



## NOTICE OF PUBLIC TELECONFERENCE MEETING

### **LATC MEMBERS**

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

**November 17, 2023**

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

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

**10:00 a.m., on Friday, November 17, 2023**

**NOTE: Pursuant to Government Code section 11133, this meeting will be  
held by teleconference with no physical public locations.**

### **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. 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=ma2f29d9840d405425a5b54ffce93c7fe>

#### *If joining using the link above*

Webinar number: 2495 714 8761

Webinar password: LATC1117

#### *If joining by phone:* 1-415-655-0001 US Toll

Access code: 2495 714 8761

Passcode: 52821117

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

*(Continued)*

Due to potential technical difficulties, please consider submitting written comments by November 13, 2023, to [latc@dca.ca.gov](mailto:latc@dca.ca.gov) for consideration.

## **AGENDA**

**10:00 a.m. to 2:00 p.m.**  
(or until completion of business)

### **ACTION MAY BE TAKEN ON ANY ITEM LISTED ON THIS AGENDA.**

- A. Call to Order / Roll Call / Establishment of a Quorum
- B. Chair's Procedural Remarks and Committee Member Introductory Comments
- C. Public Comment on Items Not on the Agenda  
The Committee may not discuss or act on any item raised during this public comment section, except to decide whether to refer the item to the Committee's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).
- D. Update on the Department of Consumer Affairs (DCA)
- E. Budget Update from DCA Budget Office, Harmony DeFilippo, Budget Manager
- F. Review and Possible Action on August 11, 2023, LATC Meeting Minutes
- G. Legislation Update
  - 1. AB 342 (Valencia) Architects and Real Estate Appraisers: Applicants and Licensees: Demographic Information
  - 2. 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
  - 4. SB 816 (Roth) Professions and Vocations
- H. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs

- I. Discuss and Possible Action on 2022-2024 Strategic Plan Objectives to:
  - 1. Work with the American Society of Landscape Architects (ASLA) and Other License Advocates to Address Concerns Regarding Licensed Versus Unlicensed Professionals to Educate and Protect Consumers
  - 2. 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
- J. Election of 2024 Committee Officers
- K. Review and Discuss LATC's Draft Sunset Review Report
- L. Review of Future Committee Meeting Dates
- M. Closing Comments
- N. Adjournment

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

FOR OBSERVATION ONLY: WEBCAST: The LATC plans to webcast this meeting on the Department of Consumer Affairs' website at <https://thedcapage.blog/webcasts> Using the Webcast link will allow only for observation with closed captioning. Webcast availability cannot, however, be guaranteed due to resource limitations or technical difficulties. The meeting will not be cancelled if Webcast is unavailable. If you wish to participate, please plan to participate via the WebEx option listed above.

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

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

**Telecommunication Relay Service:** Dial 711

**Mailing Address:**

Landscape Architects Technical Committee  
2420 Del Paso Road, Suite 105

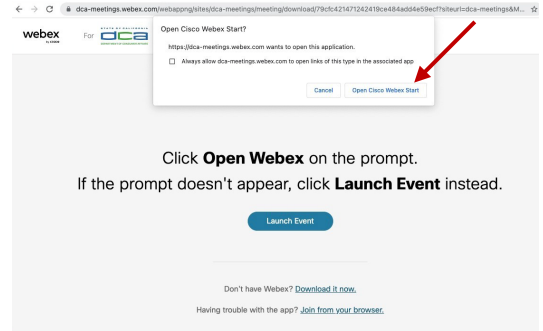
Sacramento, CA 95834

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

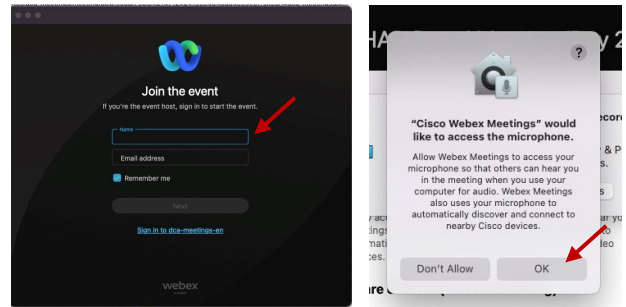
***Protection of the public shall be the highest priority for the Committee in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business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

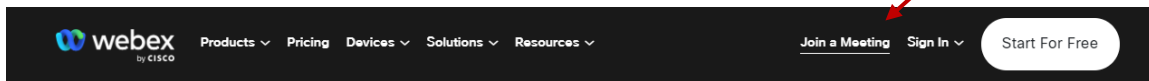


\* Members of the public are not obligated to provide their name or personal information and may provide a unique identifier such as their initials or another alternative, and a fictitious email address like in the following sample format: XXXXX@mailinator.com.

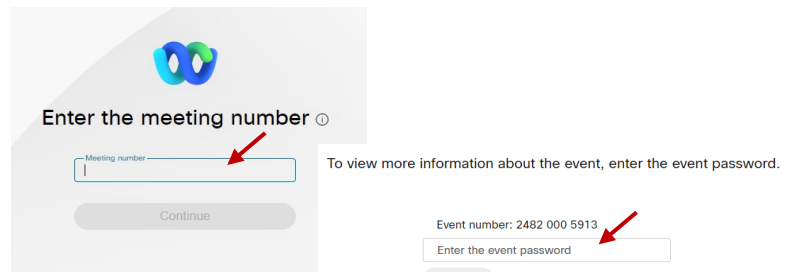
OR

## If joining from Webex.com

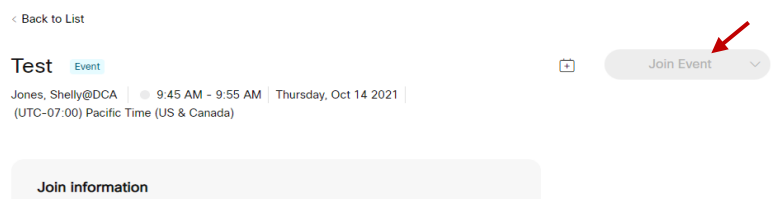
- 1 Click on "Join a Meeting" at the top of the Webex window.



- 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".



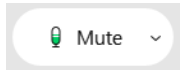
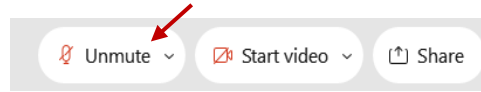
OR

## Connect via telephone\*:

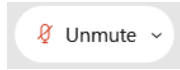
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

### Microphone

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

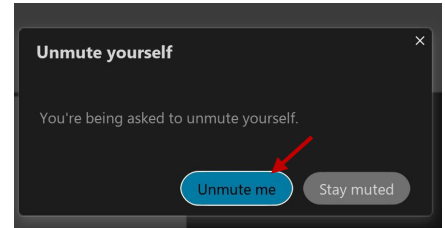


Green microphone = Unmuted: People in the meeting can hear you.



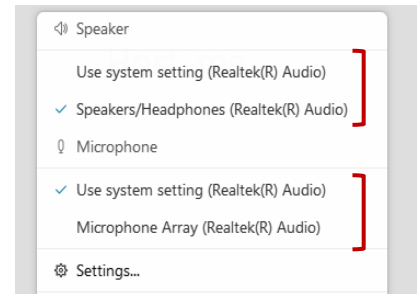
Red microphone = Muted: No one in the meeting can hear you.

*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".*



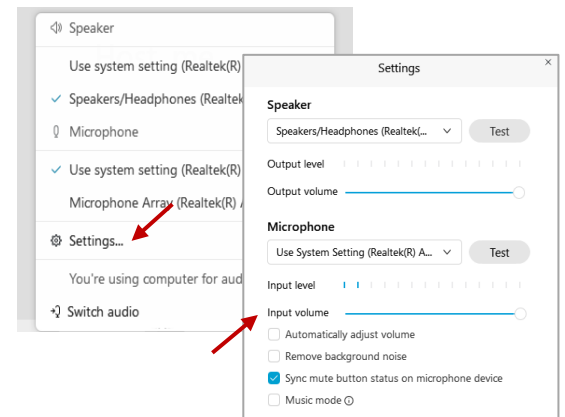
### If you cannot hear or be heard

- 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

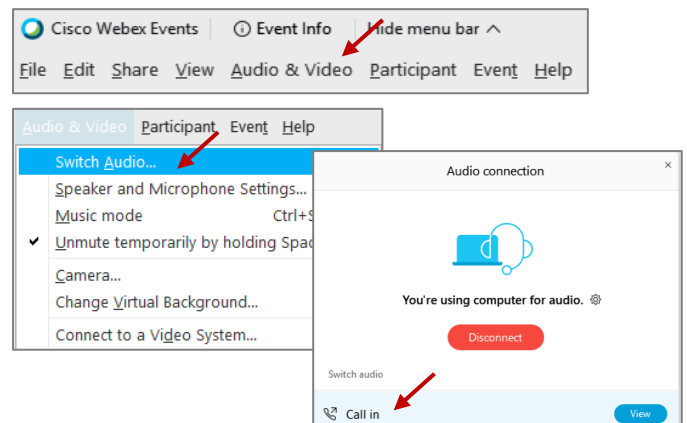
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
  - Click on "Settings...":
  - Drag the "Input Volume" located under microphone settings to adjust your volume.



### 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.



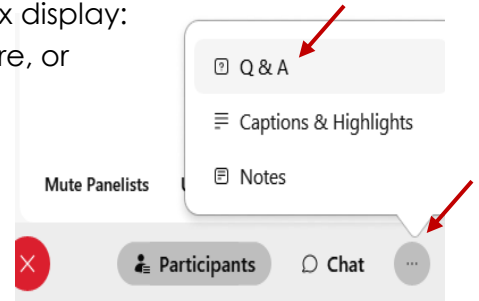
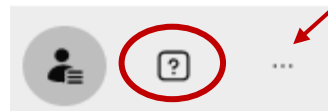
The question-and-answer (Q&A) and hand raise features are utilized for public comments.

*NOTE: This feature is not accessible to those joining the meeting via telephone.*

### Q&A Feature

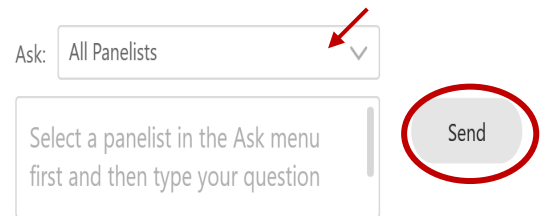
1 Access the Q&A panel at the bottom right of the Webex display:

- 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

### Hand Raise Feature

- 1
- Hovering over your own name.
  - Clicking the hand icon that appears next to your name.
  - Repeat this process to lower your hand.

If connected via telephone:

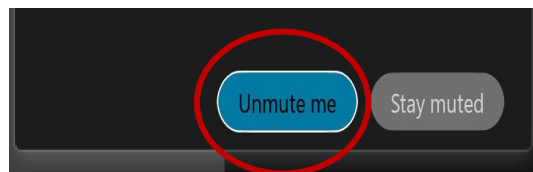
- Utilize the raise hand feature by pressing \*3 to raise your hand.
- Repeat this process to lower your hand.

### Unmuting Your Microphone



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.

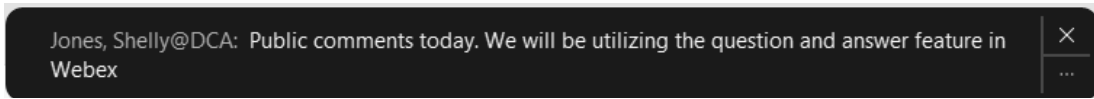


OR

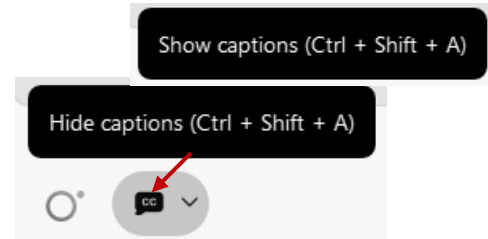
If connected via telephone:

- Press \*3 to unmute your microphone.

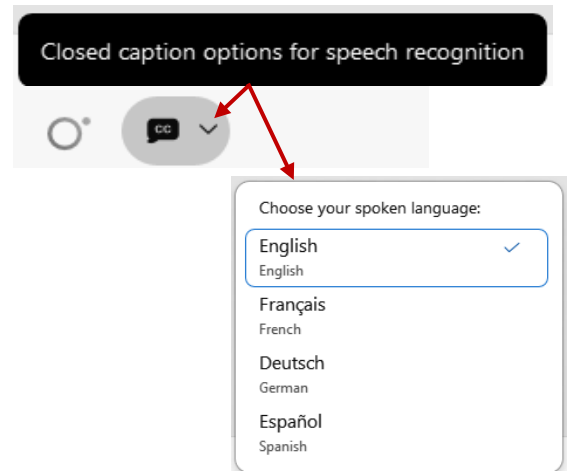
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



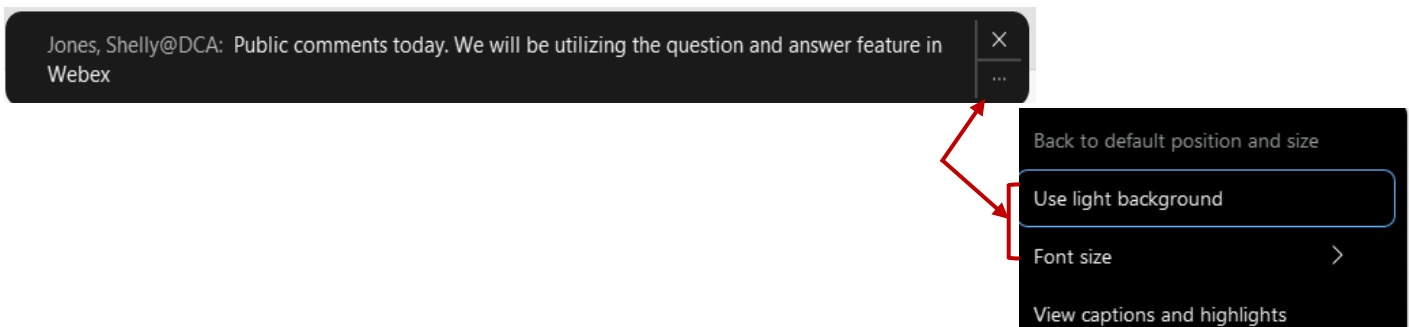
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



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 LATC Vice Chair or, in their absence, by an LATC member designated by the LATC Chair.

### **LATC Member Roster**

Andrew C. N. Bowden

Pamela S. Brief

Susan M. Landry

Patricia M. Trauth

Jon S. Wreschinsky

Department of Consumer Affairs

Expenditure Projection Report

California Architects Board

Reporting Structure(s): 11110320 Landscape Architects Committee

Fiscal Month: 3

Fiscal Year: 2023 - 2024

Run Date: 10/17/2023

PERSONAL SERVICES

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5100	PERMANENT POSITIONS	\$349,000	\$325,248	\$334,000	\$26,179	\$61,209	\$0	\$61,209	\$298,735	\$35,265
5100	TEMPORARY POSITIONS	\$6,000	\$0	\$6,000	\$0	\$0	\$0	\$0	\$0	\$6,000
5105-5108	PER DIEM, OVERTIME, & LUMP SUM	\$3,000	\$24,257	\$3,000	\$0	\$0	\$0	\$0	\$7,000	-\$4,000
5150	STAFF BENEFITS	\$226,000	\$210,266	\$218,000	\$18,757	\$44,906	\$0	\$44,906	\$219,167	-\$1,167
	<b>PERSONAL SERVICES</b>	<b>\$584,000</b>	<b>\$559,772</b>	<b>\$561,000</b>	<b>\$44,936</b>	<b>\$106,115</b>	<b>\$0</b>	<b>\$106,115</b>	<b>\$524,902</b>	<b>\$36,098</b>

