program. This included the board’s powers, duties and responsibilities, its funding and organization, the licensing, examination, continuing education, and enforcement activities of the board for the past four years.

The second part of the report, addressed the issue of whether there is still a need to regulate this particular occupation. The questions addressed by the board were basically those which are asked during any “sunrise review” process, i.e., the current process used by the Legislature to evaluate the need for regulation.

The third part of the report, discusses any regulatory or legislative efforts the board has made, or are needed, to improve its current operation and protection of the consumer.

There are some appendices which were included as part of their report. There are also appendices (attachments) which, because of their length, or because they were not essential to the overall information contained in the original report, were not provided with the report. They were, however, available to members of the JLSRC upon request.

### **JLSRC REPORT OF FINDINGS AND RECOMMENDATIONS**

The JLSRC must provide to DCA a report of its findings and recommendations after hearings are completed. This document has been prepared in an attempt to meet that mandate.

The findings and recommendations in this report are based on information and testimony received during the hearings conducted by the JLSRC on November 27th, 28th and December 5th, 1995. It also reflects information which was provided in the board's report, information provided by the Department of Consumer Affairs, a review of the current literature dealing with occupational licensing issues, and a comparative analysis of occupational licensing in other states performed by the Senate Office of Research.

The document begins with a short summary of the current regulatory program and discusses the creation of the licensing act, the board's budget, revenue and fees collected, an overview of licensing activity and the required examination, and disciplinary/enforcement actions.

Part one, provides an overall evaluation of the board's operations and programs. This section includes everything from the general responsibilities and duties of the board, to the licensing, examination and enforcement process. There are findings made about each function and activity of the board.

Part two of this document, is a review of the need to regulate this particular occupation. The issues are those which are addressed during the current "sunrise review" process, and those which must be considered by the JLSRC under the current law.

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## SUMMARY OF CURRENT REGULATION

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### Background

- The Board of Landscape Architects was established in 1953. The board is comprised of seven members: three licensed landscape architects appointed by the Governor, and four public members – two appointed by the Governor, one by the Speaker of the Assembly, and one by the Senate Rules Committee. The board licenses some 3,200 landscape architects, according to Department of Consumer Affairs (DCA). (The board shows 4,100 licensees for FY 1994/95.)
- When established in 1953, the original Landscape Architects Law was a title act, providing for the licensing of persons by the board who were then authorized to use the title “landscape architect.” In 1968 the board began to regulate the “practice” of landscape architecture. The board currently regulates both the practice of landscape architecture and the use of the title “landscape architect.”
- The practice of landscape architecture is defined in the landscape architecture law (B&P Code § 5615-5683) to include, “professional services, for the purpose of landscape preservation, development and enhancement, such as consultation, investigation, reconnaissance, research, planning, design, preparation of drawings, construction documents and specifications, and responsible construction observation.” Both unlicensed practice and use of the title “landscape architect” is a misdemeanor. Exemptions to the licensing requirements are extended to those licensed to sell nursery stock under the Food and Agricultural Code, golf course architects, and irrigation consultants.

### Budget

- The board’s budget for the current fiscal year (FY 1995-1996) is \$495,000. In FY 1994-1995 the board’s budget appropriation was \$505,000, of which \$142,359 was the total expenditure for all enforcement costs (28% of the total expenditures. The board is authorized for 3 staff positions, including: an executive officer, a management services technician, and a staff services analyst. The board derives its revenues entirely from licensees, and is a special fund agency. Board members receive a per diem of \$100 for attending board meetings, chairing committee meetings, and doing work in a location other than their office or home (per diem totals for the last four years are \$27,700).

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Year	Exams	Licensing	Enforcement	Administration	Budget
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<b>1995-1994</b>	\$223,109	\$70,245	\$142,359	\$69,235	<b>\$505,000</b>
<b>1994-1993</b>	\$241,685	\$76,116	\$154,213	\$74,987	<b>\$547,000</b>
<b>1993-1992</b>	\$322,990	\$117,669	\$145,141	n/a	<b>\$586,800</b>
<b>1992-1991</b>	\$373,641	\$101,237	\$189,712	n/a	<b>\$664,724</b>

## Fees

- A landscape architect's license is good for two years. The board has been working on increasing the examination application fee from \$325 to \$425 to bring it closer to the actual examination cost. The board's fee structure is currently:

	<b>Current fee</b>	<b>Statutory limit</b>
<b>Exam application</b>	\$325	\$425
<b>License renewal</b>	\$300	\$400
<b>Temporary certificate</b>	\$50	\$100
<b>Duplicate certificate</b>	\$50	\$50
<b>Failure to notify change of address</b>	\$50	\$200
<b>Branch office</b>	\$50	\$50

## Licenses and Examinations

- To sit for the examination, an applicant must be at least 18 years old and have 6 years of training and educational experience in landscape architecture work. The board has developed regulations to balance the various levels of education and experience required of applicants to sit for the examination.
- The licensing examination (Professional Examination for Landscape Architects, PELA) was developed by the board in 1993, and is validated every 5 to 7 years (see additional comments in Part 2 below).

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**1.**

**EVALUATION OF BOARD'S OPERATIONS  
AND PROGRAMS**

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**ISSUE:** Should the Board of Landscape Architects be continued as a separate agency, merged with another board, or sunsetted and have all of its duties, powers and functions turned over to the Department of Consumer Affairs?

**RECOMMENDATION:**

*The board should not be continued as a separate agency and all of its duties, powers and functions should be turned over to the Department of Consumer Affairs.*

**FINDINGS:**

**A. General Responsibilities, Duties and Powers of the Board**

**1. *The board has specified its mission and goals but has not identified any specific objectives for individual programs.***

- The board states that its mission is to provide consumers with information regarding the use of landscape architects services, and to provide a consumer-oriented enforcement program that addresses violations and grievances efficiently and effectively. The board claims it has the following goals and objectives to achieve this mission: 1) To uphold appropriate eligibility requirements and maintain a legally-defensible exam that appropriately tests minimum competency, but refrains from establishing artificial barriers to entry. 2) To protect consumers in their employment of landscape architect. 3) To upgrade the enforcement program through staff training and more effective and cost efficient disciplinary strategies. 4) To provide critical information to victims of natural disasters to minimize additional damage and expedite their rebuilding.
  
- Although these goals and objectives are laudable, there is no indication, or evidence provided, that the board has implemented any of them. Nor does the

board provide any listing of specific objectives being used to achieve its mission and goals, to make its individual programs more effective and efficient.