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5301	GENERAL EXPENSE	\$34,000	\$13,653	\$34,000	\$0	\$93	\$1,107	\$1,200	\$15,160	\$18,840
5302	PRINTING	\$16,000	\$4,374	\$16,000	\$371	\$371	\$3,806	\$4,178	\$4,178	\$11,822
5304	COMMUNICATIONS	\$5,000	\$1,444	\$5,000	\$104	\$140	\$0	\$140	\$1,408	\$3,592
5306	POSTAGE	\$12,000	\$2,548	\$12,000	\$0	\$39	\$0	\$39	\$2,580	\$9,420
5308	INSURANCE	\$0	\$8	\$0	\$0	\$0	\$0	\$0	\$10	-\$10
53202-204	IN STATE TRAVEL	\$14,000	\$11,283	\$14,000	\$543	\$543	\$0	\$543	\$13,000	\$1,000
53206-208	OUT OF STATE TRAVEL	\$0	\$1,873	\$0	\$0	\$0	\$0	\$0	\$6,158	-\$6,158
5322	TRAINING	\$3,000	\$0	\$3,000	\$0	\$0	\$0	\$0	\$1,000	\$2,000
5324	FACILITIES	\$25,000	\$59,837	\$25,000	\$5,088	\$14,888	\$44,776	\$59,664	\$62,728	-\$37,728
53402-53403	C/P SERVICES (INTERNAL)	\$28,000	\$22,793	\$23,000	\$0	\$0	\$0	\$0	\$23,210	-\$210
53404-53405	C/P SERVICES (EXTERNAL)	\$301,000	\$123,248	\$271,000	\$8,741	\$11,527	\$65,518	\$77,045	\$86,392	\$184,608
5342	DEPARTMENT PRORATA	\$236,000	\$198,009	\$258,000	\$64,500	\$129,000	\$0	\$129,000	\$258,000	\$0
5342	DEPARTMENTAL SERVICES	\$30,000	\$76,233	\$30,000	\$14	\$14	\$0	\$14	\$53,010	-\$23,010
5344	CONSOLIDATED DATA CENTERS	\$1,000	\$5,593	\$1,000	\$6	\$12	\$0	\$12	\$10,675	-\$9,675
5346	INFORMATION TECHNOLOGY	\$25,000	\$4,626	\$24,000	\$0	\$0	\$15,211	\$15,211	\$15,211	\$8,789
5362-5368	EQUIPMENT	\$15,000	\$787	\$0	\$0	\$0	\$0	\$0	\$350	-\$350
54	SPECIAL ITEMS OF EXPENSE	\$0	\$410	\$0	\$0	\$0	\$0	\$0	\$400	-\$400
	<b>OPERATING EXPENSES &amp; EQUIPMENT</b>	<b>\$745,000</b>	<b>\$526,719</b>	<b>\$716,000</b>	<b>\$79,368</b>	<b>\$156,628</b>	<b>\$130,419</b>	<b>\$287,047</b>	<b>\$553,471</b>	<b>\$162,529</b>

<b>OVERALL TOTALS</b>		<b>\$1,329,000</b>	<b>\$1,086,491</b>	<b>\$1,277,000</b>	<b>\$124,303</b>	<b>\$262,743</b>	<b>\$130,419</b>	<b>\$393,162</b>	<b>\$1,078,373</b>	<b>\$198,627</b>
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REIMBURSEMENTS		-\$1,000	\$0	-\$1,000					\$0	
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<b>OVERALL NET TOTALS</b>		<b>\$1,328,000</b>	<b>\$1,086,491</b>	<b>\$1,276,000</b>	<b>\$124,303</b>	<b>\$262,743</b>	<b>\$130,419</b>	<b>\$393,162</b>	<b>\$1,078,373</b>	<b>\$197,627</b>
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15.49%

## Department of Consumer Affairs

### Revenue Projection Report

Reporting Structure(s): 11110320 Landscape Architects Committee

Fiscal Month:

Fiscal Year: 2023 - 2024

Run Date: 10/17/2023

#### Revenue

Fiscal Code	Line Item	Budget	July	August	September	Year to Date	Projection To Year End
	Delinquent Fees	\$13,000	\$400	\$1,310	\$1,200	\$2,910	\$9,510
	Other Regulatory Fees	\$3,000	\$0	\$0	\$750	\$750	\$3,170
	Other Regulatory License and Permits	\$100,000	\$7,060	\$7,390	\$11,465	\$25,915	\$156,290
	Other Revenue	\$0	\$310	\$0	\$0	\$310	\$310
	Renewal Fees	\$718,000	\$60,200	\$56,350	\$116,000	\$232,550	\$1,007,250
	<b>Revenue</b>	<b>\$834,000</b>	<b>\$67,970</b>	<b>\$65,050</b>	<b>\$129,415</b>	<b>\$262,435</b>	<b>\$1,176,530</b>

**0757 - Landscape Architects Technical Committee Fund Analysis of Fund Condition**  
**(Dollars in Thousands)**  
**2023 Budget Act with FM 3 Projections**

Prepared 10.23.23

	PY 2022-23	CY 2023-24	BY 2024-25	BY +1 2025-26	BY +2 2026-27
<b>BEGINNING BALANCE</b>	\$ 958	\$ 653	\$ 309	\$ 365	\$ 439
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 958	\$ 653	\$ 309	\$ 365	\$ 439
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>					
Revenues					
4121200 - Delinquent fees	\$ 10	\$ 13	\$ 13	\$ 13	\$ 13
4127400 - Renewal fees	\$ 719	\$ 718	\$ 718	\$ 718	\$ 718
Renewal fee increase effective 1/1/2024	\$ -	\$ -	\$ 532	\$ 532	\$ 532
4129200 - Other regulatory fees	\$ 3	\$ 3	\$ 3	\$ 3	\$ 3
4129400 - Other regulatory licenses and permits	\$ 114	\$ 100	\$ 100	\$ 100	\$ 100
Other regulatory licenses and permits fee increase effective 1/1/2024	\$ -	\$ -	\$ 79	\$ 79	\$ 79
4163000 - Income from surplus money investments	\$ 21	\$ -	\$ 5	\$ 6	\$ 7
4171400 - Escheat of unclaimed checks and warrants	\$ 1	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 868	\$ 834	\$ 1,450	\$ 1,451	\$ 1,452
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$ 868	\$ 834	\$ 1,450	\$ 1,451	\$ 1,452
<b>TOTAL RESOURCES</b>	\$ 1,826	\$ 1,487	\$ 1,759	\$ 1,816	\$ 1,891
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 1,086	\$ 1,078	\$ 1,195	\$ 1,231	\$ 1,268
Anticipated Ongoing Business Modernization Costs	\$ 0	\$ 0	\$ 99	\$ 64	\$ 64
9892 Supplemental Pension Payments (State Operations)	\$ 16	\$ 17	\$ 17	\$ -	\$ -
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 71	\$ 83	\$ 83	\$ 83	\$ 83
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$ 1,173	\$ 1,178	\$ 1,394	\$ 1,378	\$ 1,415
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$ 653	\$ 309	\$ 365	\$ 439	\$ 476
Months in Reserve	6.7	2.7	3.2	3.7	4.0

**NOTES:**

1. Assumes workload and revenue projections are realized in BY +1 and ongoing.
2. Expenditure growth projected at 3% beginning BY.
3. CY Revenue Projections include estimates for the fee increase eff. 1/1/2024.



## Draft Minutes

### CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee Meeting

August 11, 2023  
Sacramento

#### 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

#### Board and LATC Staff Present

Laura Zuniga, Executive Officer  
Jesse Laxton, Assistant Executive Officer  
Nicholas Barnhart, Examination Coordinator  
Kourtney Fontes, Special Projects Analyst  
Coleen Galvan, Communications Analyst  
Jane Kreidler, Administration Manager  
Drew Liston, Board Liaison  
Timothy Rodda, Regulations Manager  
Stacy Townsend, Enforcement Analyst

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

Melissa Gear, Deputy Director, Board and Bureau Relations  
Sarah Irani, SOLID Moderator  
Michael Kanotz, LATC Counsel  
Bryce Penney, Television Specialist, Office of Public Affairs

#### Guests Present

Cheryl Buckwalter, Association of Professional Landscape Designers (APLD)

### **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 Committee Member Introductory Comments**

Mr. Wreschinsky announced that webcast is available, and anyone interested in participating in the meeting may join the WebEx meeting as outlined on the meeting agenda. He stated that all motions and seconds will be repeated for the record and 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 comments from the public.

Mr. Wreschinsky stated that one written comment was submitted prior to the meeting and included in the meeting materials. Kourtney Fontes provided a summary of the comment regarding the regulatory proposal to amend California Code of Regulations section 2615 (Form of Examinations).

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

Melissa Gear provided updates on DCA's Diversity, Equity, and Inclusion (DEI) Steering Committee efforts, including new DEI trainings for staff and board members.

Ms. Gear reminded the LATC that SB 544 may allow for remote virtual meetings. She added that DCA has been working to implement AB 107 which, effective July 1, 2023, required DCA boards and bureaus to grant temporary licensure to the spouse or domestic partner of an active-duty military member under certain conditions.

Ms. Gear provided updates on DCA's Enlightened Enforcement Project and Data Governance Project; and explained that these projects will help standardize enforcement procedures and data reporting for all boards and bureaus.

Ms. Gear reminded the committee members of the required trainings for 2023, including the Sexual Harassment Prevention and Information and Security Awareness trainings.

Susan Landry asked if applicants for the temporary license would need to take the state examination. Ms. Zuniga responded that a qualifying applicant for temporary license is not required to take the California Supplemental Examination (CSE).

## **E. Review and Possible Action on April 21, 2023, LATC Meeting Minutes**

Mr. Wreschinsky directed the members to page 7 of the minutes regarding the Council of Landscape Architectural Registration Boards (CLARB) occupational analysis (OA) and shared that CLARB recently changed the name of the committee established to address the OA to the "CLARB Experience Requirements Work Group" and a meeting has been scheduled to start that process.

Mr. Wreschinsky asked if the recommendations presented at the last meeting by the DCA Office of Professional Examination Services (OPES) were provided to CLARB. Ms. Zuniga confirmed a letter was sent to CLARB outlining the OPES recommendations.

- **Susan M. Landry moved to approve the April 21, 2023, LATC Meeting Minutes as presented.**

**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. Review and Possible Action on LATC Member Administrative Manual**

Ms. Zuniga explained that LATC will submit the LATC Member Administrative Manual as part of the Sunset Review Report next year, so this is an opportunity to make any changes. She added that suggested technical changes were included in the meeting materials.

Mr. Wreschinsky asked for clarification on the budget augmentation process mentioned on page 2 of the manual. Ms. Zuniga responded that when LATC or the Board need to make changes to the budget, a Budget Change Proposal must be submitted to DCA and the Department of Finance for review.

Mr. Wreschinsky asked for clarification on the Program Manager evaluation process mentioned on page 15 of the manual. Ms. Zuniga explained that LATC could do something similar to the Board's annual evaluation of the Executive Officer, which is coordinated by DCA's Office of Human Resources.

- **Pamela S. Brief moved to approve the LATC Member Administrative Manual as presented.**

**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.**

#### **G. Legislation Update**

##### **1. AB 342 (Valencia) Architects and Real Estate Appraisers: Applicants and Licensees: Demographic Information**

Ms. Zuniga explained that AB 342 would authorize the Board to request a licensee to identify their race, ethnicity, gender, or gender identity when applying

for an initial license or renewal. She added that if the Board does decide to collect this information it would need to report the information annually.

Mr. Wreschinsky asked if candidates or licensees can refuse to provide the information. Ms. Zuniga confirmed that providing the information would be optional.

## **2. SB 372 (Menjivar) Department of Consumer Affairs: Licensee and Registrant Records: Name and Gender Changes**

Ms. Zuniga explained that SB 372 would require all DCA boards to update a licensee's records when the person's legal name or gender has changed. Ms. Landry asked if a licensee's old legal name would be removed from the website for both name and gender changes. Ms. Zuniga confirmed that prior names would be removed from the website.

## **3. SB 544 (Laird) Bagley-Keene Open Meeting Act: Teleconferencing**

Ms. Zuniga explained that SB 544 would make changes to the Bagley-Keene Open Meeting Act and allow for virtual meetings.

## **4. SB 816 (Roth) Professions and Vocations**

Ms. Zuniga explained that SB 816 would enact the fee increases that LATC has approved, effective January 1, 2024. Ms. Landry asked how candidates and licensees will be notified of the fee increases. Ms. Zuniga responded that LATC could send an initial notification before the bill is approved and again after the bill is signed. Ms. Landry agreed that LATC should send a notification while the bill is going through the legislative process.

Ms. Trauth asked if DCA could change the way funding is structured so that license fees are more equitable. Ms. Zuniga explained that DCA does not receive General Fund monies and all DCA boards and bureaus are funded by their own licensing fees.

Mr. Bowden asked how the proposed license fee compares to other DCA programs and national landscape architect license fees. Ms. Zuniga responded that some DCA programs with comparable license populations have higher licensing fees. She added that staff can provide information on national licensing fees and explained that not every structure is the same in different jurisdictions, so the fees are not always comparable.

Mr. Wreschinsky asked how DCA determines the amount LATC must pay in pro-rata fees. Ms. Zuniga explained that the cost is divided by the number of staff positions a program is authorized to have.

Mr. Bowden asked what would happen if SB 816 does not pass. Ms. Zuniga explained that LATC would have to bring spending down and the only way to do that on a significant level would be to go through the lay-off process for staff.



Ms. Brief asked if the budget issues would be explained to licensees when the fee increases are announced. Ms. Zuniga confirmed that an explanation of what is causing the deficit will be included in the outreach to licensees and candidates.

## **H. Update and Discuss Council of Landscape Architectural Registration Boards (CLARB):**

### **1. Discuss and Take Action on Candidates for 2023 Board of Directors and Leadership Advisory Council**

Ms. Zuniga directed the LATC members to the CLARB candidate information included in the meeting materials.

Mr. Wreschinsky recommended voting for Joel Kurokawa for President-Elect, Craig Coronato for Treasurer, and Keven Graham for Leadership Advisory Council. Mr. Bowden agreed with Mr. Wreschinsky and recommended that LATC vote for Leadership Advisory Council candidates who are licensed landscape architects. Members Landry, Brief, and Trauth agreed that LATC should support licensees for the Leadership Advisory Council positions.

- **Susan M. Landry moved to select Joel Kurokawa for President-Elect, Craig Coronato for Treasurer, and Candace Dillingham and Keven Graham for Leadership Advisory Council.**

**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.**

- **Pamela S. Brief moved to approve Jon Wreschinsky as delegate and Laura Zuniga and Jesse Laxton as representatives in attendance on the Letter of Delegate Credentials for the 2023 CLARB Annual Meeting.**

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

There were no comments from the public.

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

### **2. Review and Discuss the 2023 CLARB Annual Meeting Agenda**

Ms. Zuniga explained that the agenda for the 2023 CLARB Annual Meeting is included in the meeting materials for informational purposes. Mr. Wreschinsky shared that the sessions on “Evaluating Education Equivalency: A partnership with LAAB” and “Continuing Education: Balancing Necessary Rigor with Ease” may be of particular interest to LATC. Mr. Bowden suggested that

Mr. Wreschinsky remind LAAB to consider accrediting the UCLA Extension landscape architecture certificate program.

Mr. Bowden also suggested that CLARB should develop a standard for continuing education. Ms. Brief agreed and stated that while LATC staff did not find a consumer protection need for continuing education in California, she believes there is a need for continuing education related to climate changes and other issues. Mr. Wreschinsky asked how many DCA programs have a continuing education requirement. Ms. Zuniga responded that most healing arts boards have continuing education and many non-healing arts programs do not have continuing education.

**I. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs**

Ms. Zuniga directed the members to the Executive Officer's (EO) Report included in the meeting materials and provided a summary of the report. Stacy Townsend provided an update on LATC business modernization efforts and explained that LATC has had a significant decrease in paper applications following the launch of the Connect system.

Mr. Bowden asked about the status of the requirement for landscape architects to include their license number in public presentments. Ms. Zuniga explained that the requirement has already been adopted and was mistakenly listed in the EO Report. She explained that the proposal included in the report relates to educating the different jurisdictional agencies about landscape architecture licensure and its regulatory scope of practice to allow licensees to perform duties prescribed within the regulations. She added that due to concerns from building officials, this proposal will be included in LATC's Sunset Review Report so that it could be addressed next year. Mr. Wreschinsky added that the building officials' primary concern had to do with crossover practice. Ms. Zuniga explained that the building officials felt there was a misunderstanding of what landscape architects could do and when they could do it, which could leave the proposal open to different interpretations.

Ms. Brief asked if landscape architects must include their license number on construction documents. Ms. Townsend confirmed that all plans and construction documents should include a license number and seal.

Ms. Landry noted that many violations listed in the EO Report were related to individuals being miscategorized on LinkedIn as an architect. She shared that she has also been grouped as an architect on LinkedIn. Ms. Zuniga explained that in these cases the Board will request the individual to demonstrate that they have contacted the advertising platform to request a change to their profile and the Board does not require the change to be made because that is outside of the individual's control. She added that the Board has not had success with getting assistance from the social media platforms to address this issue and suggested the issue could be raised in the Sunset Review Report to see if the legislature would be willing to address it. Ms. Brief stated that this is a problem for consumers and licensed practitioners and only benefits unlicensed practitioners.

## **J. Review and Discuss LATC's Draft Sunset Review Report**

Ms. Zuniga directed the committee members to the draft Sunset Review Report in the meeting materials. She explained that the members can make recommend changes to the entire report and provided a summary of the new issues already included in the report.

Mr. Bowden asked if the proposal to amend Business and Professions Code (BPC) section 5680.2, included in the new issues section of the report, would require an individual who has let their license expire longer than five years to take an examination before they are issued a new license. Ms. Zuniga explained that the individual would need to take an examination if the LATC does not have record of their prior examination scores. Mr. Barnhart explained that staff identified the need for this change after receiving a license application from a prior licensee who no longer had examination scores on record with LATC. Ms. Zuniga explained that the person was last licensed around twenty years ago and both CLARB and LATC did not have a record of their examination scores. Mr. Bowden asked how this proposal differs from the licensure requirements for architect candidates in a similar situation. Ms. Zuniga stated that the proposed language would make the licensure requirement for landscape architects more similar to the requirement for architects. She explained that once a license is expired for more than five years it is no longer eligible to be reinstated and the individual must meet the requirements of a new licensee to obtain a new license.