- The board claims it has been involved in strategic planning, but again, there are no specific goals or objectives provided for individual programs similar to what other boards have provided to the JLSRC. Nor has the board developed, as yet, policies and procedures which clearly delineate board and staff functions. The board also claims it continually evaluates its overall effectiveness to assure that its mission is achieved, but it has not conducted any type of formal self-assessment or evaluation.
- Finally, while other boards are attempting to adopt certain aspects of performance-based budgeting similar to that used by the Department, the board says it must wait until it receives authority to do so.

***2. The board has not established professional standards for its licensees, nor specific codes of professional ethics or conduct.***

- The Center for Public Interest Law (CPIL) argues that the board does literally no standard-setting for the practice of landscape architecture in California. According to CPIL, outside of one provision which requires landscape architects to include their license number in advertising, not one board regulation pertains to post-entry standards of conduct.
- The board claims that it is currently working to develop a code of ethics or standards of conduct for the industry which it regulates.

**B. Funding and Organization of the Board and Staff**

***1. The board has spent, on average, about 28 percent of its budget on enforcement activity over the past four years. Other boards have spent, on average, about 66 percent.***

***2. The organizational breakdown and workload of the board and staff seem to provide the most efficient expenditure of funds. However, the board anticipates an applicant fee increase to cover any increased cost of administering the exam.***

- The board is proposing to submit a budget change proposal for a fee increase for administering the exam. However, the exam component of its budget shows the cost of providing exams has been decreasing. There may be other costs associated with providing the PELA exam which the board has not provided to the JLSRC, and would justify the fee increase.



## C. Licensing and Application Process

### 1. *It has been argued that the board is attempting to stiffen its educational requirement for applicants to the examination and, thereby, creating an artificial barrier to entry into the profession.*

- An applicant must have six years of education and work experience in landscape architecture in order to apply for the licensing examination. The various combinations of education and experience which satisfy this requirement have been established by regulation. Generally, the regulation requires that at least two years of the six-year requirement be fulfilled with experience under the direct supervision of a licensee; a maximum of four years of the six-year requirement may be satisfied with education.
- The board claims that it has considered alternative requirements for licensure, and that the eligibility requirements have been the subject of many rule-making files to ensure that no barriers to entry exist. Recently, however, the board submitted what it claims as “its most nonrestrictive rule making package to date, which would, in effect, allow licensed landscape contractors up to the four years full work-experience credit if they have completed the minimum, formal-education requirements -- an Associate Science Degree in Landscape Architecture.”
- CPIL argues to the contrary. Instead of amending its educational requirement to enable more applicants to take the exam and become licensed, as represented by the board, it is actually attempting to stiffen its educational requirement. Prior to this amendment to its rules, the board accepted educational degrees in subjects other than landscape architecture as qualifying toward the six-year requirement; it also accepted completion of a portion of a landscape architecture educational program as qualifying toward the six-year requirement. Under the board’s proposed “nonrestrictive” regulation, applicants will be required to complete a degree or certificate in an approved landscape architecture program; no credit will be allowed for the partial completion of a landscape architecture educational program. In other words, the board proposes to stiffen its educational requirement, despite the fact that “the results of the first PELA. . .revealed a higher correlation of work experience to success on the exam than formal education.” CPIL claims that this proposed change will work a severe hardship on those in rural areas who do not have the luxury of moving to a location where a university offers an approved program in landscape architecture (there are only four universities which offer a Bachelor’s or Master’s degree in Landscape Architecture, three which offer courses through an extension school, and six community colleges which offer an AA degree). It would also be a burden on landscape contractors who have many years of directly related experience (including experience under the direct supervision of

a landscape architect) but no formal education in landscape architecture.

**2. *The board provides reciprocity for out-of-state landscape architects, but landscape architects licensed in California have difficulty in receiving reciprocity in other states.***

- Since its inception, the board has offered reciprocity to licensees from other states. Applicants must pass a “Reciprocity Exam” which tests the competency of applicants regarding California laws, building codes, plant materials and irrigation design.
- However, California licensees have had difficulty receiving reciprocity in other states. This is due to the fact that in 1993, the California Board of Landscape Architects moved from the national examination which is used in all other states (Landscape Architect Registration Examination – LARE), and administered by the Council of Landscape Architectural Registration Boards (CLARB), to an examination developed solely for the California board (the Professional Examination for Landscape Architects – PELA).
- Since California does not administer a national licensing examination, a number of states do not extend reciprocity to California landscape architects. This is true, even in states which only administer a title act and do not have a practice act. It appears that the use of a separate licensing examination for California presents a serious impediment for licensees in this state who wish to additionally practice in other states (see examination process below).

**D. Examination Process**

**1. *The board left the national examination (LARE) because it presented unnecessary barriers to entry into the profession. It appears that the current state examination (PELA) also presents significant barriers to entry into the profession.***

- In 1993, the California Board of Landscape Architects began administering a licensing examination developed solely for the California board (the Professional Examination for Landscape Architects – PELA). This change was made because it was felt that the national licensing examination, the LARE administered by CLARB presented an unnecessary barrier to entry into the profession. This is due to the low passage rates under CLARB’s examination (9% in 1991, 23% in 1992), and the feeling that the national examination was not comprehensive, fair and occupationally valid and, therefore, not “legally defensible” (Although it is stated that the LARE is not “legally defensible,” the assertion does not appear to be based upon any state or federal court judgment or upon any written legal opinion).

- Since the board began administering the PELA in 1993, the rate of passage has significantly risen (39% in 1993, 45% in 1994, 44% in 1995), but this is still somewhat low for applicants who are required to have six years of combined education and work experience. The number of applicants has also dropped significantly. The candidate pool has dropped from 500 in 1991, to 150 in 1995. The drop in applicants appears to be because a number of applicants are going to other states to take the LARE examination. They are then able by reciprocity to practice in California, however, if they took the PELA examination they might not be granted reciprocity to practice in other states.
- Additionally, the drastic drop in applicants for the PELA examination has increased the examination cost per applicant. The board has statutory authority to charge applicants \$425 to take the licensing examination, however the current fees are set at \$325. Although the specific numbers are not available, the actual examination cost per applicant is significantly greater than \$325. Therefore, licensing fees are subsidizing the examination process. In an effort to reduce examination costs, the board has recently moved from offering the PELA examination twice a year to offering it once a year -- thus requiring 60% of the licensure candidates (those candidates who did not pass the exam in spite of having already completed six years of education and training) to wait an entire year before being re-tested.
- Although significant efforts have been made by the board to administer a licensing examination that removes all barriers into the profession, it appears to have produced the unintended effect of: (1) reducing the number of applicants for the examination, (2) turning applicants toward other states to take the licensing examination, (3) reducing the opportunities for applicants to take the California examination, (4) subsidizing the examination with licensing fees, and (5) hindering California licensees who seek reciprocity in other states.
- A return to the LARE would eliminate most of these problems, and is an option which the board has been considering. The board indicates that it has been working with CLARB to help them develop a legally defensible exam which California could adopt. States such as Florida have also written to CLARB insisting on improvements to the LARE, and have threatened to join California if further changes are not implemented. However, until there is proof that the national exam has been significantly revised and other states have had higher pass rates, the state should not return to the use of LARE.
- Colorado recently conducted a “sunrise review” of licensure for landscape architects and decided, for a number of reasons, to not license or otherwise regulate landscape architects. Some of the discussion by their “Joint Legislative Sunrise/Sunset Review Committee” centered on the issue of the LARE exam.

They found no need to provide an exam, and indicated that current education and/or work experience obtained was sufficient. They also could not justify the significant expenditure on staff and examination preparation and administration of the LARE, or in providing an exam of their own.

#### **E. Continuing Education and Review of Professional Competence**

**1. *The board does not have a continuing education requirement nor any sort of professional competence program.***

- The board indicates it has an interest in exploring the advantages of continuing education for its licensees, and that continual scrutiny and appropriate actions by the State Board will ensure that any increased requirements or regulation are in the public's interest. However, the board has not initiated any sort of program which would require a licensee to demonstrate competence in the newly emerging areas of this field.

#### **F. Complaint Process**

**1. *There are very few complaints filed against the 3,200 licensed landscape architects, and most of those are from licensees for unlicensed practice rather than from the public.***

- Over the past four years, only 226 complaints have been received against landscape architects. Of those, 112 have been resolved "informally" -- through mediation by board staff. Thirty-eight (38) of those complaints resulted in formal investigations (investigations referred to the Division of Investigation). The board does not have a toll free number (800 number) for consumers to file complaints.
- Few complaints received by the board are made by consumers, the vast majority are made by licensees relative to unlicensed activity. In FY 1994/95, out of 109 complaints, 7 were from the public and 99 from licensees. In FY 1992/93, out of 59 complaints, 13 were from the public and 44 were from licensees. Most complaints by licensees were for fraud (unlicensed practice) and, in most instances, a cease and desist letter was sent or a violation letter issued.

#### **G. Enforcement Process**

##### **Unlicensed Activity**

**1. *No specific data was submitted by the board relative to unlicensed activity, however, the "Annual Reports" submitted by the Department show little use made of the board's "cite and fine" authority.***

- The board has had the authority since 1985 to issue citations for unlicensed activity, i.e. unlicensed persons calling themselves landscape architects or actively practicing landscape architecture without a license. It received authority for fines in 1994. The board has issued six citations between July to September of 1995 (FY 1995-1996).
  - Apparently, the most common action taken against unlicensed activity is to send a letter to cease and desist, or a letter informing the person of a violation. In the last four fiscal years the board has sent 101 letters of reprimand or cease and desist, and 120 letters notifying of violations.
- 2. *The practice of landscape architecture is not clearly defined so as to determine licensed versus unlicensed activity.***
- The board states that it is difficult under the Practice Act to define what activities constitute the practice of landscape architecture. Further, there are numerous exemptions as to who may legally design landscapes: the homeowner, garden designers, nurseryman, landscape designers, irrigation consultants, engineers, architects, and landscape contractors doing designs as part of their overall jobs. The board has to use an expert witness to determine which tenets of landscape architecture have been violated under the Practice Act.

### **Disciplinary Action**

**1. *The board made little use of its citation authority against licensees for violations of the licensing act.***

- The board has issued only nine citations in the last four fiscal years. Between July to September of 1995 (FY 1995-1996) the board issued six citations, and three in FY 1991-1992. However, no other citations appear on the board's statistical data over this period of time, even though the board has had the authority to issue citations and civil penalties for both licensed and unlicensed violations since 1985 (B&P Code §§ 5677, 5679). The board report states, that the board staff has received training in issuing citations and fines only within the last six months.

**2. *The board has taken little, if any, action against licensees over the past four years for violations of the licensing act.***

- Only four (4) accusations have been filed over the past four years. (The board did not provide information concerning the outcome of these cases. Nor did the board provide information on when these accusations were filed.) It appears that the

board did not take a single disciplinary action during the fiscal years of 1991-1992, 1992-1993 or 1994-1995.

- After reviewing such statistics in 1993, the Senate Business and Professions Subcommittee on Efficiency and Effectiveness in State Boards and Commissions concluded: “There appears to be no benefit to the health, safety and welfare of the public by continuing the licensing of landscape architects in this state.” The subcommittee felt that there was no track record of an act of irreparable harm due to incompetent landscape architects that warrants a licensure scheme through a state regulatory board. At that time, the subcommittee recommendation was to eliminate the Board of Landscape Architects and its licensure requirements.
- **H. Efforts to Improve Current Regulatory Process**

#### Operational Improvements

**1. *The board argues that its regulatory mission is somewhat impeded by existing statutes which produce ambiguity with regard to practice and impede enforcement of the program. However, it does not appear that the board has taken any action to clarify these exemptions.***

- The board claims that the “practice exemptions,” in the law, allow unqualified persons to practice landscape architecture. However, there is no indication that the board has taken any action to clarify these exemptions. Meeting with other affected groups, if exemptions were eliminated, would be a first step.

**2. *The board’s administrative and regulatory changes have not improved its operations or increased its ability to operate more in the public interest.***

- The board cites three instances of improvements in its regulatory program: 1) producing a California licensing exam; 2) the recent rule-making change requiring “formal” education for a landscape architect; and 3) requiring all licensees to list their license number on all ads, letterheads and contracts. As to the first, the board was actually threatened by DCA to adopt its own exam or they would recommend the board be abolished. It was only after this, the board made any effort to adopt its own exam over that of the national exam. As to the second, it has been argued that this “formal” education requirement will create another barrier to entry into this profession and cause greater hardship on students who want to qualify to take the exam. The third appears to help the consumer identify licensed versus unlicensed practice, but it is more self-serving for the profession by trying to curtail competition from those who perform landscape-type activities.