Mr. Wreschinsky asked if LATC should include the recently passed CLARB Uniform Standard and how it deviates from the licensure requirements of California, under the new issues section of the report. He added that the legislature should be aware that CLARB is suggesting for all states to adopt the licensure requirements outlined in the Uniform Standard which do not align with current California law regarding education and training experience. Ms. Zuniga agreed it would be helpful to point out the conversations LATC has had with CLARB and why LATC is resistant to adopt the Uniform Standard. Mr. Wreschinsky also reminded the committee that the name of the upcoming CLARB work group mentioned on page 11 of the report was recently changed to the "Experience Requirements Work Group".

Mr. Wreschinsky suggested clarifying on page 13 of the report that the reason LATC implemented a temporary license renewal fee reduction was to keep the reserve balance under the statutory limit. Mr. Wreschinsky also suggested changing the wording of BPC section 5681(b) so that it specifically addresses the CSE. Mr. Wreschinsky suggested that staff verify the statement made on page 17 of the report regarding training experience included in a CLARB Council Record. Ms. Trauth suggested that LATC's new fees should be included on page 14 of the report.

Mr. Wreschinsky suggested listing both the current and proposed LARE sections on page 26 of the report. He also suggested mentioning the differences between California's licensure requirements and the CLARB Uniform Standard on page 46 of the report, regarding workforce development. Ms. Landry agreed and suggested expanding on the response to question 61 in the report. Mr. Wreschinsky suggested

mentioning the analysis of LARE pass rates that was recently conducted by OPES. He also suggested mentioning that LATC has actively reached out to various organizations to address DEI issues within the profession. He suggested revising page 49 of the report to clarify that LATC voted to start a dialogue with the Board about establishing a merged board with architects.

Ms. Brief suggested mentioning that the American Society of Landscape Architects professional and student chapters recently held a webinar with LATC regarding the upcoming changes to the LARE. She also asked how LATC can address the issue mentioned on page 49 of the report, regarding only having professional members on the LATC. Ms. Zuniga explained that most non-health boards have a public member majority and LATC has responded to this issue in the past by explaining that the Board takes final action on LATC items, and the Board has public members. Mr. Bowden suggested that the Board could select a public member to be the LATC Liaison.

**PUBLIC COMMENT:** Cheryl Buckwalter, APLD commented on Agenda Item I and stated that APLD California Chapter supports landscape architects and landscape designers being listed separately in online entities' organizational lists and has made every effort possible to contact those entities in order to make that request.

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

**1. Implement a New Enforcement and Licensing Business Modernization Computer Platform to Improve Services to Candidates, Licensees, and Consumers**

Ms. Zuniga provided an update on LATC's business modernization efforts and reminded the Committee members that the Eligibility, CSE, and Initial License Applications are available on the online Connect system.

**2. Update the LATC Website to Clarify LATC's Roles and Responsibilities and Explain the Difference Between Regulated and Unregulated Professions Listed on Various Online Platforms and Educate Consumers on Requirements and Permitted Practice of Licensed and Unlicensed Professionals**

Ms. Townsend explained that the consumer section of the LATC website was updated to expand the permitted practices document to clarify that only licensed architects, engineers, and landscape contractors are exempt from the landscape architects practice act insofar as they are providing services that they are licensed to do. She added that the information on the website was also updated to clarify that unlicensed professionals can only provide conceptual drawings for single-family dwellings; and to explain that the LATC's highest priority is the protection of the public and the LATC's purpose is to investigate violations of the practice act and not to obtain restitution for complainants.

Mr. Bowden suggested updating the permitted practices document to specify that licensed professionals can prepare "construction documents." Members

Brief and Landry agreed and recommended expanding the statement to include “construction documents and specifications”.

**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**

Mr. Wreschinsky shared that he discussed this objective with the Board President, LATC Liaison, and Ms. Zuniga. He asked if the committee members would like to table this idea. Ms. Landry stated that becoming a separate board would cost more and recommended that LATC table this item until at least six months after the fee increases are implemented. Mr. Bowden agreed that LATC could address this item at another time, if needed. Ms. Trauth and Ms. Brief agreed to table this item. Mr. Wreschinsky suggested stating in the Sunset Review Report that the current LATC structure is working and LATC continues to consider ways to increase efficiency.

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

Mr. Wreschinsky stated that LATC will consider alternative dates for the November meeting.

**M. Closing Comments**

Mr. Wreschinsky thanked everyone for attending the meeting.

**N. Adjournment**

The meeting adjourned at 2:11 p.m.

## **AGENDA ITEM G.1: AB 342 (VALENCIA) ARCHITECTS AND REAL ESTATE APPRAISERS: APPLICANTS AND LICENSEES: DEMOGRAPHIC INFORMATION**

### **SUMMARY**

[AB 342](#) was approved by the Governor on September 22, 2023. Effective January 1, 2024, the California Architects Board and the Bureau of Real Estate Appraisers are authorized to request that a licensee identify their race, ethnicity, gender, or gender identity when an initial license is issued or at the time of license renewal. The board and the bureau are required to maintain the confidentiality of the information and prohibited from requiring a licensee to provide the information as a condition of licensure or license renewal. The board and the bureau are authorized to publish the aggregate demographic data they collect on their internet websites. Beginning January 1, 2025, the board and the bureau are required to submit the aggregate demographic data they collect to the department and the department is required to post the information on the department's internet website.

The Board is now the first non-healing arts board authorized to request demographic information from licensees.

### **Background**

The bill was sponsored by the American Institute of Architects California (AIACA). According to the Author, it is important that those in the architectural profession, who design and build our communities, reflect the diversity of the communities being served. This bill will give the California Architects Board the authority to request demographic information from licensees, which will help promote diversity, equity, and inclusion (DEI). The disclosure of this information will not be mandatory, but the new authority will allow for better assessment, support, and promotion of diversity, equity, and inclusion in the architectural industry. Collecting demographic information is critical to understanding recruitment and attrition patterns. This will enable the industry to develop strategies to address these barriers and create a more diverse and inclusive profession. These values are shared among other industries in the State and is essential for the architectural industry's long-term success.

On September 13, 2022, Governor Gavin Newsom issued Executive Order N-16-22 directing state agencies and departments to ensure that their strategic plans include policies and practices that promote DEI. More specifically, the executive order requires to state agencies and departments to consult with historically disadvantaged and underserved communities that have been impacted by the agency or department's policies or programs and to incorporate the use of data analysis and inclusive practices to promote equity and address disparities.

## **Comments**

The National Council of Architectural Registration Boards (NCARB) publishes extensive demographic data about ARE candidates and NCARB certificate holders. It is not clear that the Board would be able to collect significantly more or different data than is collected by NCARB. Additionally, the Board cannot meet the January 1, 2025 deadline for reporting this information, as the Board will first need to amend its regulations to include the request for this information on its applications.

## **Action Requested**

None.

## **AGENDA ITEM G.2: SB 372 (MENJIVAR) DEPARTMENT OF CONSUMER AFFAIRS: LICENSEE AND REGISTRANT RECORDS: NAME AND GENDER CHANGES**

### **SUMMARY**

[SB 372](#) was approved by the Governor on September 23, 2023. Effective January 1, 2024, DCA boards are required to update a licensee's or registrant's records, including records contained within an online license verification system, to include the 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 Board and LATC are required 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 and LATC are required to establish a process to allow a person to request and obtain a licensee's or registrant's current name or enforcement action record linked to a former name, as prescribed. The Board and LATC are required, 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 Board and LATC are prohibited 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.

### **Background**

According to the Author, "deadnaming occurs when someone intentionally or unintentionally refers to a trans or non-binary person by the name they previously used. This practice can both negatively impact the mental health as well as the physical safety of all licensees under DCA who are identified by their deadname online.

When transgender or non-binary people transition or come out, they may choose a new name to affirm their identity. Research has shown that referring to someone using their chosen name can reduce depressive symptoms and even suicidal ideation and behavior for transgender people. It is imperative that the state take every step to uplift and protect trans and non-binary Californians. DCA can help protect its over 3.4 million licensed professionals by ensuring that trans and non-binary licensees who have legally changed their names have their identities reflected on their online system."

### **Action Requested**

None.



## **AGENDA ITEM G.3: SB 544 (LAIRD) BAGLEY-KEENE OPEN MEETING ACT: TELECONFERENCING**

### **SUMMARY**

[SB 544](#) was approved by the Governor on September 22, 2023 and, effective January 1, 2024, removes certain teleconference requirements of the Bagley-Keene Open Meeting Act including that each teleconference location be identified in a meeting notice and agenda and that each teleconference location be accessible to the public. State bodies are required 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.

State bodies will no longer be required to provide an opportunity for members of the public to address the state body directly at each teleconference location. At least one member of the state body must be physically present at the location specified in the notice of the meeting.

State bodies are required to implement a procedure for receiving and swiftly resolving requests from members of the public with disabilities, consistent with the federal Americans with Disabilities Act of 1990.

Any member of a state body who attends a meeting by teleconference from a remote location must disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with any such individuals.

### **Background**

According to the Author, this bill codifies the Governor's Executive Order allowing state boards and commissions the opportunity to continue holding virtual meetings without being required to list the private addresses of each remote member or providing public access to private locations.

The additional flexibility and safeguards may also help attract and retain appointees, who provide invaluable perspective. This bill will promote equity and public participation by removing barriers to Californians that experience challenges attending physical meetings, such as people with disabilities, caretakers, seniors, low-income individuals, and those living in rural or different areas of the state.

### **Action Requested**

None.

## **AGENDA ITEM G.4: SB 816 (ROTH) PROFESSIONS AND VOCATIONS**

### **Summary**

[SB 816](#) was approved by the Governor on October 10, 2023 and raises several types of licensing fees imposed by the Board of Psychology, Board of Pharmacy, Board of Accountancy, and the Landscape Architects Technical Committee (LATC) and makes two technical changes pertaining to the Board of Vocational Nursing and Psychiatric Technicians (BVNPT) and Veterinary Medical Board (VMB).

Effective January 1, 2024, section 5681 of the Business and Professions Code is amended to read:

The fees prescribed by this chapter for landscape architect applicants and landscape architect licensees shall be fixed by the board as follows:

- (a) The application fee for reviewing an applicant's eligibility to take any section of the examination shall be one hundred dollars (\$100).
- (b) The fee for any section of the examination administered by the board shall not exceed the actual cost to the board for purchasing and administering each exam. The fee for the California Supplemental Examination shall be three hundred fifty dollars (\$350). The board may adopt regulations to set the fee at a higher amount, up to a maximum of four hundred dollars (\$400).
- (c) The fee for an original license shall be seven hundred dollars (\$700) and the board may adopt regulations to set the fee at a higher amount, up to a maximum of eight hundred dollars (\$800), except that, if the license is issued less than one year before the date on which it will expire, then the fee shall equal 50 percent of the fee fixed by the board for an original license. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.
- (d) The fee for a duplicate license shall be three hundred dollars (\$300).
- (e) The renewal fee shall be seven hundred dollars (\$700). The board may adopt regulations to set the fee at a higher amount, up to a maximum of eight hundred dollars (\$800).
- (f) The penalty for failure to notify the board of a change of address within 30 days from an actual change in address may not exceed fifty dollars (\$50).

- (g) The delinquency fee shall be 50 percent of the renewal fee for the license in effect on the date of the renewal of the license, but not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).
- (h) The fee for filing an application for approval of a school pursuant to Section 5650 may not exceed six hundred dollars (\$600) charged and collected on an biennial basis.

**Action Requested**

None.

# Quarterly Report of the Executive Officer

## Administrative/Management

**Board.** The Board met in Sacramento on September 8.

**Meetings.** The Regulatory and Enforcement Committee will meet by teleconference on October 26.

LATC met in Sacramento on August 11 and will meet by teleconference on November 17.

## Newsletter

The summer issue of the California Architects newsletter was distributed in September.

## Budget

The Board's fund condition was discussed at the last Board and LATC meetings. CAB increased its initial license and renewal fees in July 2023 from \$300 to \$400. LATC's fund is unsustainable; its initial and renewal fees will increase from \$400 to \$700 in January 2024.

## Business Modernization

The Business Modernization Cohort 2 Project's second release is scheduled for spring 2024 and will include automation of the Certification of Experience and Reciprocity Applications, as well as online license renewal.

## Personnel

Kimberly McDaniel returned to the Board in August as LATC's Program Manager. Reynaldo Castro, Office Technician in the Enforcement Unit, returned to the Board in September.

## Outreach

The Licensing Unit hosted a webinar on July 20 to answer questions from candidates and licensees, and held another on September 6 to walk candidates through applying for a license using Connect.

## Social Media

CAB and LATC's social media account information is noted in the chart below.

CAB	Posts July – Sept.	Followers 9/30/23	LATC	Posts July – Sept.	Followers 9/30/23
Twitter	41	1,409	Twitter	27	269
Instagram	43	1,319	Instagram	19	92
Facebook	40	441	LinkedIn	0	17
LinkedIn	5	521			

## Regulatory Proposals

### Architects

**CCR Section 109 (Application Update).** This regulatory proposal provides updates to the Application for Eligibility reference to address AB 496, AB 2113, AB 2138, aligns with current Board practices and the National Council of Architectural Registration Boards (NCARB) current requirements, and makes non-substantive changes to the text to increase understanding. Proposed language was approved at the May 2023 Board meeting. Further changes were made to language, which was then approved by the Board at its September meeting. Staff developed the Notice, Initial Statement of Reasons (ISR), and 399 (fiscal analysis) and submitted them to DCA for initial review.

**Status:** Under review by DCA who will then send to Agency. Upon Agency review, proposal will be sent to OAL for noticing.

**CCR Section 120 (Re-Examination).** This regulatory proposal amends 16 CCR section 120 in response to NCARB's new score validity policy effective May 1, 2023, that states a passed exam division of the Architect Registration Examination (ARE) shall remain valid throughout the delivery of the exam version under which it was taken, as well as the next exam version. Passed divisions will expire after two revisions of the exam. For example, passed ARE 4.0 divisions will remain valid throughout the delivery of ARE 5.0 and will be retired after the next version of the exam is introduced. When a new version of the ARE is developed (i.e., ARE 6.0), NCARB will provide at least 18 months' notice prior to retiring any version of the exam.

In addition, the regulatory proposal removes outdated requirements, the five-year conditional credit, and shifts the responsibility for the rules about passing the ARE, which is the national

exam required for licensure in California, over to NCARB, the test administrator. Going forward, if NCARB changes the NCARB standards again, then with the proposed simplified language, those new rules will apply to all candidates.

At its May 19, 2023 meeting, the Board approved the language and delegated the authority to the EO to adopt the regulation, provided no adverse comments were received during the public comment period, and to make minor technical or non-substantive changes, if needed.

**Status:** Staff is working with the LAD and DCA Fiscal Office to develop the Notice, ISR and 399.

**CCR Section 154 (Disciplinary Guidelines).** Initial documents for the regulatory package were submitted to LAD on September 19, 2019. Staff incorporated LAD's feedback and the initial budget document was approved by the BO on October 19, 2020. On November 18, 2020, LAD forwarded the initial documents to the next level of review in the process and edits were required. Staff sent documents to LAD on September 8 and October 10, 2021. LAD is currently reviewing the regulatory language due to edits recommended by the Office of Administrative Law (OAL) to LATC's *Disciplinary Guidelines* rulemaking to ensure the language in the two regulatory packages is better aligned, and to expedite the review of the Board's *Disciplinary Guidelines* rulemaking when the final documents are submitted to OAL. The Board reviewed and approved the *Disciplinary Guidelines* at its September 2023 meeting and staff sent the regulatory package to DCA for review. DCA completed its review and sent the package to Agency for review on September 26, 2023.

**Status:** Upon Agency review, proposal will be sent to OAL for noticing.

**CCR Section 166 (Zero Net Carbon Design Continuing Education).** This is a regulatory proposal to establish requirements for zero net carbon design (ZNCD) continuing education (CE) through the creation of a new CCR section 166. [Assembly Bill 1010](#) (Berman, Chapter 176, Statutes of 2021) amended the Business & Professions Code (BPC) requiring architects to complete five hours of CE coursework on ZNCD for all renewals occurring on or after January 1, 2023. BPC section 5600.05 requires the Board to promulgate regulations by July 1, 2024, that would establish qualifications for ZNCD CE courses and course providers. Proposed regulatory text was presented and discussed during the March 30, 2022 Professional Qualifications Committee (PQC) meeting.

After considerable discussion on the topic of ZNCD CE, the Board approved proposed amended regulatory language during the June 8, 2022 Board meeting. The Board also delegated the authority to the EO, provided no adverse comments were received during the public comment period, to adopt the regulation and to make minor technical or non-substantive changes, if needed.