**3. *The board’s proposed administrative and regulatory changes do not address some of the basic problems which are identified in this report.***

- The board claims it would like the opportunity to put in place a structure for “performance-based budgeting,” but has taken no steps to review any of those methods currently being used by DCA. The only other administrative and regulatory changes under review by the board are those involving new procedures and technology for better record keeping and accurate public information, and the training of staff in other disciplinary actions such as cite and fine and cease and desist.

**Legislative Efforts**

**1. *Legislative efforts by the board have not substantially improved the current regulatory program.***

The board points out the following as examples of legislative efforts made to improve the current regulatory program:

- Mandate for written contracts and full disclosure between landscape architects and clients.
- Mandate to display license number on all public presentments and instruments of service.
- Amendment of law to allow citations to be issued for violations to agency’s regulations (regulations still need to be adopted).

**2. *The board’s proposed statutory changes only minimally address some of the basic problems which are identified in this report, and some are concerned with serving the profession rather than the consumer.***

The board is considering the following statutory changes:

- Clarification of definition of landscape architecture and scope of practice. (This could be considered as an attempt to curtail competition rather than make determinations about licensed versus unlicensed activity.)
- Reduce the categories of exemptions in the practice act. (This would be an expansion of the board’s regulatory purview and possibly create new licensing categories.)
- Add requirements for continuing education. (Creates an opportunity for the profession to provide courses for a fee, but no evidence provided that will improve competence for landscape architects.)

- Add standards of professional conduct.
- Eliminate loopholes by which severely delinquent licensees (five years or more) can avoid retaking the licensing exam. Eliminate loopholes by which licensees avoid reporting civil judgments to the board.



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**2.**

**REVIEW OF NEED FOR STATE LICENSING AND  
REGULATION OF LANDSCAPE ARCHITECTS**

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**ISSUE:** Should the State continue with the licensing and regulation of landscape architects, and if not, should some other alternative form of regulation be recommended?

**RECOMMENDATION:**

*The Department should assure that the licensing and regulation of landscape architects continues, until it has had an opportunity to investigate whether the board's duties, powers, and functions could be combined with another licensing and regulatory program, or whether some other alternative to regulation would suffice.*

**FINDINGS:**

**1. *There is a potential for significant harm to the health, safety and welfare of the public as a result of incompetent practice.***

- The board points out that the primary purpose for hiring a landscape architect is to plan and design exterior spaces in the natural and built environment. Landscape architects develop general conceptual plans, detailed design documents and design guidelines for a wide range of projects including office parks, industrial complexes, residential subdivisions, planned unit developments, and parks.
- The board states that licensing of landscape architects protects a variety of consumers: (1) those who pay for the services – such as federal, state and local governmental agencies, universities and schools, corporations and other private entities; and (2) those who benefit from the product of the services (the end users, often the general public). The end users who are the most vulnerable and, therefore, the most in need of protection are children, the disabled and the elderly.
- The types of harm which could occur are from improperly designed parks and other public use areas where landscape architects “must be sure poisonous plants are not used and that health risks from chemicals are minimized.”

Playground facilities, walkways and other “hardscapes” must be designed so that people are protected from falls and other injuries. The board adds that the disastrous urban fires in the state in the recent past, point to the need for strict attention to the use of less flammable vegetation to reduce fire hazards. Additionally, badly designed landscapes can be responsible for drainage problems, damage to roads, buildings, walkways and slope failures which can result in millions of dollars in damages.

**2. *There is a potential for major financial consequences for the consumer as a result of incompetent practice.***

- According to the board, every decision made by a landscape architect in designing and planning involves finances. An incorrect, uneducated decision can cost significant amounts of money and seriously impact the consumer. Landscape architects often allocate project development dollars (both public and private) which range from several thousands to several millions of dollars. In addition, decisions regarding land use and environmental policy, have potentially major financial and public welfare implications.
- The board cites a Landscape Contractor’s Association report that, “goods and services attributed to landscape architecture added \$5 billion to California’s economy in 1994 alone.”
- Regarding the use of public money on projects designed by landscape architects, the board points out that each year the state spends millions of dollars in creating and embellishing its physical environment. To the extent that tax money is used, these are consumer costs paid by the taxpaying public.

**3. *The current regulatory program does not provide any evidence that significant harm could result if the landscape architecture practice was deregulated.***

- As indicated in the first part of this document, the board’s enforcement program is almost non-existent. Enforcement data indicates that incompetence or negligence is second only to fraud as the most common complaint against licensees. However, for the last four fiscal years, the board has received only 19 total complaints in this area. Since no further action was taken by the board, it is difficult to determine if any harm resulted from the incompetence or negligence of the particular landscape architect.

**4. *Although landscape architects make judgments which could have potentially major financial, health, safety or other significant consequences for the consumer, whether harm has ever occurred is more difficult to determine.***

- The board did not provide any examples of where actual harm has occurred because of the inadequate or incompetent judgment of a landscape architect. In a recent “sunrise review” of an application for licensure submitted by the Colorado Chapter of the American Society of Landscape Architects, the application was denied for a number of reasons, but primarily because there was no evidence provided that harm would result, or has occurred, because of work performed by an “unlicensed” and “unregulated” landscape architect. Colorado repealed its landscape architecture law in 1976, and has not regulated landscape architects since that time. Both in 1989 and more recently in 1995, the profession attempted to gain licensure. In both instances, their Department of Regulatory Agencies found no evidence of harm which had occurred because of the deregulation of landscape architects. Other states are reaching similar conclusions about the licensing and regulation of landscape architects.

***5. Judgments made by landscape architects do require a high degree of skill and knowledge.***

- Landscape architecture requires knowledge in a broad range of fields. Landscape architects must possess a working knowledge of architecture, civil engineering, and urban planning. The scope of activity requires that an individual hold a degree from a school of landscape architecture as well as acquire experience as an employee under the direct supervision of a licensed landscape architect. The board states that “an individual untrained in the field of landscape architecture would be unable to fully analyze all of the necessary design constraints and from that information develop a reasonable, defensible, sustainable landscape design.”

***6. Judgments made by landscape architects, for the most part, are independent of oversight or supervision by another person or group.***

- Landscape architects often work in conjunction with other design professionals such as architects and engineers. However, the board states that no other regulated occupation performs activities with the same depth and scope as landscape architects. It is not unusual for a landscape architect to be brought into a project design along with the engineer or architect.
- On corporate projects, landscape architects typically work in conjunction with developers and business managers; on projects for federal, state, county or city agencies, landscape architects often work with project managers.

***7. There is a generally accepted core amount of knowledge, skill and ability that a landscape architect must have to meet minimum competency requirements, and which are measurable by objective, written standards.***

- In recent years, two separate job analyses have identified the knowledge, skills and abilities required to practice landscape architecture. The board and the Council of Landscape Architectural Registration Boards (CLARB) both contracted for separate job analyses in 1991. Both studies evaluated the degrees to which the subject on the certification examination represent the knowledge, skills and abilities that are required to perform the job.
- The board states that standards for evaluating the practice of landscape architecture are precise, and that current examinations do a thorough job of testing for all the traditional knowledge, skills and abilities that define the current practice of landscape architecture.

***8. There are other ways in which knowledge, skills and abilities necessary for this occupation can be obtained, but formal education is still considered as the best means to ensure that landscape architects are competent.***

- Internships and apprenticeships are used by the profession as an integral part of the formal training in landscape architecture. However, the board points out, the increasing diversity and rapidly changing technical aspects of the field require practitioners to have a formal education in landscape architecture in order to function successfully.

***9. It is unclear what federal, state or local agencies require licensure of a landscape architect to perform work on public projects.***

- The board cites a recent study conducted by the American Society of Landscape Architects, which found that, out of 120 county and city governmental agencies in California surveyed, 107 require a landscape architect to be licensed to work on city or county projects. However, the survey also indicates, that when asked what city or county laws or regulations require licensing, the vast majority of those who responded cited “policy,” rather than a “code” or “ordinance” requirement.
- The board further states: “Most requests for proposals by federal, state and county agencies for landscape architecture services require that respondents be licensed with professional liability insurance.” It remains unclear whether federal agencies require landscape architecture to be performed by a licensed professional in all states, or only in those who have a licensing requirement. The profession argues, that while there is no absolute requirement that landscape architect contractors be licensed for federal projects located in states where no licensure laws are in place, there is more than a tendency for federal contracting officials to select licensed landscape architects for such work. Federal work in states without licensure tends to go to out-of-state landscape architects who can show licensure in another state as a measure of competence.

- In 1995, Colorado performed a survey of counties and municipalities to determine if unlicensed landscape architects were prevented from participating in public works projects. Forty percent of those agencies still used landscape architects as the lead professional in their projects. A similar survey should be done of cities and counties in California to determine if non-licensure would limit a public agencies ability to contract with a landscape architects.

**10. *There does not appear to be any significant public demand for the regulation and licensing of landscape architects.***

- Correspondence regarding the current sunset review process has been overwhelmingly from licensees who argue that licensing should be retained in order to be eligible for federal state and local contracts, and to keep landscape architecture on equal ground with other design professionals (engineers and architects).
- There is no evidence that the public has been concerned about the licensing of landscape architects, since, in most cases, they are not the direct consumers of their services.

**11. *Most consumers of landscape architect services are more sophisticated than the average public about purchasing those services, and therefore can readily evaluate the performance of a landscape architect. Also, there is a “repeat business” dynamic when it comes to the hiring of landscape architects. It is estimated that at least 75% of the business of landscape architects is with a single type of “consumer” – public agencies.***

- It would appear that consumers of landscape architect services are generally more sophisticated than most consumers. They are project managers, developers, construction managers, business managers, large corporations, engineers, architects, and government agencies who are generally capable of judging competence and protecting themselves. It is estimated that at least 75% of the work of landscape architects is for public agencies.
- Depending on their circumstances, clients may have either regular, ongoing, intermittent or one time only business relationships with landscape architects. However, many practitioners have long-standing client-consultant relationships with individuals, businesses, municipalities and public agencies or other design professionals -- a “repeat business” dynamic.
- It was argued in one board meeting, that the real consumer of the landscape architect is the licensed landscape contractor who regularly fixes and corrects the problems which arise from design plans, which in turn costs the contractors money. Contractors do not file complaints with the board because they are

afraid of being black-balled by the landscape architect and would lose all of their business.

**12. *There are other ways in which the consumer can control their exposure to the risk of harm.***

- As indicated, there is no evidence of actual harm resulting from the practice of landscape architecture in this State (or in those states which do not license landscape architects). In most instances, the only harm which may result would be contractual in nature and monetary damages would be sufficient. If the threatened harm is monetary only, the preferred regulatory alternative for the Legislature has been to require the posting of a bond sufficient to cover any damage which may result to the injured consumer.
- Further, the “repeat business” dynamic of the normal marketplace has considerable force here; no consumer (and primarily public agencies) would return to a landscape architect who is incompetent, and that landscape architect will eventually go out of business.

**13. *There are other public agencies, state or local, which regulate some portion of the services provided by landscape architects.***

- While, as the board states, no other regulated occupation performs activities with the same depth and scope as landscape architects, engineers and architects are design professionals who utilize similar design processes and skills. All of these design professionals design some of the same elements of projects including: hardscapes (roadways, walks), structures (walls, fences, overheads), and grading and drainage (slopes, drainage systems, retaining walls). Engineers and architects are also regulated by state consumer boards.

**14. *There are 45 states which regulate landscape architects, but almost half of those have title acts or certification programs. For those states which do not regulate landscape architects, there is no indication that consumer harm has resulted.***

- Landscape architecture is currently regulated in 45 states, according to the American Society of Landscape Architects. Twenty-five (25) states regulate landscape architecture through a practice act (no unqualified individual may perform the work of a landscape architect). Twenty (20) states regulate landscape architecture through a title act or certification program (no person may use the title “landscape architect” without being licensed or “certified landscape architect” without being certified).
- Six (6) states do not license landscape architects. For those states, there appears to be no indication that consumer harm has resulted.

- Three (3) states have at one time deregulated the profession of landscape architecture. Oregon and Wisconsin have both in the past terminated, but later reinstated licensure.
- Of the 45 states that regulate landscape architects, 29 regulate them through an independent board. The other 16 boards regulate landscape architects along with other professions such as architects or engineers, and in some cases, geologists, land surveyors and interior designers.
- A review of other states' sunset reviews or audits regarding the practice of landscape architects depicts a profession where the need for regulation is continually being questioned. Recent legislative performance audits and sunset reviews of landscape architecture in Colorado, Hawaii, Maryland, Georgia, and Alabama have all recommended to terminate the licensing of landscape architects or refuse licensure of this occupation.