The Notice, ISR, and proposed language were submitted to OAL on behalf of the Board by LAD on June 12, 2023. The notice was posted on June 23, 2023 which began the 45-day comment period. During this time, the Board received seven comments. The Board approved modified language and responses to the comments at its September 2023 meeting.

Modified text was noticed on September 12, 2023 which began a 15-day comment period that ended on September 27, 2023. No comments were received during this second comment period. Staff is working with LAD on the final rulemaking documents.

**Status:** Upon completion of the final rulemaking documents, they will be submitted to DCA, then Agency and OAL for final review. Rulemaking is on schedule to meet the legislative deadline.

## Landscape Architects

**Legislative Proposal BPC section 5659 (Approval of Plans).** 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 worked with LAD 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 LATC on February 5, 2020 and the Board approved 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, so it was removed. **Status:** LATC will include this proposal in the 2023 Sunset Review Report.

**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. On May 19, 2023, the Board approved 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 LARE prior to the format change in December 2023. **Status:** The final rulemaking package was submitted to OAL on October 5, 2023 and approved on October 11, 2023. The amendments became effective on October 11, 2023.

**CCR Section 2615 (Form of Examinations).** This regulatory proposal amends 16 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 Board approved proposed regulatory language at its February 24, 2023 meeting. The Notice, ISR, and proposed language were submitted to OAL on behalf of the Board by LAD on April 21, 2023. The notice was posted on May 5, 2023 and the 45-day comment period ended on June 20, 2023. No comments were received. Text was modified to clarify that candidates must have a combination of six years of experience as specified in CCR section 2620 prior to taking the CSE. The 15-day comment period of the modified text began on June 23 and ended on July 10, 2023. The Board approved the modified text on September 8, 2023.

**Status:** The final rulemaking package was submitted to OAL on September 14, 2023 and approved on October 12, 2023. The amendments became effective on October 12, 2023.



**Licensing and Examination Program**

**Architects**

Performance data for the Architect California Supplemental Examination (CSE) and Architect Registration Examination (ARE) 5.0 for California candidates during the first quarter of FY 2023/24 are presented in Tables A and B.

**Table A  
Architect CSE Examinee Performance: July 1 – September 30, 2023**

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
Instate First-time	93	78%	26	22%	119
Instate Repeat	26	70%	11	30%	37
Reciprocity First-time	35	83%	7	17%	42
Reciprocity Repeat	6	40%	9	60%	15
<b>Total</b>	<b>160</b>	<b>75%</b>	<b>53</b>	<b>25%</b>	<b>213</b>

**Table B  
California ARE 5.0 Examinee Performance by Division: July 1 – September 30, 2023**

ARE Division	Pass	Rate	Fail	Rate	Total Exams
Construction and Evaluation	126	57%	97	43%	223
Practice Management	169	54%	142	46%	311
Programming and Analysis	142	57%	109	43%	251
Project Development and Documentation	130	48%	140	52%	270
Project Management	146	67%	72	33%	218
Project Planning and Design	131	45%	163	55%	294



**Table C**  
**California and NCARB ARE 5.0 Performance Comparison**  
**(Q1 FY 2023/24)**

ARE Division	Q1 FY 23/24		
	CA Pass	Natl. Pass	▲%
Construction and Evaluation	57%	62%	-5%
Practice Management	54%	53%	+1%
Programming & Analysis	57%	60%	-3%
Project Development & Documentation	48%	54%	-6%
Project Management	67%	66%	+1%
Project Planning & Design	45%	50%	-5%

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

**Landscape Architects**

Performance data for the Landscape Architect California Supplemental Examination (CSE) and Landscape Architect Registration Examination (LARE) for California candidates during the first quarter of FY 2023/24 are presented in Tables D and E.

**Table D**  
**Landscape Architect CSE Examinee Performance: July 1 – September 30, 2023**

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
First-time	19	68%	9	32%	28
Repeat	4	80%	1	20%	5
<b>Total</b>	<b>23</b>	<b>70%</b>	<b>10</b>	<b>30%</b>	<b>33</b>

**Table E**

**California LARE Examinee Performance by Section/Topic: July 1 – September 30, 2023**

Topic	Pass	Rate	Fail	Rate	Total Examinees
Project and Construction Management	7	54%	6	46%	13
Inventory and Analysis	30	42%	42	58%	72
Design	37	49%	39	51%	76
Grading, Drainage and Construction Documentation	64	50%	64	50%	128

**Table F**

**California and CLARB LARE Performance Comparison  
(Q1 FY 2023/24)**

LARE Section	Q1 FY 23/24		
	CA Pass	Natl. Pass	▲%
Project & Construction Management	54%	68%	-14%
Inventory & Analysis	42%	62%	-20%
Design	49%	60%	-11%
Grading, Drainage & Construction Documentation	50%	54%	-4%

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

**Enforcement**

**Architects**

The most common violations have stayed consistent over the past four years, and are as follows:

- Misuse of the term “Architect”
- Practice without a license/device
- Continuing Education Audit Incompliance
- Written contract violations
- Signature/Stamp on plans and unauthorized practice
- Negligence or Willful Misconduct

**Table G  
Architects Complaints and Enforcement Actions**

Category	Current Quarter		Prior Quarter		FY 23 24
	July	Sept. 2023	April	June 2023	
<b>Complaints</b>					
Received	128		64		128
Opened	129		64		129
Closed	67		49		67
Average Days to Close	173		103		173
Pending	195		140		195
<b>Citations</b>					
Issued	7		7		7
Final	4		7		4
<b>Discipline</b>					
Pending Attorney General	2		2		3
Final	0		1		0

**Landscape Architects**

**Table H  
Landscape Architects Complaints and Enforcement Actions**

Category	Current Quarter		Prior Quarter		FY 23 24
	July	Sept. 2023	April	June 2023	
<b>Complaints</b>					
Received		11	6		11
Opened (Reopened)		11	6		11
Closed		7	6		7
Average Days to Close		73	67		73
Pending		9	5		9
<b>Citations</b>					
Issued		0	0		0
Final		1	0		1
<b>Discipline</b>					
Pending Attorney General		0	1		0
Final		1	0		1

LATC’s most common violations mirror the Board’s with the exception of continuing education, signature/stamp on plans, unauthorized practice, and negligence or willful misconduct. LATC does not typically see egregious violations and more commonly receives complaints regarding the Rules of Professional Conduct and the standards of practice within the profession.

The most common violations within the practice of landscape architecture have stayed consistent over the past four years, and are as follows:

- Misuse of the term “landscape architect”
- Practice without a license
- Written contract violations
- Rules of Professional Conduct violations

## Enforcement Actions

### Architects

#### Citations

**Maxwell Anthony Beaumont** (Emeryville) - The Board issued a two-count citation, including an administrative fine in the amount of \$3,000 to Maxwell Anthony Beaumont, architect license number C-24621, dba Beaumont+Associates, for alleged violations of Business and Professions Code (BPC) sections 5584 and 5536.22(a), and California Code of Regulations, title 16, sections 150 and 160(c)(1).

Beaumont had been hired in June 2021 to prepare plans and obtain a construction permit for a new single-family residence located in Hayward, California. A contract for services was signed and executed on June 16, 2021 which included the term "Period of Performance: 12 weeks." Beaumont was paid \$10,560, but the permit had not been issued after 37 weeks.

During this extended period, there was a significant lack of communication from Beaumont to his client regarding the basis for the delays and the permitting process. Beaumont violated Business and Professions Code section 5584, willful misconduct as defined in California Code of Regulations, title 16, section 150.

Beaumont also failed to respond in a timely manner to the Board's request for information pertaining to this case. The Board sent an initial request on March 22, 2022, and a final request, via certified mail on May 3, 2022. Beaumont did not respond formally to the Board's request until September 7, 2022. Beaumont's failure to respond timely constituted a violation of California Code of Regulations, title 16, sections 160(c)(1).

Beaumont's written contract failed to include a description of the procedure to accommodate additional services, a description of the procedure to terminate the contract, a statement identifying the ownership and use of instruments of services prepared by the architect, or a statement in at least 12-point type that reads, "Architects are licensed and regulated by the California Architects Board located at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834." Beaumont's failure to include all of the required elements in his written contract for professional services for the above-referenced project constituted a violation of Business and Professions Code section 5536.22(a).

In a separate project located in Fairfield, California, Beaumont agreed to prepare plans for the permitting of proposed commercial tenant improvements. Within the contract there was a term stating, "Period of Performance: 4 Weeks." Beaumont was paid \$2,260.50, but the plans were never completed.

Beaumont stopped responding to his client's phone calls and requests for updates. Because of the non-responsiveness of Beaumont, the client had to retain legal counsel to terminate the contract. Beaumont violated Business and Professions Code section 5584, willful misconduct as defined in California Code of Regulations, title 16, section 150.

Beaumont also failed to respond in a timely manner to the Board's request for information pertaining to this case. The Board sent an initial request on March 22, 2022, and a final request, via certified mail on May 3, 2022. Beaumont did not respond formally to the Board's request until September 7, 2022. Beaumont failure to respond timely constitutes a violation of California Code of Regulations, title 16, sections 160(c)(1).

Beaumont's written contract failed to include a description of the procedure to accommodate additional services, a description of the procedure to terminate the contract, a statement identifying the ownership and use of instruments of services prepared by the architect, or a statement in at least 12-point type that reads, "Architects are licensed and regulated by the California Architects Board located at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834." Beaumont's failure to include all of the required elements in his written contract for professional services for the above-referenced project constituted a violation of Business and Professions Code section 5536.22(a). The citation became final on September 3, 2023.

**John Braly** (Llano) – The Board issued a citation including a \$2,000 administrative fine to John Braly, an unlicensed person, dba Instructures Design and Build, for alleged violations of Business and Professions Code (BPC) 5536(a).

Braly was hired to prepare plans and obtain a construction permit for a residential remodel in San Pedro, California. He was paid over \$6,000 and refused to complete the plans for over seven months.

Braly's personal LinkedIn profile offered "Architecture" services. His company Thumbtack profile was categorized under "Architects" and offered architectural services. His company Yelp profile was categorized under "Architects" and stated, "We provide custom architectural design, engineering and construction plans." These online profiles wherein Braly described himself and his services as "Architects," "Architecture," and "Architectural," are devices that might indicate to the public that he was an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes a violation of Business and Professions Code section 5536(a).

Previously, on August 31, 2018, Braly had been issued a citation for similar violations of California Business and Professions Code section 5536(a) and was formally advised that an unlicensed individual or firm in California cannot use any term confusingly similar to the word architect or architectural to describe services offered or be labeled in such a category. The new citation became final on September 2, 2023.

## Landscape Architects

### Citations

**Justin Ware** (Stockton) - The Board issued a two-count citation that included a \$750 administrative fine to Justin Ware, landscape architect license number LA 5033, for alleged violations of Business and Professions Code section 5616 (Landscape Architecture Contract-Contents, Notice Requirements) and California Code of Regulations, title 16, section 2670, subsection (b) (Rules of Professional Conduct – Standard of Care).

The action alleged that Ware failed to include all requirements in the executed contract for a project and did not provide accurate and complete construction documents as agreed upon within the executed contract. Ware paid the fine, satisfying the citation. The citation became final on September 14, 2023.

**AGENDA ITEM I.1: DISCUSS AND POSSIBLE ACTION ON 2022-2024 STRATEGIC PLAN OBJECTIVE TO WORK WITH THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS (ASLA) AND OTHER LICENSE ADVOCATES TO ADDRESS CONCERNS REGARDING LICENSED VERSUS UNLICENSED PROFESSIONALS TO EDUCATE AND PROTECT CONSUMERS**

**Summary**

The LATC's 2022-2024 Strategic Plan contains an objective to work with the American Society of Landscape Architects (ASLA) and other license advocates to address concerns regarding licensed versus unlicensed professionals to educate and protect consumers.

To fulfill this objective, staff expanded the LATC Social Media Messaging Plan, to include additional messaging focused on educating consumers about landscape architecture licensure and its regulatory scope of practice, as well as the differences between regulated and unregulated professions listed on online platforms.

LATC staff monitors all known official ASLA social media accounts. Staff continues to promote relevant posts/information shared by these licensure organizations and will include ASLA in LATC social media posts when appropriate. Additionally, staff continues to develop and share helpful social media messaging to further educate consumers on LATC's roles and responsibilities, and other helpful information for consumers, candidates, and licensees.

**Action Requested**

None.



**AGENDA ITEM I.2: 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 (CAB).

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 CAB to provide better representation, strengthen the distinction between the two entities, and increase efficiency. LATC staff researched the make-up of other U.S. landscape architecture licensing boards and found that 22 U.S. states and jurisdictions currently regulate architects and landscape architects under the same licensing board.

This objective was discussed at the April 21, 2023, and August 11, 2023 LATC meetings and the May 19, 2023 CAB meeting. LATC members discussed, and the consensus of the LATC members recognized that re-establishing a separate landscape architecture board would not address issues around efficiency and program costs at this time. Board members requested that LATC consider how it would like to restructure into a merged board and offer a proposal to the Board. Subsequent discussion with Board representatives determined that further review and discussion by the LATC was the best course of action.

During the August 11, 2023 LATC meeting, committee members suggested revisiting this objective after implementation of the proposed examination and licensing fee increases outlined in Business and Professions Code section 5681. The Chair determined that a special committee is warranted. The special committee's charge will be to review the legislative history and administrative history as it affects current LATC operations and make recommendations on how future LATC operations should be structured to best serve the interests of consumers, licensees, and the public health, safety, and welfare. The LATC Chair shall work with the Program Manager to arrange meetings of the special committee and for consultation with outside persons to complete the special committee's charge.

## **Action Requested**

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

## **AGENDA ITEM J: ELECTION OF 2024 COMMITTEE OFFICERS**

Members of the Landscape Architects Technical Committee will nominate and elect a Chair and Vice Chair for 2024 at today's meeting.



LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

# SUNSET REVIEW REPORT 2023

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM AS OF JULY 1, 2023



PDE\_23-345





# LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of July 1, 2023

## Section 1 – Background and Description of the Board and Regulated Profession

Provide a short explanation of the history and function of the board.<sup>1</sup> Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

- The Board of Landscape Architects (BLA) was created by the California Legislature in 1953.
- The LATC was established under the California Architects Board (Board) in 1997 to replace BLA.
- The LATC, under the purview of the Board, was created by the California Legislature to protect the health, safety, and welfare of the public by establishing standards for licensure and enforcing the laws and regulations that govern the practice of landscape architecture in California. California has both a Practice and a Title Act.
- The five-member Committee consists of three gubernatorial appointees, one Senate Rules Committee appointee, and one Assembly Speaker appointee. Members are appointed for a term of four years.
- Fifty U.S. states, four Canadian Provinces, and Puerto Rico regulate the practice of landscape architecture.
- There are approximately 16,600 licensed landscape architects in the United States.
- Approximately 22 percent of the nation's landscape architects are licensed in California.
- The LATC is a strong proponent of strategic planning and collaborates with professional, consumer, and government agencies to develop effective and efficient solutions to challenges.
- The LATC is proactive and preventative by providing information and education to consumers, candidates, clients, licensees, rather than expend more resources later.
- The LATC is committed to a strong enforcement program as a part of its mission to protect consumers and enforce the laws, codes, and standards governing the practice of landscape architecture.

Landscape architects offer an essential array of talent and expertise to develop and implement solutions for the built and natural environment. Based on environmental, physical, social, and economic considerations, landscape architects produce overall guidelines, reports, master plans, conceptual plans, construction contract documents, and construction oversight for landscape projects that create a balance between the needs and wants of people and the limitations of the environment. The decisions and performance of landscape architects affect the health, safety, and welfare of the client, as well as the public and environment. Therefore, it is essential that landscape architects meet minimum standards of competency.

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<sup>1</sup> The term "board" in this document refers to a board, bureau, commission, committee, council, department, division, program, or agency, as applicable. Please change the term "board" throughout this document to appropriately refer to the entity being reviewed.

California began regulating the practice of landscape architecture in 1953 with the formation of the BLA. In 1994, the statute authorizing the existence of the BLA expired. The Department of Consumer Affairs (DCA) recommended the Board as the appropriate oversight agency due to the similarities between the two professions and the Boards’ regulatory programs. DCA began discussions with the Board and other interested parties on possible organizational structures for regulating landscape architecture in California. In April 1997, the groups reached consensus and the Board unanimously supported legislation to establish the LATC under its jurisdiction. Legislation establishing the LATC was passed by the Legislature and signed into law effective January 1, 1998.

The LATC is responsible for the examination, licensure, and enforcement programs concerning landscape architects. The LATC currently licenses more than 3,600 of the over 16,600 licensed landscape architects in the United States. California has both a practice act, which precludes unlicensed individuals from practicing landscape architecture, and a title act, which restricts the use of the title “landscape architect” to those who have been licensed by the LATC.

**Mission**

The LATC’s mission is to ensure that all landscape architects practicing in the State of California are fully qualified to provide services to the public in a professional and ethical manner. Specifically, to regulate the practice of landscape architecture through the enforcement of the Landscape Architects Practice Act to protect consumers, and the public health, safety, and welfare while safeguarding the environment.