**15. *There is some evidence provided that landscape architects could be impacted economically if no longer licensed, but there is no evidence that deregulation would increase costs to the consumer for services offered.***

- Although the overall annual costs spent for landscape architect services in the state were not available, it would seem that direct and indirect consumers would still pay landscape architectural firms the same price for services even if some other regulatory option such as certification were chosen. Since close to 75% of the consumers are public agencies, which bid for the best price on the project, it would appear that the deregulation could increase competition and lower prices; other occupations which perform landscape-type work could be considered for particular public projects. The one hurdle, however, has been the requirement by governmental agencies that landscape architects “seal” (stamp) their projects. The profession argues that public agencies would seek engineers or architects to place their seal on the project, and thus the agency will be paying for two professionals, not one, for the work performed. A simple solution would be to repeal any requirements for a landscape architect to place a seal on their drawings. However, in other states where non-licensure exists, there is no evidence that public agencies were using architects or engineers rather than landscape architects to perform a particular project. There was also no evidence that landscape architects are suffering financially, or that out-of-state firms were setting up in a non-licensure state to take business away from in-state firms on the strength of being licensed elsewhere.
- The profession makes several other arguments about the economic impact to landscape architects if they were no longer licensed:
  - ⇒ Licensure is necessary to keep landscape architects on an equal footing with licensed architects and engineers. Because of the close relationship

which landscape architects have with these other professions, and because they may be the lead on a particular project, to license one over another would create an imbalance in the marketplace. Again, there has been no evidence of this in other non-licensure states. However, it is an issue which should be investigated further and may require a review of the architectural and engineering profession before a decision could be reached.

- ⇒ Landscape architects would be unable to obtain professional liability insurance. Again, there is no evidence from states which do not license landscape architects that liability insurance is unavailable or difficult to obtain. However, this is another issue which should be investigated before a decision to deregulate is reached.
- ⇒ No reciprocity with other states. It is argued, that refusal to license landscape architects of this state makes them compete on an uneven playing field with respect to out-of-state landscape architects as well as other design professions already here. As mentioned above, there is no indication that this has occurred in non-licensure states. Also, since California has its own exam, reciprocity is a non-issue. Many landscape architects appear to be going to other states to take the national exam, and for those who go to other states, they may still be required to meet all the requirements of that state along with taking the national exam.

**16. *This occupation is not clearly distinguishable from other professions which are non-regulated.***

- The board states that it is difficult to define what activities constitute the practice of landscape architecture. Further, there are numerous exemptions as to who may legally design landscapes: the homeowner, garden designers, nurseryman, landscape designers, golf course architects, and irrigation consultants, doing designs as part of their overall jobs. The board has to use an expert witness to determine which tenets of landscape architecture have been violated under their Practice Act.

**17. *There is some overlap with currently regulated occupations.***

- The board points out that landscape architects, architects and engineers all provide design services, and that the services and design process provided by these professions are very much alike. The profession argues that these occupations are part of one system that is being brought closer together by increasing emphasis on teamwork and common technology that has them working together and producing documents that are increasingly put to interchangeable use.



- Licensed landscape contractors also perform similar work, and may be more directly responsible for the completion of the original design prepared by the landscape architect. The harm which may occur to the consumer may be the result of changes in the design work, or inadequate supervision by the landscape architect at the job site. In most instances, the consumer seeks redress from the contractor and not the landscape architect.

**18. *There have been other attempts to eliminate the licensing and regulation of landscape architects in California.***

- In 1978, the Department of Consumer Affairs' Regulatory Review Task Force recommended that the Board of Landscape Architects be abolished immediately. There were then legislative attempts made to eliminate the licensing act which failed. Again in 1994, the Senate Business and Professions Subcommittee on Efficiency and Effectiveness in State Boards and Commissions recommended that the licensing act be eliminated, but include a bond requirement and provide certification program which would protect use of the title "landscape architect." Legislation was introduced by the Subcommittee, but it was decided later to allow the board an opportunity to go through the sunset review process in 1995, so a more thorough evaluation could be performed.

**19. *There may be other alternatives to the current regulatory program which would not require the licensing of landscape architects.***

- **Total Deregulation.** The board argues that if the profession were deregulated the consumers would have no assurance of a practitioner's competency and no regulatory recourse if harmed; local agencies requiring licensing would have to change codes and requirements. The board also states that if deregulated, practitioners would have difficulty in obtaining errors and omissions insurance and practicing landscape architecture in other states. However, in those states that do not regulate landscape architects, there seems to be no significant public harm. From a review of all of the findings made about the need to license landscape architects, it does not appear that licensure is necessary, but further investigation of certain issues seem warranted.
- **Title Act – Registration or Certification by a State Agency or Private Organization.** Twenty (20) of the 45 states that regulate landscape architecture do so through a title act. California's original Landscape Architects Law was established in 1953 as a title act. It provided for the licensing and regulation of persons who used the title "landscape architect" but did not regulate the "practice" of landscape architecture. Under a title act, landscape architects could be registered (licensed) by a board or other regulatory agency. The agency would enforce only the title of "landscape architect" but not the practice. Under a title act, minimum education and experience could be

required.

- An existing association, or private “certifying organization” can be formed, to register or certify all landscape architects. All legitimate groups which represent this occupation may participate in the “certifying organization.” Minimum education, experience and examination could be required. The posting of a bond could also be required to provide for monetary damages for injured consumers.
- In cases where consumers cannot easily protect themselves from incompetence, certification and/or registration is generally regarded as a low cost means of protection that permits a high level of flexibility.
- The Department of Consumer Affairs needs to further investigate whether statewide licensure of landscape architects should continue. It should also determine whether the professions of architecture, engineering and landscape architecture should be combined into one board or bureau if licensure is considered necessary, or whether certification and/or registration would suffice.

## **AGENDA ITEM I: PRESENTATION ON AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS DIVERSITY X LANDSCAPE ARCHITECTURE PROGRAM**

A representative of the American Society of Landscape Architects (ASLA) will provide a presentation on the Diversity x Landscape Architecture Program.