In fulfilling its mission, the LATC has found that acting preventively and proactively is the best use of its resources. Because of the nature of the design profession, there are numerous opportunities to prevent minor problems from becoming disasters. As such, the LATC works to aggressively address issues well before they exacerbate into catastrophes. The LATC works closely with professional groups to ensure that landscape architects understand changes in laws, codes, and standards. The LATC also invests in communicating with schools, and related professions and organizations. To ensure the effectiveness of these endeavors, the LATC works to upgrade and enhance its communications by seeking feedback and analyzing the results of its communications efforts. All of these initiatives underscore the LATC’s firm belief that it must be both strategic and aggressive in employing the preventive measures necessary to effectively protect the public health, safety, and welfare.

1. Describe the make-up and functions of each of the board’s committees (cf., Section 12, Attachment B).

The LATC and Board maintain an ongoing practice of providing regular updates regarding key issues at each other’s respective meetings in order to sustain understanding of each entity’s priorities. Moreover, the Board appoints an LATC liaison, who attends LATC meetings on behalf of the Board. Likewise, an LATC member attends Board meetings to ensure ongoing Committee representation.

Furthermore, to assist in the performance of its duties, the LATC establishes subcommittees and task forces, as needed, which are assigned specific issues to address.

**Table 1a. Committee Member Attendance (July 1, 2018 – June 30, 2023)** Includes current and prior members. Length of time serving varies depending on remainder of term available at time of appointment.

Jon S. Wreschinsky	
Date Appointed:	Date Appointed: 2/15/2019 [Term Expired: 6/01/2022] Date Re-appointed: 6/29/2022 [Term Expires: 6/1/2026]

Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting	5/29/2019	Campbell	Y
LATC Teleconference Meeting	9/5/2019	Sacramento/Various Locations	Y
LATC Meeting	11/8/2019	Sacramento	Y
LATC Meeting	2/5/2020	Chula Vista	Y
LATC Teleconference Meeting	9/4/2020	Various Locations	Y
LATC Teleconference Meeting	12/2/2020	Various Locations	Y
LATC Teleconference Meeting	4/29/2021	Various Locations	Y
LATC Teleconference Meeting	5/25/2021	Various Locations	Y
LATC Teleconference Meeting	8/4/2021	Various Locations	Y
LATC Teleconference Meeting	1/27/2022	Various Locations	Y
LATC Meeting	4/7-8/2022	Sacramento	Y
LATC Teleconference Meeting	8/2/2022	Various Locations	Y
LATC Meeting	11/4/2022	Davis	Y
LATC Meeting	4/21/2023	Sacramento	Y

Andrew C. N. Bowden			
Date Appointed:	Date Appointed: 1/17/2008 [Term Expired: 6/10/2010] Date Re-appointed: 5/24/2012 [Term Expired: 6/1/2015] Date Re-appointed: 6/1/2015 [Term Expired: 6/1/2019] Date Re-appointed: 1/29/2020 [Term Expires 6/1/2023]		
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting	7/20/2018	San Diego	Y
LATC Meeting	12/6-7/2018	Sacramento	Y
LATC Meeting	2/8/2019	Los Angeles	Y
LATC Meeting	5/29/2019	Campbell	Y
LATC Teleconference Meeting	9/5/2019	Sacramento/Various Locations	Y
LATC Meeting	11/8/2019	Sacramento	Y
LATC Meeting	2/5/2020	Chula Vista	Y
LATC Teleconference Meeting	9/4/2020	Various Locations	Y
LATC Teleconference Meeting	12/2/2020	Various Locations	Y
LATC Teleconference Meeting	4/29/2021	Various Locations	Y
LATC Teleconference Meeting	5/25/2021	Various Locations	Y
LATC Teleconference Meeting	8/4/2021	Various Locations	Y
LATC Teleconference Meeting	1/27/2022	Various Locations	Y
LATC Meeting	4/7-8/2022	Sacramento	Y
LATC Teleconference Meeting	8/2/2022	Various Locations	Y
LATC Meeting	11/4/2022	Davis	Y
LATC Meeting	4/21/2023	Sacramento	Y

Pamela S. Brief			
Date Appointed:	Date Appointed: 10/20/2020 [Term Expires 6/1/2024]		
Meeting Type	Meeting Date	Meeting Location	Attended?

LATC Teleconference Meeting	12/2/2020	Various Locations	Y
LATC Teleconference Meeting	4/29/2021	Various Locations	Y
LATC Teleconference Meeting	5/25/2021	Various Locations	Y
LATC Teleconference Meeting	8/4/2021	Various Locations	Y
LATC Teleconference Meeting	1/27/2022	Various Locations	Y
LATC Meeting	4/7-8/2022	Sacramento	Y
LATC Teleconference Meeting	8/2/2022	Various Locations	Y
LATC Meeting	11/4/2022	Davis	Y
LATC Meeting	4/21/2023	Sacramento	Y

Susan M. Landry			
Date Appointed:	Date Appointed: 4/19/2018 [Term Expired: 6/1/2018] Date Re-appointed: 7/25/2018 [Term Expired: 6/1/2022] Date Re-appointed: 6/20/2023 [Term Expires: 6/1/2026]		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
LATC Meeting	7/20/2018	San Diego	Y
LATC Meeting	12/6-7/2018	Sacramento	Y
LATC Meeting	2/8/2019	Los Angeles	Y
LATC Meeting	5/29/2019	Campbell	Y
LATC Teleconference Meeting	9/5/2019	Sacramento/Various Locations	Y
LATC Meeting	11/8/2019	Sacramento	Y
LATC Meeting	2/5/2020	Chula Vista	N
LATC Teleconference Meeting	9/4/2020	Various Locations	Y
LATC Teleconference Meeting	12/2/2020	Various Locations	Y
LATC Teleconference Meeting	4/29/2021	Various Locations	Y
LATC Teleconference Meeting	5/25/2021	Various Locations	Y
LATC Teleconference Meeting	8/4/2021	Various Locations	Y
LATC Teleconference Meeting	1/27/2022	Various Locations	N
LATC Meeting	4/7-8/2022	Sacramento	Y
LATC Teleconference Meeting	8/2/2022	Various Locations	Y
LATC Meeting	11/4/2022	Davis	Y
LATC Meeting	4/21/2023	Sacramento	Y

Patricia M. Trauth			
Date Appointed:	Date Appointed: 6/1/2015 [Term Expired: 6/1/2018] Date Re-appointed: 6/8/2018 [Term Expired: 6/1/2022] Date Re-appointed: 5/19/2023 [Term Expires: 6/1/2026]		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
LATC Meeting	7/20/2018	San Diego	Y
LATC Meeting	12/6-7/2018	Sacramento	Y
LATC Meeting	2/8/2019	Los Angeles	Y
LATC Meeting	5/29/2019	Campbell	Y
LATC Teleconference Meeting	9/5/2019	Sacramento/Various Locations	Y



LATC Meeting	11/8/2019	Sacramento	Y
LATC Meeting	2/5/2020	Chula Vista	Y
LATC Teleconference Meeting	9/4/2020	Various Locations	Y
LATC Teleconference Meeting	12/2/2020	Various Locations	Y
LATC Teleconference Meeting	4/29/2021	Various Locations	N
LATC Teleconference Meeting	5/25/2021	Various Locations	Y
LATC Teleconference Meeting	8/4/2021	Various Locations	Y
LATC Teleconference Meeting	1/27/2022	Various Locations	N
LATC Meeting	4/7-8/2022	Sacramento	Y
LATC Teleconference Meeting	8/2/2022	Various Locations	Y
LATC Meeting	11/4/2022	Davis	Y
LATC Meeting	4/21/2023	Sacramento	Y

Marq Truscott			
Date Appointed:	Date Appointed: 9/1/2015 [Term Expired: 6/1/2016] Date Re-appointed: 6/9/2016 [Term Expired: 6/1/2020]		
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting	7/20/2018	San Diego	Y
LATC Meeting	12/6-7/2018	Sacramento	Y
LATC Meeting	2/8/2019	Los Angeles	Y
LATC Meeting	5/29/2019	Campbell	Y
LATC Teleconference Meeting	9/5/2019	Sacramento/Various Locations	Y
LATC Meeting	11/8/2019	Sacramento	Y
LATC Meeting	2/5/2020	Chula Vista	Y

David Allan Taylor			
Date Appointed:	Date Appointed: 6/25/2008 [Term Expired: 6/1/2010] Date Re-appointed: 6/1/2010 [Term Expired: 6/1/2014] Date Re-appointed: 6/4/2014 [Term Expired: 6/1/2018]		
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting	7/20/2018	San Diego	Y
LATC Meeting	12/6-7/2018	Sacramento	Y
LATC Meeting	2/8/2019	Los Angeles	N

<b>Table 1b. Board/Committee Member Roster</b> Includes current and prior members. Length of time serving varies depending on remainder of term available at time of appointment. (As of July 1, 2023)					
Member Name (Include any vacancies and a brief member biography)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
<b>Jon S. Wreschinsky, Chair</b> Mr. Wreschinsky has been a licensed landscape architect since 1990 and is currently employed as a facilities planner with San Diego	2/15/19	6/29/2022	6/1/26	Senate Rules Committee	Landscape Architect

Unified School District.					
<b>Pamela S. Brief, Vice Chair</b> Ms. Brief is a licensed landscape architect and President/Founder of Pamela Studios Inc. Pamela currently focuses on projects in the Southern California area.	10/20/20	N/A	6/1/24	Governor	Landscape Architect
<b>Andrew C. N. Bowden</b> Mr. Bowden has been a licensed landscape architect since 1979. He has worked at Land Concern, LTD since 1976, serving as Principal / Landscape Architect since 2000.	1/17/08	1/29/20	6/1/23	Governor	Landscape Architect
<b>Susan M. Landry</b> Ms. Landry is the sole proprietor of Environmental Edges, a landscape architecture firm in Campbell. She was elected to the Campbell City Council in 2016 and is currently Vice Mayor.	4/19/18	6/20/23	6/1/26	Speaker of the Assembly	Landscape Architect
<b>Patricia M. Trauth</b> Ms. Trauth is an Associate Principal for RICK Engineering and manages the landscape architecture business line throughout their ten offices in the west.	6/1/15	5/19/23	6/1/26	Governor	Landscape Architect
<b>Marq Truscott</b> Mr. Truscott has practiced landscape architecture and planning for over 30 years. He formed Quadriga Landscape Architecture and Planning Inc. with his partners in 1997.	9/1/15	6/9/16	6/1/20	Governor	Landscape Architect
<b>David Allan Taylor</b> Mr. Taylor has been a licensed landscape architect since 2003.	6/25/08	6/4/14	6/1/18	Senate Rules Committee	Landscape Architect

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it affect operations?

No, in the past four years, the LATC has held all meetings without any quorum issues.

3. Describe any major changes to the board since the last Sunset Review, including, but not limited to:

- Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)

#### **California Supplemental Examination (CSE)**

The CSE tests for areas of practice unique to California. In November 2019, the LATC contracted with DCA's Office of Professional Examination Services (OPES) to conduct an occupational analysis (OA) of the landscape architect profession. The purpose of the OA was to define practice for landscape architects in terms of actual job tasks that new licensees must be able to perform safely and competently.

In November 2019, OPES initiated the OA process and finalized the OA report in June 2020. As part of the OA process, OPES conducted a Landscape Architect Registration Examination (LARE) review and linkage study in December 2022 that compared the content of the 2020 CSE Test Plan with the subject matter covered in the various sections of the LARE. The findings of the linkage study were then used to define the content of the CSE and form the basis for determining "minimum acceptable competence" as it relates to safe practice at the time of initial licensure.

Since the last Sunset Review, the LATC has contracted with OPES to prepare a new CSE form every year, using the examination plan contained in the most recent OA as the basis. As a result, LATC developed and administered a new CSE form in 2019 based on the OA conducted in 2016, and new CSE forms were administered in 2020, 2021, 2022, and 2023 based on the OA conducted in 2020.

#### **Strategic Planning**

The LATC utilizes DCA SOLID Planning Solutions staff to facilitate the development of its biennial Strategic Plans. As preparation for each new Strategic Plan, SOLID conducts an environmental scan for the LATC, which is used as a reference tool for the establishment of new Strategic Plan objectives. The LATC developed a 2022-2024 Strategic Plan in April 2022.

#### **Leadership and Personnel**

LATC's Program Manager retired earlier this year after twelve years with the program. LATC proactively cross-trains and develops staff for program success and career development, resulting in the retention of analysts for several years.

- All legislation sponsored by the board and affecting the board since the last sunset review.

**Assembly Bill (AB) 107 (Salas, Chapter 693, Statutes of 2021) [Licensure: Veterans and Military Spouses]** requires boards to issue temporary licenses to a spouse of someone who is on active duty in the military and publish pertinent information on their websites. The bill also requires annual reporting to the Legislature. The Governor signed the bill in October 2021.

**AB 476 (B. Rubio, 2019) [DCA Task Force: Foreign-Trained Professionals]** requires the DCA to create a task force to study the licensing of foreign-training professionals and create a report for the Legislature. The Governor vetoed the bill.

**AB 646 (Low, 2021) [DCA: Boards: Expunged Convictions]** requires boards to remove information from their websites about licensees that were revoked due to conviction of a crime, upon receiving an expungement order. If the individual does not reapply, the board must remove the initial posting of the revocation from its website. This bill is in the Senate Appropriations Committee.

**AB 830 (Flora, Chapter 376, Statutes of 2021) [DCA: Licensed Professions and Vocations]** authorizes a business entity organized as a general corporation to include in its name any or all of the following, as specified: a fictitious name, the name of one or more licensed architects, or the term “architect, the term “architecture,” or other variations of the term “architect” or “architecture.” This bill also requires persons licensed to do business as a corporation to be registered and in good standing with the Secretary of State and the Franchise Tax Board, and disciplinary actions taken for non-compliance. The Governor signed the bill in September 2021.

**AB 1263 (Low, 2019) [Contracts: Consumer Services: Consumer Complaints]** provides that a contract or proposed contract between a consumer and a licensee shall not include a provision limiting a consumer’s ability to file a complaint with a licensing board. This bill did not advance.

**AB 1616 (Low, 2019) [DCA: Boards: Expunged Convictions]** requires boards to remove information from their websites about licensees that were revoked due to conviction of a crime, upon receiving an expungement order. If the individual does not reapply, the board must remove the initial posting of the revocation from its website. This bill did not advance.

**AB 2028 (Aguiar-Curry, 2020) [State Agencies: Meetings]** amends the Bagley-Keene Open Meetings Act requiring all meeting materials, except those for Closed Session, be posted as soon as available to board members and at least 48 hours in advance of the meeting. This bill did not advance.

**AB 2113 (Low, Chapter 186, Statutes of 2020) [Refugees, Asylees, and Special Immigrant Visa Holders: Professional Licensing: Initial Licensure Process]** requires boards to expedite and authorizes to assist in the initial licensure process for an applicant who supplies satisfactory evidence that they are a refugee, have been granted asylum, or have a special immigrant visa. The Governor signed the bill in September 2020.

**AB 2138 (Chiu and Low, Chapter 995, Statutes of 2018) [Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction]** restricts using prior criminal history as grounds for licensing determinations and establishes new prohibitions relating to the denial, suspension, and revocation of licensure. Other revisions include the adoption of a seven-year limitation on convictions eligible for licensure denial, subject to specified exemptions, and bans asking applicants to self-disclose prior convictions unless the application is made for a listed license type that does not require a fingerprint background check. This bill took effect on July 1, 2020.

**AB 3045 (Gray, 2020) [DCA: Boards: Veterans: Military Spouses: Licenses]** requires boards to issue a temporary license to an applicant that is married to or in a domestic partnership with an active-duty member of the Armed Forces, if certain conditions are met. The bill did not advance.

**Senate Bill (SB) 53 (Wilk, 2019) [Open Meetings]** amends the Bagley-Keene Open Meetings Act to require two-member advisory bodies to hold open meetings. This bill did not advance.

**SB 601 (Morrell, Chapter 854, Statutes of 2019) [State Agencies: Licenses: Fee Waiver]** authorizes board to waive certain fees in the event of a declared emergency. The Governor signed the bill in October 2019.

**SB 608 (Glazer, Chapter 376, Statutes of 2019) [Architects and Landscape Architects]** requires the board and the Landscape Architects Technical Committee (LATC) to begin fingerprinting new applicants for licensure on January 1, 2021. This bill contains language to further define implementation for the board but not for LATC’s statute. SB 1474 delays LATC’s implementation until January 1, 2022.

**SB 721 (Hill, Chapter 445, Statutes of 2018) [Building Standards: Decks and Balconies: Inspection]** establishes inspection and repair requirements for “exterior elevated elements” as defined, including decks and balconies for buildings with three or more multifamily dwelling units; establishes reporting and repair requirements if repairs are needed, including specific timelines for carrying out the repairs; specifies who can complete the inspections and repairs; and, provides for civil penalties for violations for building owners. The board opposed the bill and conveyed concerns to the author. The Governor signed the bill in September 2018.