### **ASLA Diversity x Landscape Architecture (DxLA) Program**

The DxLA Program was formed by a group of California ASLA Chapter members that want to be proactive in helping their region be more educated, aware, and accomplished in achieving Diversity, Equity, and Inclusion.

### **National Association of Minority Landscape Architects (NAMLA)**

NAMLA is a 501(c)(3) organization founded in Los Angeles, California in 2020.

The premise for starting the organization is based on increasing minority representation at all levels of landscape architecture practice and academia.

NAMLA plans to do this by providing educational and career development assistance to minorities while challenging the structural racism that has disproportionately kept people of color from having decision-making roles on how our landscapes are apportioned, designed, and taught.



## **Diversity in Landscape Architecture Presentation LATC Annual Meeting, April 21st, 2023**



**Presentation by DxLA subcommittee members**  
**- Melissa Ruth, ASLA**  
**- Jessamyn Lett, ASLA**

## DxLA Subcommittee

We are aiming to proactively help landscape architects in our region be more educated, aware, and accomplished in achieving Diversity, Equity, and Inclusion.

- Who We Are
- What We Do

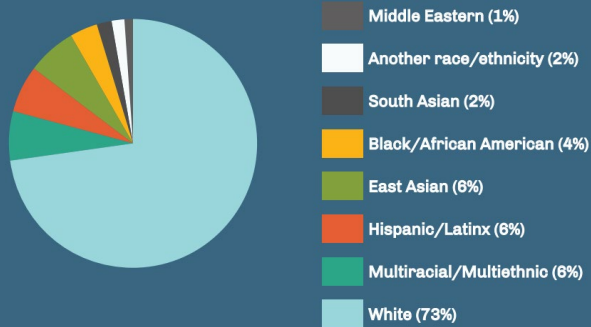


**DxLA**

Diversity in Landscape Architecture

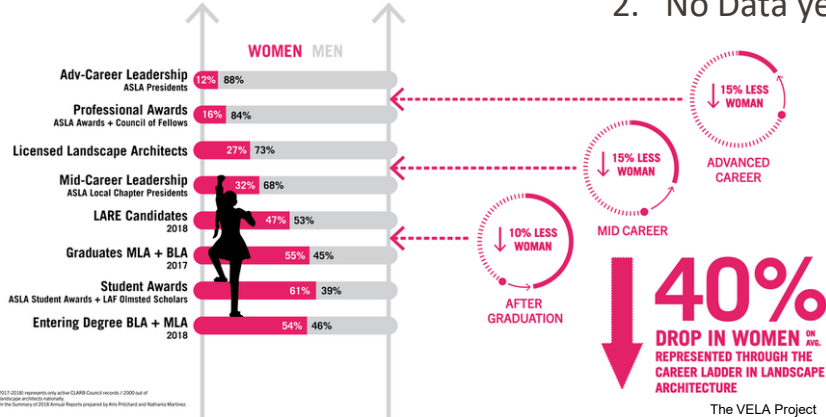
# DxLA Subcommittee

## Participant racial demographics



LAF 2019 DEI Survey

## COMPLETE CAREER LADDER



1. CLARB Data 2017-2018 represents only the CLARB Council records from 2000 out of 10,000 licensed landscape architects nationally.  
2. LARE Data from the Summary of 2018 Annual Reports prepared by Kris Prochard and Nathanael Martinez.

## Did You Know?

- According to U.S. Census and ASLA data:
  - Approx. 18.5% of the U.S. population identifies as Hispanic or Latino, while only 6% of ASLA members do.
  - 13.4% of the U.S. population identifies as African American, but only 2.14% of ASLA members do.
  - 1.3% of the U.S. population identifies as American Indian or Alaska Natives, but only 0.45% of ASLA members do.
- No Data yet on LGBTQ demographics

# DxLA Subcommittee

## Who We Are

In July 2020, WxLA was formed.

In February 2021, we became DxLA because we felt it was important to create a space to address all areas of diversity, equity and inclusion.



# DxLA Subcommittee

## What We Do - MEETINGS

- Meetings- 3<sup>rd</sup> Wednesday of the Month
- Meetings are mostly Virtual (2 meetings a year are in person)
- Planning Meeting:
  - Evaluate Chapter programs to ensure they meet DEI goals
  - Plan Lectures and Events
- Discussion Meeting:
  - Share New Resources (for Hotsheet, Website, Spotlight)
  - Discuss Current Topics, Articles, Issues



# DxLA Subcommittee

## What We Do- RESOURCES

- **Web Links**
- **Book Recommendations**
- **Organizations that Complement DEI**

### DxLA Resources Page

The below resource library is a collection of resources developed by others and compiled by DxLA to assist individuals and firms in improving their diversity, equity, and inclusion. This library is a 'living document'. If you have any resource suggestions, please send them to [DxLA@asia-sierra.org](mailto:DxLA@asia-sierra.org).

#### Where do I start?

##### **WHAT'S THE DIFFERENCE BETWEEN DIVERSITY, INCLUSION, AND EQUITY?**

This article discusses the difference between diversity, equity, and inclusion, and related thought exercises.

[What's the Difference?](#)

##### **ASLA RESOURCES**

ASLA National has developed its own resources including articles, webinars, guides, and statements which you can see below.

[ASLA DEI Resources](#) & [ASLA DEI Webinars](#)

#### How do I talk about it?

##### **GRAMMAR AND BIAS-FREE LANGUAGE FOR RACIAL & ETHNIC IDENTITIES**

The APA Style Guide provides guidelines around language use including capitalization, grammar, and politically correct language for different racial and ethnic groups. It also breaks down context, the why and how, and gives examples of what is and is not politically correct.

[APA Style Bias-Free Language](#)

##### **ACCESSIBILITY AND DISABILITY**

AHEAD is an organization for higher ed administrators, faculty, and leaders who work with and advocate for persons with disabilities and accessibility issues and they have published a style guide for language about person

#### What are other people doing?

##### **ASLA NATIONAL'S RACIAL EQUITY PLAN OF ACTION**

ASLA National developed a five point plan to reject bigotry and racism in all its forms, and anti-Black racism in particular, as wrong and fundamentally inconsistent with our mission and values.

[ASLA Racial Equity Plan of Action](#)

##### **NATIONAL RECREATION AND PARK ASSOCIATION EQUITY ACTION PLAN**

The National Recreation and Park Association has an Equity Action Plan which provides a framework for how they are strengthening their organizational culture and practices centered around equity and our core values of trust, resilience, learning, diversity, and inclusion.