**SB 816 (Roth) [Professions and Vocations]** raises several types of licensing fees imposed by the Board of Psychology, Board of Pharmacy, Board of Accountancy, and the Landscape Architects Technical Committee and makes two technical changes pertaining to the Board of Vocational Nursing and Psychiatric Technicians (BVNPT) and Veterinary Medical Board (VMB). The bill makes numerous technical changes, statutory improvements, and policy reforms raised during the California Council for Interior Design Certification’s (CCIDC) sunset review in 2022.

**SB 878 (Jones, Chapter 131, Statutes of 2020) [DCA: License: Application: Processing Timeframes]** requires boards that issue licenses to prominently display on their internet websites, on at least a quarterly basis, either the current average timeframes for processing initial and renewal license applications or the combined current average timeframe for processing both initial and renewal license applications. The Governor signed the bill in September 2020.

**SB 984 (Skinner, 2018) [State Boards and Commissions: Representation: Appointments]** would require all state boards and commissions, beginning on and after January 1, 2024, to be comprised of a specified minimum number of women board members or commissioners based on the total number of board or commission members on that board. This bill would also require the office of the Governor to collect and release aggregated demographic data provided by state board and commission applicants, nominees, and appointees. The bill did not advance.

**SB 1137 (Vidak, Chapter 414, Statutes of 2018) [Veterans: Professional Licensing Benefits]** requires the Department of Veterans Affairs and the Department of Consumer Affairs (DCA), in consultation with each other, take appropriate steps to increase awareness regarding professional licensing benefits available to veterans. The Governor signed the bill in September 2018.

**SB 1168 (Morrell, 2020) [State Agencies: Licensing Services]** requires agencies issuing any business license to establish a process for anyone experiencing economic hardship due to an emergency caused by a virus to submit an application for deferral of fees, and requires expediting licensing services for individuals displaced by an emergency. This bill did not advance.

**SB 1214 (Jones, Chapter 226, Statutes of 2022) [Planning and Zoning: Local Planning]** requires a local planning agency to ensure that architectural drawings that contain protected information are made available to the public and authorizes the planning agency to provide a copy or post a site plan or massing diagram on the internet and allow the site plan or massing diagram to be copied. The Governor signed the bill in August 2022.

**SB 1237 (Newman, Chapter 386, Statutes of 2022) [Licenses: Military Service]** clarifies the definition in existing law of active-duty military personnel. The Governor signed the bill in September 2022.

**SB 1443 (Roth, Chapter 625, Statutes of 2022) [Professions and Vocations]** extends our sunset date one year, until January 1, 2025. The Governor signed the bill in September 2022.

**SB 1474 (Committee on Business, Professions and Economic Development, Chapter 312, Statutes of 2020) [Business and Professions]** further defines the procedure for the holder of a retired license to reinstate the license to active status and delays the fingerprint requirement for LATC until January 1, 2022. The Governor signed the bill in September 2020.

**SB 1480 (Hill, Chapter 571, Statutes of 2018) [Professions and Vocations]** requires the DCA to amend department-wide enforcement guidelines to include the category of “allegations of serious harm to a minor” under the “urgent” or “highest priority level.” It also reduces from three times per year to two times per year, the frequency with which the boards within the DCA meet. Other provisions of this bill are specific to individual programs. The Governor signed the bill in September 2018.

- All regulation changes approved by the board since the last sunset review. Include the status of each regulatory change approved by the board.

**Substantial Relationship Criteria, Criteria for Rehabilitation (CCR sections 2655 and 2656)** – Effective December 2020, as a result of the passage of AB 2138 (Chiu and Low, Chapter 995, Statutes of 2018), CCR sections 2655 and 2656 were amended to clearly specify the criteria the Board uses when making a substantial relationship determination for an applicant’s or licensee’s criminal conviction or formal discipline by another licensing Board and evaluating the rehabilitation of an applicant or licensee when considering denial, suspension, or revocation of a landscape architect license.

**Public Presentments and Advertising Requirements (CCR section 2671)** – Effective January 2022, CCR section 2671 was amended to expand the advertising and public presentment requirements of licensed landscape architects to also include their license number.

**Abandonment of Application, Retention of Candidate Files, and Application for Licensure Following Examination (CCR sections 2611, 2611.5, and 2616)** – Effective April 2022, CCR sections 2611, 2611.5, and 2616 were amended to define the abandonment of an application and provide transparency in retention and purging of candidate files.

**Form of Examinations, Education and Training/Practice Credits (CCR sections 2615 and 2620)** – Effective June 2022, CCR sections 2615 and 2620 were amended to expand experience and education pathways to licensure and reduce unnecessary barriers to the landscape architect profession for qualified individuals. Specifically, the amendments to section 2620(a) provide credit for a candidate with an accredited civil engineering degree, any bachelor’s degree, experience supervised by a licensed landscape contractor, as well as an experience-only pathway.

**Requirements for an Approved Extension Certificate Program (CCR section 2620.5)** – Effective October 2022, CCR section 2620.5 was amended to establish processes for extension certificate program application, review, and approval. The amendments increase clarity of the requirements for educational programs interested in obtaining and maintaining Board extension certificate approval.

**Disciplinary Guidelines (CCR section 2680)** – Effective July 2023, CCR section 2680 was amended to incorporate the revised *Disciplinary Guidelines* by reference and appropriate changes needed as a result of the passage of AB 2138 (Chiu and Low, Chapter 995, Statutes of 2018).

**Issuance and Appeals of Citations (CCR sections 2630 and 2630.2)** – Effective April 2023, CCR sections 2630 and 2630.2 were amended to clarify the issuance of citations and the process in which a respondent may appeal a citation that has been issued.

**Examination Transition Plan (CCR section 2614)** – The Council of Landscape Architectural Registration Boards (CLARB) is the national test vendor that supplies the Landscape Architect Registration Examination (LARE), the licensing examination, to the LATC. In December 2023, CLARB will implement modest structural changes to the LARE to better align the content of the LARE with current practice. Effective April 2023, CCR section 2614 was amended to update the examination transition plan to grant examination credit to candidates who passed sections of the previously administered LARE, after the new LARE is administered starting in December of 2023. The LATC is pursuing additional amendments to this section to extend the examination transition date from August to November 2023 to accommodate an additional administration of the LARE that was announced by CLARB in early 2023.

**Form of Examinations (CCR section 2615)** – The LATC is pursuing a regulatory change to amend CCR section 2615 to align California’s regulations with the new LARE format by removing references to LARE Sections 1, 2, 3 and 4 which will no longer be administered after December 2023. The proposed amendments will also allow landscape architect candidates with an accredited landscape architecture degree, or an extension certificate in landscape architecture and any four-year degree, to take all sections of the LARE. These candidates are currently permitted to take LARE Sections 1 (Project and Construction Management) and 2 (Inventory and Analysis) and must verify qualifying training experience to take LARE Sections 3 (Design) and 4 (Grading, Drainage, and Construction Documentation). The proposed amendments would instead require candidates to obtain qualifying training experience prior to taking the California Supplemental Examination.

4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).

**Fee Analysis Report - October 2022**

In 2022, DCA conducted a fee study to help ensure the LATC can fulfill its mission by identifying funding resources needed to meet ongoing demands. The LATC is required to maintain sufficient financial resources to meet its important roles of regulating the profession of landscape architecture and helping to protect Californians. Fee study began meetings in July 2022 and findings were presented at the November 4, 2022, LATC meeting. The LATC is pursuing a bill to raise statutory fee caps under BPC section 5681 (Schedule of Fees) effective January 1, 2024.

5. List the status of all national associations to which the board belongs.

- Does the board’s membership include voting privileges?

The LATC is a member of the Council of Landscape Architectural Registration Boards (CLARB) and exercises its voting rights pursuant to CLARB’s bylaws when approved to attend official meetings.

- List committees, workshops, working groups, task forces, etc., on which the board participates.

The LATC has appointed a member to CLARB’s 2023 Experience Requirements Work Group to evaluate the outcomes of the JTA and determine how they might influence refinements to experience required for licensure.

- How many meetings did board representative(s) attend? When and where?

The LATC was approved to participate in the CLARB Annual Meetings as follows:

CLARB Annual Meeting

September 26-28, 2019 (St. Louis, MO)

September 10, 2020 (Virtual Meeting)

September 22-24, 2021 (Phoenix, AZ)

September 21-23, 2022 (Omaha, NE)

- If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

The national exam, the LARE, is computer-based. As such, there is no opportunity for involvement on scoring and analysis. CLARB contacts licensees directly to select technical experts for a four-year term on their Committee on Examinations. Currently, there is one California participant on CLARB's Committee on Examinations.



**Section 2 –  
Fiscal and Staff**

**Fiscal Issues**

6. Is the board’s fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.

No.

7. Describe the board’s current reserve level, spending, and if a statutory reserve level exists.

Per Business and Professions Code section 128.5(b), the LATC’s statutory fund limit is no more than 24 months in reserve. The current reserve level for fiscal year (FY) 2022/23 is \$573,000 (5 months in reserve). The estimated current spending level for 2023/24 is \$1,376,000. The LATC’s fund condition is shown below in Table 2, identifying fund balance and expenditure levels.

8. Describe if/when a deficit is projected to occur and if/when a fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

The LATC is committed to continue monitoring its fund condition and, in consultation with DCA Budget Office, has determined the next appropriate step is to increase its statutory fee limits during the 2023 legislative session. Examination, licensing, and renewal fees will be increased based on the 2022 DCA Fee Study to preserve LATC’s fund condition.

<b>Table 2. Fund Condition</b>						
(Dollars in Thousands)	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23**	FY 2023/24***	FY 2024/25***
Beginning Balance	\$1,467	\$1,301	\$1,277	\$958	\$573	\$31
Revenues and Transfers	\$803	\$829	\$761*	\$830	\$834	\$834
<b>Total Revenue</b>	\$2,270	\$2,130	\$2,038	\$1,788	\$1,407	\$865
Budget Authority	\$1,081	\$1,064	\$1,292	\$1,128	\$1,276	\$1,314
Expenditures	\$954	\$876	\$1,080	\$1,215	\$1,376	\$1,414
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid From General Fund	\$0	\$0	\$0	\$0	\$0	\$0
<b>Fund Balance</b>	\$1,316	\$1,254	\$958	\$573	\$31	-\$549
<b>Months in Reserve</b>	18.0	13.9	9.5	5	0.3	-4.6

\*Includes EO transfer to GF (AB 84)

\*\*Projection based on Budget

\*\*\*Estimate

9. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?

The LATC has not issued any general fund loans in the preceding four FYs. In FY 2003/04, the LATC loaned the general fund \$1.2 million that was repaid with interest in FY 2005/06.

10. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

During the last four years, the LATC has spent an average of approximately 16% of its budget on the enforcement program, 16% on the examination program, 13% on the licensing program, 36% on administration, and 19% on DCA pro rata.

<b>Table 3. Expenditures by Program Component</b> (list dollars in thousands)								
	FY 2019-20		FY 2020-21		FY 2021-22		FY 2022-23**	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$85	\$57	\$79	\$64	\$98	\$84	\$90	\$84
Examination	\$85	\$91	\$79	\$35	\$98	\$67	\$90	\$78
Licensing	\$85	\$30	\$79	\$29	\$98	\$33	\$90	\$77
Administration *	\$213	\$74	\$199	\$72	\$245	\$82	\$314	\$269
DCA Pro Rata	\$0	\$160	\$0	\$166	\$0	\$192	\$0	\$236
Diversion (if applicable)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTALS</b>	<b>\$468</b>	<b>\$412</b>	<b>\$436</b>	<b>\$366</b>	<b>\$539</b>	<b>\$458</b>	<b>\$584</b>	<b>\$744</b>

\*Administration includes costs for executive staff, board, administrative support, and fiscal services.

\*\*Projections based on Budget

11. Describe the amount the board has contributed to the BreEZe program.

Since the inception of the BreEZe project, the LATC has contributed a total of \$54,162. The LATC has not contributed to the BreEZe project since FY 2017/18. The LATC is part of DCA’s Business Modernization Cohort 2 which is transitioning to a new licensing and enforcement platform (Connect) and will not transition to the BreEZe program.

12. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

The LATC is a special fund agency that generates revenue from its fees. The LATC’s main source of revenue is from applicants and licensees through the collection of examination, licensing, and renewal fees. These fees support the licensing, examination, enforcement, and administration programs, which include processing and issuing licenses, conducting an OA and ongoing examination development, maintaining records, producing and distributing publications, mediating consumer complaints, enforcing statutes, disciplinary actions, personnel, and general operating expenses.

In 2015, the LATC implemented a temporary license renewal fee-reduction for FY 2015/16 through 2016/17 to maintain an appropriate fund balance, as its reserve was over the statutorily authorized reserve limit. The LATC promulgated an additional regulatory amendment to continue the fee reduction for FYs 2017/18 through 2018/19. The renewal fee reverted to the full amount (\$400) beginning July 1, 2019.

Business and Professions Code section 5681 authorizes the LATC to charge fees as follows:

The fees prescribed by this chapter for landscape architect applicants and landscape architect licensees shall be fixed by the Board as follows:

- a) The application fee for reviewing an applicant's eligibility to take any section of the examination may not exceed one hundred (\$100).
- b) The fee for any section of the examination administered by the board shall not exceed the actual cost to the board for purchasing and administering each exam.
- c) The fee for an original license may not exceed four hundred dollars (\$400), except that, if the license is issued less than one year before the date on which it will expire, then the fee shall equal 50 percent of the fee fixed by the board for an original license. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.
- d) The fee for a duplicate license may not exceed fifty dollars (\$50).
- e) The renewal fee may not exceed four hundred dollars (\$400).
- f) The penalty for failure to notify the board of a change of address within 30 days from an actual change in address may not exceed fifty dollars (\$50).
- g) The delinquency fee shall be 50 percent of the renewal fee for the license in effect on the date of the renewal of the license, but not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).
- h) The fee for filing an application for approval of a school pursuant to Section 5650 may not exceed six hundred dollars (\$600) charged and collected on a biennial basis.

CCR section 2649 currently authorizes the following fees:

The fees for landscape architect applicants and landscape architect licensees shall be fixed by the Board as follows:

- a) The fee for reviewing an eligibility application or an application to take the California Supplemental Examination is \$35.
- b) The fee for the California Supplemental Examination is \$275.
- c) The fee for a duplicate license is \$15.
- d) The penalty for late notification of a change of address is \$50.
- e) The fee for an original license is \$400.
- f) For licenses expiring on or after July 1, 2009, the fee for biennial renewal shall be \$400. For licenses expiring on or after July 1, 2015, the fee for biennial renewal shall be \$220. For licenses expiring on or after July 1, 2019, the fee for biennial renewal shall be \$400.

Table 4. Fee Schedule and Revenue								(list revenue dollars in thousands)
Fee	Current Fee Amount	Statutory Limit	FY 2019/20 Revenue	FY 2020/21 Revenue	FY 2021/22 Revenue	FY 2022/23* Revenue	% of Total Revenue	
Delinquency Fee	\$200	50% of the renewal fee; no less than \$50 no more than \$200	\$11	\$10	\$13	\$12	1%	
Cite & Fine	Various		\$4	\$3	\$0	\$3	0%	
Duplicate Cert	\$15	\$50	\$0	\$0	\$0	\$0	0%	
Exam California	\$275		\$34	\$41	\$44	\$45	5%	
App Fee Landscape Arch	\$35	\$100	\$5	\$6	\$4	\$5	1%	
Initial Landscape Arch	\$400	\$400	\$33	\$34	\$32	\$42	5%	
App Fee Supp	\$35		\$4	\$5	\$6	\$6	1%	
Over/Short Fees	N/A		\$0	\$0	\$0	\$0	0%	
Prior Year Revenue Adjustment	Various		\$0	-\$3	\$0	\$0	0%	
Investment Income - Surplus Money Investments	N/A		\$28	\$8	\$4	\$6	1%	
Canceled Warrants Revenue	N/A		\$0	\$0	\$1	\$0	0%	
Dishonored Check Fee	\$25		\$0	\$0	\$0	\$0	0%	
Settlements and Judgments - Other	N/A		\$0	\$1	\$0		0%	
Renewal Landscape Arch	\$400	\$400	\$681	\$724	\$695	\$711	86%	
Refunds	N/A		\$1	\$0	\$1	\$0	0%	
Renewal Accrued	N/A		\$2	\$0	\$0	\$0	0%	
<b>Total Revenue</b>			<b>\$803</b>	<b>\$829</b>	<b>\$800</b>	<b>\$830</b>	<b>100.00</b>	

\*Projection based on Budget

13. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

The LATC has submitted the following BCPs to accommodate costs related to DCA's Business Modernization Cohort 2.