# DxLA Subcommittee

## What We Do – HOTSHEET/SOCIAL MEDIA

- **Monthly Tips Related to DEI**
- **Sierra Chapter Spotlight (people or organizations that align with DEI)**

### DxLA Monthly Tips

's	<b>Understanding the Land</b>	F
important the the Month.	Acknowledging the history of the lands on which you reside, and your place within that history, is a great way to honor indigenous people and spark conversation and learning. Consider including a land acknowledgment in your next workshop or meeting.	A quick ch documents potential c
nce its major roles	Strive to learn more about how to create a land acknowledgment statement and about the Indigenous Nations on whose traditional territory on which you are standing or planning to build.	Simply rev from he/hir quick and s specs more
Months at		

# DxLA Subcommittee

## What We Do - EVENTS

- Panel Discussion w/ EPG: Women In the Industry – March 10<sup>th</sup>, 2021
- Parenting & Landscape Architecture – August 26<sup>th</sup>, 2021
- Allyship in the Workplace – April 21<sup>st</sup>, 2022
- Environmental Justice through Community Outreach – Oct. 20<sup>th</sup>, 2022
- Fall Hike Sponsored by DxLA – Oct. 22<sup>nd</sup>, 2022



# PARENTING x LA

Join Sierra Chapter's Diversity, Equity and Inclusion subcommittee (DxLA) on Thursday August 26th from 12-1pm (virtually) as we hear from 5 panelists on how they balance a career in landscape architecture while parenting. This discussion is also aimed at addressing our own biases about parents in the workplace and how to make the workplace more welcoming. You don't need to be a parent to join and we welcome all! So grab a lunch and join us via Zoom on

Thursday August 26th, 12-1pm.

PLEASE RSVP TO [jessica@wdsia.com](mailto:jessica@wdsia.com) by AUGUST 25th to receive Zoom info



Hussein Abdu  
Assoc. LA  
County of Sac, Dept. of  
Transportation  
2 kids (15 & 13 y.o.)



Anne Attinger  
Owner  
Attinger Landscape  
Architecture  
1 kid (14 y.o.)



Jeff Attinger  
Owner  
Attinger Landscape  
Architecture  
1 kid (14 y.o.)



N. Claire Napawan  
Professor  
UC Davis  
Collaborative  
3 kids (10, 7 & 1+ y.o.)



Melissa Ruth  
Sr. Associate  
Callander Assoc.  
Landscape Architecture  
2 kids (10 & 8 y.o.)



# DxLA & EPG

Join Diversity in Landscape Architecture (D x LA) and the Emerging Professionals Group (EPG) for a virtual panel discussion with four female landscape architects/designers as they give their insights, advice, and lessons learned from where they are in their career. Whether you're a seasoned professional, starting your own business or a few years into your career, there will be great takeaways for everyone. The panel will be answering some pre-determined questions as well as taking ones from attendees.

So grab a lunch and a seat and join us via Zoom on

Wednesday March 10th, 12-1pm.

Christine Talbot  
Principal  
Quadriga, Inc.

Magdalena Aravena  
Landscape Designer  
Lamar Johnson  
Collaborative

Stephanie Lau  
Landscape  
Designer  
MTW Group

Olga Garzon  
Owner/  
Entrepreneur

PLEASE RSVP TO [jessica@wdsia.com](mailto:jessica@wdsia.com) BY MARCH 9TH TO RECEIVE ZOOM INFO

- **Parenting: Panelists were from different backgrounds and professional entities**
- **Female Lead Panel: Panelists were all women that provided perspective on their career path and gave advice to emerging professionals**



## DxLA: Allyship in the Workplace



- Allyship: Panelists from the LGBTQ community discussed gender inclusivity and workplace allyship.



CA/SI

MORE VIDEOS



0:11 / 49:04

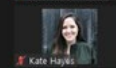
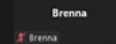
- Environmental Justice: Panelists presented case studies that effectively used DEI in the public engagement process



COMMUNITY ENGAGEMENT WORKSHOP #1

OKI PARK PROJECT  
Sacramento, CA

MIRDAE + IGP



# **DxLA Subcommittee**

## **Goals-**

- **Increase Attendance at Meetings and Events**
- **Educate Members on the DEI Issues**
- **Support Student Chapter with Resources Related to DEI**
- **Mentorships**
- **Partner with Non-Profits**

# DxLA Subcommittee

## Firms can Update Specifications

A quick change to references in your documents can make a world of difference to potential contractors / staff / employers.

Simply revise all references to the individuals from he/him or she/her to they/them. This is a quick and simple thing to do to make your specs more all-inclusive.

## Monthly Tip for Diversity/Equity/Inclusion

Accessibility is more than just ADA compliance, and the way we talk about it can foster inclusivity. Focusing on "accessibility for all" rather than "disabled access" is one way to reinforce that accessibility and universal design are for everyone, not just a box to check for a subset of users. You can also use people-first language ("people who use wheelchairs" instead of "wheelchair-bound") to focus on people, not limitations.

## Monthly Tip for Diversity/Equity/Inclusion

Want to foster a more inclusive environment at your workplace, but aren't sure where to start? Looking at how other firms and organizations plan for and talk about diversity, equity, and inclusion might inspire your next move. The DxLA Resources page has links and resources to get you started.

## Monthly Tip for Diversity/Equity/Inclusion

"Environmental and climate justice are extensions of civil rights. Far too often, policy decisions about land use, zoning, transportation, and others result in negative health, safety, and economic impacts on Black, Indigenous, and People of Color (BIPOC) communities." - ASLA Climate Action Now

Check out ASLA's [Climate Action Now: A Landscape Architect's Guide to Climate Advocacy](#) for concrete steps that landscape architects can take to advance climate justice.

**AGENDA ITEM J: REVIEW OF FUTURE LATC MEETING DATES**

A schedule of planned meetings and events for the remainder of 2023 are provided to the Committee.

<u>Date</u>	<u>Event</u>	<u>Location</u>
May 19	Board Meeting	TBD
August 11	LATC Meeting	TBD
September 8	Board Meeting	TBD
September 20-22	Council of Landscape Architectural Registration Boards 2023 Annual meeting	Henderson, NV
October 27-30	ASLA 2023 Conference on Landscape Architecture	Minneapolis, MN
November 3	LATC Meeting	TBD
December 1	Board Meeting	TBD