Table 5. Budget Change Proposals (BCPs)								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1111-122-BCP-2021-A1	2021/22	Business Modernization Cohort 2	0.2 AGPA	0.2 AGPA	\$22,000	\$22,000	\$165,000	\$165,000
1111-139-BCP-2022-MR	2022/23	Business Modernization Cohort 2	0	0	\$0	\$0	\$176,000	\$176,000

1111-022-BCP-2023-GB	2023/24	Business Modernization Cohort 2	0	0	\$0	\$0	\$116,000	\$116,000
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## Staffing Issues

14. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

The LATC works expeditiously to fill vacant positions to help ensure adequate staff resources to meet the LATC's objectives. The LATC's position vacancies have mainly been in the Office Technician classification, which is entry level. The vacancies are often attributed to other promotional opportunities, a common civil service occurrence. Since one staff person is allocated to each program area, a single vacancy is 20% of the staffing level and can have a significant impact on workload until the position is filled. The LATC has been successful in cross-training and retaining staff.

Incorporated as an element of the LATC's Business Continuity Plan, the DCA's Workforce and Succession Plan identifies mission critical positions that have a significant impact on the LATC and requires specialized job skills and/or expertise. The LATC updates the plan annually to develop strategies to retain the expertise and staff knowledge so that it is preserved for the future and on a continual basis.

15. Describe the board's staff development efforts and total spent annually on staff development (cf., Section 12, Attachment D).

The LATC encourages training for all staff and participates in courses offered at no cost through DCA's Strategic Organization, Leadership & Individual Development (SOLID) Training and Planning Solutions. These courses include enforcement-related, customer service, computer software, and other skills-training classes. Staff are also encouraged, and some have completed SOLID's Analyst Certification Training. This training program is free of charge and includes a series of courses to develop analytical tools, strategies, and techniques. The courses offered and completed develop staff to have the essential tools and training to effectively perform their job. It also enables them to be viable candidates for future promotional opportunities. SOLID also offers an Enforcement Academy which is a series of courses aimed at developing staff's knowledge and skills related to DCA's enforcement programs. DCA's online Learning Management System (LMS) allows the program's Training Liaison to remotely assign and monitor trainings and policies for completion.

In the past three fiscal years, the average training cost per year (i.e., information technology, enforcement certification, regulatory process, annual meeting registrations) is approximately \$2,100. Specialized training is also encouraged and provided to staff as needed. These include mandatory courses such as sexual harassment prevention, ethics, information security awareness, and defensive driving.

## Section 3 – Licensing Program

16. What are the board's performance targets/expectations for its licensing<sup>2</sup> program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

The LATC's performance target for processing applications and issuing licenses is 30 days from receipt of the application. Where the application is complete and all requirements are met (including the submission of required supporting documentation and there is no criminal history), the LATC typically meets this goal. Additionally, staff is cross-trained to help mitigate the effects of extended absences and vacancies. Staff and management work together in a continuous effort to improve the quality of service provided by the LATC to its candidates and licensees. To this end, processes are routinely evaluated for efficiency to maximize staff performance and achieve performance expectations. When the LATC migrates to a new licensing and enforcement system, it is anticipated that additional process efficiencies will be realized.

17. Describe any increase or decrease in the board's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

Staff processing of applications typically meets its established performance targets. As noted above, management works with staff to routinely evaluate processes for efficiencies and implement them in a timely manner to maintain performance expectations and provide continuously improving customer service to stakeholders.

When evaluating performance on processing applications, it should be taken into consideration that candidates may submit applications for the Landscape Architect Registration Examination (LARE) at any time and, if found eligible, it may take several years for the candidate to pass all sections of the test. Candidates may submit applications for the California Supplemental Examination (CSE) and licensure once determined eligible by the LATC. There are no set deadlines for completing the examinations; however, inactive candidate records may be purged after five years (CCR section 2620 (d)). The Council of Landscape Architectural Registration Boards (CLARB) implemented a Council Record as part of the application process in 2012. The Council Record includes information on the candidate's education and certifications of experience which are maintained annually. The Council Record can be transmitted to the LATC and is typically available within one day of the request.

Another matter for consideration relative to application processing is the documentation that must be submitted in support of an application. Candidates are required to have certified transcripts sent directly from their school verifying their qualifying degree and a Certification of Experience form submitted by the licensee who supervised their experience. The LATC sends an ineligibility notification when an application is incomplete, advising candidates of documents that must be submitted for eligibility. It is the candidate's responsibility to ensure that the necessary documents are provided.

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<sup>2</sup> The term "license" in this document includes a license certificate or registration.

There can also be a great variation in the amount of time a candidate is issued a license after he or she has passed the CSE. CSE results are provided to candidates immediately upon completion of the examination at the test center. However, a candidate may choose to wait before applying for the actual license. A license is typically issued within 30 days after receipt of the completed application and fee. Average license application processing time over the past four fiscal years was 13 days.

18. How many licenses or registrations has the board denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480? Please provide a breakdown of each instance of denial and the acts the board determined were substantially related.

During the past four years, the LATC has not denied any license based on an applicant’s criminal history in which the conviction was substantially related to the practice of landscape architecture.

<b>Table 6. Licensee Population</b>						
		FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
[Landscape Architect]	Active <sup>3</sup>	DNA	DNA	DNA	DNA	3714
	Out of State	DNA	DNA	DNA	DNA	552
	Out of Country	DNA	DNA	DNA	DNA	32
	Delinquent/Expired	DNA	DNA	DNA	DNA	519
	Retired Status <i>if applicable</i>	n/a	n/a	n/a	n/a	n/a
	Inactive	n/a	n/a	n/a	n/a	n/a
	Other <sup>4</sup>	n/a	n/a	n/a	n/a	1912

Note: ‘Out of State’ and ‘Out of Country’ are two mutually exclusive categories. A licensee should not be counted in both.

<sup>3</sup> Active status is defined as able to practice. This includes licensees that are renewed, current, and active.

<sup>4</sup> Other is defined as a status type that does not allow practice in California, other than retired or inactive.

**Table 7a. Licensing Data by Type**

Application Type		Received	Approved/ Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Board control)*	Incomplete (outside Board control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
FY 2019/20	(LARE)	141	129	129	12	DNA	DNA	See note below <sup>2</sup>		
	(CSE)	94	94	94	0	DNA	DNA			
	(License)	83	84	84	0	DNA	DNA			
	(Renewal)	1873 <sup>1</sup>	1873 <sup>1</sup>	1873	0	DNA	DNA			
FY 2020/21	(LARE)	151	143	143	8	DNA	DNA			
	(CSE)	116	116	116	0	DNA	DNA			
	(License)	85	86	86	0	DNA	DNA			
	(Renewal)	1804 <sup>1</sup>	1804 <sup>1</sup>	1804	0	DNA	DNA			
FY 2021/22	(LARE)	121	116	116	5	DNA	DNA			
	(CSE)	125	125	125	0	DNA	DNA			
	(License)	80	80	80	0	DNA	DNA			
	(Renewal)	1751 <sup>1</sup>	1751	1751	0	DNA	DNA			
FY 2022/23	(LARE)	144	139	139	5	DNA	DNA			
	(CSE)	141	141	141	DNA	DNA	DNA			
	(License)	127	127	127	DNA	DNA	DNA			
	(Renewal)	1792	1792	1792	DNA	DNA	DNA			

\* Optional. List if tracked by the board.

DNA = Data Not Available      N/A = Not Applicable

<sup>1</sup>Data does not include pending incomplete renewal applications, which range from 10 to 25 per FY.

<sup>2</sup>Applications are typically processed within 30 days from the date of receipt, provided application is complete and required supporting documentation submitted in accordance with the LATC's regulations (i.e., certified transcripts sent by the educational institution, employment verification documentation, etc.).

**Table 7b. License Denial**

	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
License Applications Denied (no hearing requested)	0	0	0	0
SOIs Filed	0	0	0	0
Average Days to File SOI (from request for hearing to SOI filed)	NA	NA	NA	NA
SOIs Declined	NA	NA	NA	NA
SOIs Withdrawn	NA	NA	NA	NA
SOIs Dismissed (license granted)	NA	NA	NA	NA
License Issued with Probation / Probationary License Issued	0	0	0	0
Average Days to Complete (from SOI filing to outcome)	NA	NA	NA	NA

19. How does the board verify information provided by the applicant?

The LATC uses several measures to verify information provided by candidates on an application. For example, transcripts are required to substantiate the qualifying degree or certificate listed on the application for which a candidate wishes to receive credit. The transcripts must be certified and submitted directly from the respective school to the LATC for credit to be granted.



Work experience must be submitted on the LATC approved Certification of Experience form signed by the licensed professional who supervised the candidate's work to receive credit. LATC staff verify with the appropriate jurisdiction or regulatory agency that the supervising professional's licensing information provided on the form is true and correct.

Individuals who are licensed in another jurisdiction and applying for reciprocity must request that their state board provide a license certification to substantiate licensure, license status (e.g., current, delinquent, suspended, etc.), and information on disciplinary action. Additionally, the board certifying the information must provide the examination history detailing what form of the LARE (or equivalent) was taken and when each section was passed.

Initial and reciprocal licensure candidates may substitute their CLARB Council Record in lieu of the above-mentioned transcripts and work experience documentation. The CLARB Council Record provides information on education, experience and examination. LATC staff use the information included in the Council Record to verify that the candidate meets California's licensure requirements.

- a. What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the board denied any licenses over the last four years based on the applicant's failure to disclose information on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?

In addition to requiring that candidate's submit fingerprints, the LATC's applications include the following questions about the candidate's criminal/disciplinary history:

- Have you ever had a landscape architecture license denied, suspended, or revoked?
- Have you ever been disciplined by another public agency?
- Have you ever been convicted of, or plead guilty or nolo contendere to any criminal or civil offense in the United States, its territories, or a foreign country?
- Is any criminal action pending against you or are you currently awaiting judgement and sentencing following entry of a plea or jury verdict?

The applications of those candidates with a conviction disclosure are referred to the LATC's Enforcement Unit for review and possible disciplinary action. The Enforcement Unit staff obtains a certified copy of the conviction or disciplinary action, a written explanation of the underlying circumstances of the offense or action, and evidence of rehabilitation from the candidate, and determines, based upon LATC's regulations and relevant statutes, whether the offense or action is substantially related to the practice of landscape architecture or to the candidate's ability to practice landscape architecture in the interest of the public health, safety, and welfare.

CLARB also maintains a disciplinary database that can be used by member boards to disclose and share information regarding disciplinary actions taken against licensees and unlicensed individuals within their jurisdiction. Prior to the issuance of each license, the Enforcement Unit staff searches the database and verifies if any disciplinary action has been taken against the candidate in another state, but was not disclosed to the Board on the candidate's applications.

During the past four years, the LATC has not denied any licenses based on a candidate's failure to disclose required information on an application, as there have not been any cases involving a candidate who deliberately withheld such information from the Committee.

- b. Does the board fingerprint all applicants?

Yes, beginning January 1, 2022, the board requires that all applicants submit fingerprints prior to the issuance of an initial license.

- c. Have all current licensees been fingerprinted? If not, explain.

No. The fingerprint requirement became effective January 1, 2022, and only requires that new applicants for licensure submit fingerprints.

- d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?

Yes, as noted above, CLARB maintains a database available to its membership that contains disciplinary actions reported by participating Member Boards and the LATC's enforcement unit utilizes this resource. The LATC checks the database prior to issuing licenses and when a licensee discloses on their license renewal application that they had been convicted of a crime or disciplined by another public agency within the preceding renewal period.

- e. Does the board require primary source documentation?

Yes, the LATC requires candidates to submit (or have submitted on their behalf) original and/or certified documentation (such as university transcripts) to provide verification of authenticity. The LATC also accepts CLARB Council Records which require primary source documentation.

20. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

The LATC's laws and regulations require all candidates to meet the same prerequisites for a license. Candidates must document a combination of six years education and/or experience as specified in CCR section 2620 and successfully complete both the national examination (LARE or the equivalent) and the CSE.

21. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

The LATC considers military education, training, and experience the same as that from any other source, provided it is related to the practice of landscape architecture. Education, training, and experience must fall within the parameters established in California Code of Regulations section 2620 to receive credit towards the six-year experience licensure requirement.

- a. Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?

Yes, the LATC tracks the military status of all candidates (applicants), including branch of service and military documentation received and provides resources for candidates on its website so candidates may receive credit for their training and educational experience.

- b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?

None.

- c. What regulatory changes has the board made to bring it into conformance with BPC § 35?

No changes are necessary, as the LATC is already permitted by its regulations to grant credit for military education, training or experience that is related to the practice of landscape architecture.

d. How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?

None.

e. How many applications has the board expedited pursuant to BPC § 115.5?

None. No candidates seeking reciprocal licensure and who are married to, or in a domestic partnership or other legal union with, an active duty member of the US Armed Forces who is assigned to a duty station in California have requested the expedited processing.

22. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

The LATC implemented the fingerprint requirement of applicants for initial licensure on January 1, 2022, and, thus far, there has not been a need for sending “No Longer Interested” notifications to DOJ.

### Examinations

Table 8. Examination Data <sup>5</sup>		
California Examination (include multiple language) if any:		
	License Type	Landscape Architect
	Exam Title	California Supplemental Examination
FY 2018/19	Number of Candidates	216
	Overall Pass %	80%
	Overall Fail %	20%
FY 2019/20	Number of Candidates	103
	Overall Pass %	73%
	Overall Fail %	27%
FY 2020/21	Number of Candidates	140
	Overall Pass %	68%
	Overall Fail %	32%
FY 2021/22	Number of Candidates	124
	Overall Pass %	54%
	Overall Fail %	46%
FY 2022/23	Number of Candidates	171
	Overall Pass %	80%
	Overall Fail %	20%
	Date of Last OA	2020
	Name of OA Developer	OPES
	Target OA Date	2026

<sup>5</sup> This table includes all exams for all license types as well as the pass/fail rate. Include as many examination types as necessary to cover all exams for all license types.

National Examination (include multiple language) if any:					
License Type		Landscape Architect			
Exam Title: LARE Divisions <sup>2</sup>		Section 1	Section 2	Section 3	Section 4
FY 2018/19	Number of Candidates <sup>1</sup>	191	200	167	164
	Overall Pass %	70%	60%	56%	66%
	Overall Fail %	30%	40%	44%	34%
FY 2019/20	Number of Candidates	117	144	130	102
	Overall Pass %	61%	53%	62%	62%
	Overall Fail %	39%	47%	38%	38%
FY 2020/21	Number of Candidates	207	190	147	155
	Overall Pass %	64%	58%	59%	58%
	Overall Fail %	36%	42%	41%	42%
FY 2021/22	Number of Candidates	139	177	189	153
	Overall Pass %	55%	46%	48%	56%
	Overall Fail %	45%	54%	52%	44%
FY 2022/23	Number of Candidates	111	166	123	313
	Overall Pass %	58%	55%	51%	48%
	Overall Fail %	42%	45%	49%	52%
Date of Last OA		2022			
Name of OA Developer		Professional Testing, Inc.			
Target OA Date		2027			

<sup>1</sup> Data includes all California candidates.

<sup>2</sup> The LARE sections currently administered are:  
 Section 1: Project and Construction Management  
 Section 2: Inventory and Analysis  
 Section 3: Design  
 Section 4: Grading Drainage and Construction Documentation

23. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

Each candidate for licensure is required to complete both a national examination (LARE) and CSE to become licensed. The two examinations test candidates for their entry-level knowledge, skills, and ability to provide services required of a landscape architect who possesses entry-level competence. Both examinations are only offered in English.

### **Landscape Architect Registration Examination (LARE)**

The LARE is a practice-based examination developed by CLARB. The content of the LARE is based on an analysis of landscape architectural practice conducted every five to seven years. The study identifies what is required at the initial point of licensure in terms of tasks to be completed and the knowledge required to successfully complete those tasks. The most recent “Job Task Analysis” was conducted by CLARB in 2022. The LARE concentrates on those services that most affect the public health, safety, and welfare. The LARE has been developed with specific concern for its fidelity to the practice of landscape architecture; that is, its content relates to the actual tasks a landscape architect encounters in practice. No single examination can test for competency in all aspects of landscape architecture, which is why the LARE is not the only requirement to become a licensed landscape architect. Education and experience are also crucial licensure requirements. The examination attempts to determine the candidate’s qualifications not only to perform measurable tasks, but also to exercise the skills and judgment of

a generalist working with numerous specialists. In short, the objective is to reflect the practice of landscape architecture as an integrated whole.

All sections of the LARE are administered and graded by computer. The following is a list of the sections:

**September 2012 – August 2023**

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

**December 2023 – Current**

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

CLARB partners with PSI Testing Centers to administer the LARE three times annually. There are 32 test centers in California and over 437 nationwide, making the examination easily accessible for candidates.

Candidates must pass each section of the LARE independently and receive credit for sections passed. Full or partial credit may be given when all sections have not been completed at the time a new LARE is introduced, otherwise, credit for sections passed is valid until the candidate passes the entire current examination. Candidates receive an email from CLARB when their results are ready for viewing.

**California Supplemental Examination (CSE)**

The setting for landscape architectural practice in California is distinct from that of other states.

California's large physical size, massive and diverse population, varied landscape and climate, high seismicity, distinctive legal framework, and expansive economy create an unusually demanding environment for landscape architectural practice. The varying interplay of these conditions for specific projects gives rise to even more complicated settings. Additionally, these complexities are further exacerbated by the pressure to accommodate change with increased speed, requiring landscape architects to stretch the limits of their capacity to practice safely. Due to these unique needs and regulatory requirements, California administers the CSE to ensure that candidates have the necessary landscape architectural knowledge and skills to respond to the conditions found in California.

The LATC administers the CSE to candidates who have successfully completed all sections of the LARE, as well as to eligible licensees from other jurisdictions and countries, all of whom must pass the CSE prior to receiving licensure. The CSE tests for those aspects of practice unique to California, including accessibility, energy conservation, sustainability, irrigation, water management, wetlands, wildlife corridors, wildfire resistant landscapes and legal issues (California Environmental Quality Act, etc.), and others to fulfill competencies identified in the occupational analysis.

The CSE was previously administered as a written examination but has been delivered via computer since February 2011. The current CSE is based on the 2020 Occupational Analysis (OA) and Test Plan and consists of 100 multiple-choice questions that cover site assessment, program development, design process, and construction documents and contract performance. The CSE is administered by computer at a total of 40 nationwide locations, including 17 testing centers within California, and candidates are given two and one-half hours to complete.

The OA was completed in 2020. The OA was followed by a review of the LARE psychometric process and linkage study that correlated the knowledge, skills, and abilities tested for in the CSE Test Plan with those present in the *Task Analysis for the Council of Landscape Architectural Registration Board’s Landscape Architect (2022)* to ensure there is no overlap between the content in the LARE and CSE.

24. What are pass rates for first time vs. retakes in the past 4 fiscal years? (Refer to Table 8: Examination Data) Are pass rates collected for examinations offered in a language other than English?

Statistics collected by CLARB relative to pass rates for the LARE do not distinguish between first-time and retake candidates by state. However, the LATC does collect CSE pass rate statistics for a comparison between first-time and retake candidates. Both the LARE and CSE are only offered in English. The following table provides a comparison for CSE candidates.

Fiscal Year	First-Time Candidates	Retake Candidates
2018/2019	79%	82%
2019/2020	73%	70%
2020/2021	68%	67%
2021/2022	63%	29%
2022/2023	82%	73%

25. Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

Yes, the LATC utilizes computer-based testing (CBT) for its licensing examinations. The LARE and CSE, which are required for licensure, are both administered through CBT. The LARE has been administered via CBT since 2012 when the exam transitioned from five to four sections. The CSE was a written examination given by the LATC until 2008 when the LATC contracted with Psychological Services Inc. (PSI) to begin offering the examination via CBT. The LARE is offered three times annually and each administration takes place over a two-week period.

Candidates schedule LARE sections through the CLARB online service. This service allows candidates to view all pertinent information relative to their examination history and schedule examinations at their convenience. PSI is the test administrator for the LARE. Candidates schedule their exam appointments through CLARB and sit for an administration at a PSI test center. Each of the four LARE sections is scheduled and separately administered. Depending on the length of the specific section, it is possible to take more than one section on the same day.

The CSE is administered year-round (Monday through Saturday). Psychological Services, Incorporated (PSI) is the test administration vendor for DCA. There are 39 PSI test centers throughout the U.S. (including 17 in California) where a candidate may take the CSE during normal business hours. A candidate may call the PSI scheduling department or use the online

scheduler to make an appointment. Candidates receive their CSE results immediately upon completion of their examination.

26. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

No.

27. When did the Board last conduct an occupational analysis that validated the requirement for a California-specific examination? When does the Board plan to revisit this issue? Has the Board identified any reason to update, revise, or eliminate its current California-specific examination?

In 2020, DCA's Office of Professional Examination Services (OPES) conducted an Occupational Analysis of the Landscape Architect Profession.

In 2022, OPES completed a comprehensive review of the LARE (national examination) developed by CLARB. OPES performed this review to evaluate the continued use of the LARE for licensure of landscape architects in California.

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. 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.

### **School approvals**

28. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

In accordance with CCR section 2620(b)(2), a degree from a school with a landscape architecture program is deemed approved by the LATC if the curriculum has been approved by the Landscape Architectural Accreditation Board (LAAB), as specified in its publication "Accreditation Standards for Programs in Landscape Architecture." The Bureau for Private Postsecondary Education does not play a role in the process of approving schools of landscape architecture or landscape architectural degree programs for the purposes of the LATC.

The LAAB is the only agency nationally recognized to accredit professional and post-professional degree programs in landscape architecture within the U.S. LAAB accredits the degree programs within the schools, not the schools themselves. The Canadian Society of Landscape Architects Accreditation Council (CSLAAC) is the Canadian equivalent of LAAB and accredits the landscape architectural degree programs in Canada.

The LATC does approve extension certificate programs in landscape architecture. Currently, the only such program is the University of California, Los Angeles Extension. Programs must meet the requirements specified in CCR section 2620.5 for approval as extension certificate programs. Approval is granted with the provision that curriculum cannot be changed without LATC approval.

### **Landscape Architecture Extension Certificate Program Review and Approval Procedures**

At its meeting on December 6, 2018, the LATC appointed a two-person subcommittee to review CCR section 2620.5 (Requirements for an Approved Extension Certificate Program) to determine whether the following should be addressed in the regulation: 1) program approval expiration, reauthorization, and extensions of said approval; 2) provisions for site reviews and how or if these shall be conducted; and 3) the information that shall be provided by the extension certificate program to evaluate the program's compliance with this regulation.

In early 2019, the subcommittee developed recommended changes to CCR section 2620.5 to clarify the review and approval procedures within the regulation. The LATC subsequently initiated a rulemaking package to amend CCR section 2620.5 which was approved by OAL on August 4, 2022 and became effective on October 1, 2022.

29. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?

The LATC is not statutorily authorized to approve schools of landscape architecture or the professional and post-professional degree programs offered by them. The LAAB reviews degree programs every three to six years and has the authority to withdraw accreditation if the program is not meeting accreditation standards. There is one landscape architecture extension certificate program in California, as noted above, approved by the LATC. Approval is granted for six-year periods.

30. What are the board's legal requirements regarding approval of international schools?

The LATC is not authorized to approve schools of landscape architecture outside the U.S. or its territories. The legally authorized accrediting entity (if one exists) within each country would be responsible for such approvals of landscape architectural schools or the professional and post-professional programs available at those schools. LAAB provides advice and consultation to organizations in other countries that are developing accreditation standards and procedures.

### **Continuing Education/Competency Requirements**

31. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.

The Landscape Architects Practice Act does not require Continuing Education.



- a. How does the board verify CE or other competency requirements? Has the Board worked with the Department to receive primary source verification of CE completion through the Department's cloud?  
N/A
- b. Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.  
N/A
- c. What are consequences for failing a CE audit?  
N/A
- d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?  
N/A
- e. What is the board's CE course approval policy?  
N/A
- f. Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?  
N/A
- g. How many applications for CE providers and CE courses were received? How many were approved?  
N/A
- h. Does the board audit CE providers? If so, describe the board's policy and process.  
N/A
- i. Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.  
N/A

<b>Table 8a. Continuing Education</b>			
Type	Frequency of Renewal	Number of CE Hours Required Each Cycle	Percentage of Licensees Audited
N/A	N/A	N/A	N/A

## Section 4 – Enforcement Program

32. What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

The LATC's performance measures for the Enforcement Unit are defined by DCA's Consumer Protection Enforcement Initiative (CPEI) and focus on timely response to consumers and the pursuit of prompt disciplinary or enforcement action against those found to be in violation of the Landscape Architects Practice Act (Act).

For all complaints received, the LATC has a goal of assigning complaints to staff for investigation within seven days. Currently, the average time of assigning complaints for investigation to staff is two days. The LATC is exceeding expectations in this area. Concerning the time necessary to investigate a complaint, the LATC's CPEI standards stipulate that complaints are to be closed within an average of 270 days of receipt. For fiscal years (FY's) 2018/19, 2019/20, 2020/21, 2021/22, and 2022/23, the LATC averaged 123 days, 71 days, 92 days, 115 days, and 78 days respectively. Case review, evaluation, and consideration of the technical expert consultant findings and staff recommendations are critical but are often a very time-consuming process that adds to the aging of the investigation and case closure process. The LATC's experts are not physically located in LATC's office. All complaint information must be scanned and placed securely in the DCA Cloud Drive before sending a link to the expert for review of the documents. To aid in improving the length of time it takes to investigate a complaint, the LATC contracts with seven expert consultants and recruits additional experts as needed.

33. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

Since the last reporting period, the LATC has not experienced any fluctuations in enforcement data trends. The LATC received an average of 33 complaints for FY's 2018/19, 2019/20, 2020/21, 2021/22, and 2022/23, of which an average of 16 were advertising and unlicensed activity complaints. Staff has maintained an average of 7 pending complaints at the end of each FY. Enforcement staff closed 64% of investigations within 90 days and 20% within one year.

The LATC has issued 10 citations since the last reporting period. All citations included a fine assessment averaging \$950. The majority of citations issued were to unlicensed individuals, who are often difficult to locate because they change addresses frequently. For these citations, staff utilizes the Franchise Tax Board (FTB) Intercept Program to attempt to collect fines. However, there is currently no incentive for these individuals to pay their fines, unlike licensees who cannot renew their license without paying. To address this, the LATC executed a contract with a collection agency for full-service debt collection services, including "skip tracing," credit reporting, and filing legal actions as appropriate to assist in the collection of unpaid citation penalties and cost recoveries for unpaid administrative fines and cost reimbursement accounts aged beyond 90 days. The contract was executed in 2019 and expired in 2022. The LATC did not renew the contract with the collection agency because they did not provide any additional collections of outstanding fines throughout the length of the contract.

Lastly, the LATC's 2019/2021 Strategic Plan contained an objective to research the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers. The LATC amended California Code of Regulations section 2671 (Public

Presentments and Advertising Requirements) requiring licensees to include their license number in all forms of advertisements or presentments made to the public in connection with the rendition of landscape architectural services. This new requirement took effect January 1, 2022 and is aimed to prevent consumers from unknowingly contracting with unlicensed individuals for the rendition of landscape architectural services and reducing the amount of unlicensed activity occurring.

The LATC has also continued to focus on promptly responding to consumer complaints and maintain an internal weekly report on case aging to improve the tracking of each case through the intake and investigation processes.

<b>Table 9a. Enforcement Statistics</b>			
	FY 2020/21	FY 2021/22	FY 2022/23
<b>COMPLAINTS</b>			
Intake			
Received	21	25	20
Closed without Referral for Investigation	0	0	0
Referred to INV	21	25	20
Pending (close of FY)	0	0	0
Conviction / Arrest			
CONV Received	8	5	10
CONV Closed Without Referral for Investigation	0	0	0
CONV Referred to INV	8	5	10
CONV Pending (close of FY)	0	0	0
Source of Complaint <sup>6</sup>			
Public	5	6	5
Licensee/Professional Groups	4	9	2
Governmental Agencies	0	0	0
Internal	18	10	21
Other	0	0	0
Anonymous	2	5	2
Average Time to Refer for Investigation (from receipt of complaint / conviction to referral for investigation)	1	1	1
Average Time to Closure (from receipt of complaint / conviction to closure at intake)	NA	NA	NA
Average Time at Intake (from receipt of complaint / conviction to closure or referral for investigation)	1	1	1
<b>INVESTIGATION</b>			
Desk Investigations			
Opened	29	26	30
Closed	31	28	34
Average days to close (from assignment to investigation closure)	92	115	78
Pending (close of FY)	7	9	5
Non-Sworn Investigation			
Opened	29	26	30
Closed	31	28	34
Average days to close (from assignment to investigation closure)	92	115	78

<sup>6</sup> Source of complaint refers to complaints and convictions received. The summation of intake and convictions should match the total of source of complaint.

Pending (close of FY)	7	9	5
<b>Sworn Investigation</b>			
Opened	0	0	0
Closed	0	0	0
Average days to close (from assignment to investigation closure)	NA	NA	NA
Pending (close of FY)	0	0	0
<b>All investigations<sup>7</sup></b>			
Opened	29	26	30
Closed	31	28	34
Average days for all investigation outcomes (from start investigation to investigation closure or referral for prosecution)	92	115	78
Average days for investigation closures (from start investigation to investigation closure)	92	115	78
Average days for investigation when referring for prosecution (from start investigation to referral for prosecution)	NA	NA	NA
Average days from receipt of complaint to investigation closure	92	115	78
Pending (close of FY)	7	9	5
<b>CITATION AND FINE</b>			
Citations Issued	0	3	4
Average Days to Complete (from complaint receipt / inspection conducted to citation issued)	NA	202	206
Amount of Fines Assessed	\$0	\$3,000	\$6,500
Amount of Fines Reduced, Withdrawn, Dismissed	\$0	\$1,000	\$2,250
Amount Collected	\$1,000	\$1,000	\$2,250
<b>CRIMINAL ACTION</b>			
Referred for Criminal Prosecution	0	0	0
<b>ACCUSATION</b>			
Accusations Filed	0	0	0
Accusations Declined	0	0	0
Accusations Withdrawn	0	0	0
Accusations Dismissed	0	0	0
Average Days from Referral to Accusations Filed (from AG referral to Accusation filed)	NA	NA	NA
<b>INTERIM ACTION</b>			
ISO & TRO Issued	0	0	0
PC 23 Orders Issued	0	0	0
Other Suspension/Restriction Orders Issued	0	0	0
Referred for Diversion	0	0	0
Petition to Compel Examination Ordered	0	0	0
<b>DISCIPLINE</b>			
AG Cases Initiated (cases referred to the AG in that year)	0	0	0
AG Cases Pending Pre-Accusation (close of FY)	0	0	0
AG Cases Pending Post-Accusation (close of FY)	0	0	0
<b>DISCIPLINARY OUTCOMES</b>			
Revocation	0	0	0
Surrender	0	0	0

<sup>7</sup> The summation of desk, non-sworn, and sworn investigations should match the total of all investigations.

Suspension only	0	0	0
Probation with Suspension	0	0	0
Probation only	0	0	0
Public Reprimand / Public Reapproval / Public Letter of Reprimand	0	0	0
Other	0	0	0
<b>DISCIPLINARY ACTIONS</b>			
Proposed Decision	0	0	0
Default Decision	0	0	0
Stipulations	0	0	0
Average Days to Complete After Accusation (from Accusation filed to imposing formal discipline)	NA	NA	NA
Average Days from Closure of Investigation to Imposing Formal Discipline	NA	NA	NA
Average Days to Impose Discipline (from complaint receipt to imposing formal discipline)	NA	NA	NA
<b>PROBATION</b>			
Probations Completed	1	0	0
Probationers Pending (close of FY)	0	0	0
Probationers Told	0	0	0
Petitions to Revoke Probation / Accusation and Petition to Revoke Probation Filed	0	0	0
<b>SUBSEQUENT DISCIPLINE<sup>8</sup></b>			
Probations Revoked	0	0	0
Probationers License Surrendered	0	0	0
Additional Probation Only	0	0	0
Suspension Only Added	0	0	0
Other Conditions Added Only	0	0	0
Other Probation Outcome	0	0	0
<b>SUBSTANCE ABUSING LICENSEES</b>			
Probationers Subject to Drug Testing	0	0	0
Drug Tests Ordered	0	0	0
Positive Drug Tests	0	0	0
<b>PETITIONS</b>			
Petition for Termination or Modification Granted	0	0	0
Petition for Termination or Modification Denied	0	0	0
Petition for Reinstatement Granted	0	0	0
Petition for Reinstatement Denied	0	0	0
<b>DIVERSION</b>			
New Participants	0	0	0
Successful Completions	0	0	0
Participants (close of FY)	0	0	0
Terminations	0	0	0
Terminations for Public Threat	0	0	0
Drug Tests Ordered	0	0	0
Positive Drug Tests	0	0	0

<sup>8</sup> Do not include these numbers in the Disciplinary Outcomes section above.

<b>Table 10. Enforcement Aging</b>						
	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	Cases Closed	Average %
<b>Investigations (Average %)</b>						
Closed Within:						
90 Days	27	20	14	22	83	66%
91 - 180 Days	3	5	9	8	25	20%
181 - 1 Year	3	6	5	4	18	14%
1 - 2 Years	0	0	0	0	0	0%
2 - 3 Years	0	0	0	0	0	0%
Over 3 Years	0	0	0	0	0	0%
Total Investigation Cases Closed	33	31	28	34	126	
<b>Attorney General Cases (Average %)</b>						
Closed Within:						
0 - 1 Year	0	0	0	0	0	0%
1 - 2 Years	0	0	0	0	0	0%
2 - 3 Years	0	0	0	0	0	0%
3 - 4 Years	0	0	0	0	0	0%
Over 4 Years	0	0	0	0	0	0%
Total Attorney General Cases Closed	0	0	0	0	0	

34. What do overall statistics show as to increases or decreases in disciplinary action since last review?

The LATC did not file any accusations during the current reporting period (FY 2019/20 through FY 2022/23); this is a decrease from the four accusations that were filed in the last reporting period.

In evaluating an enforcement program, it is important to reflect on the nature of the profession being regulated. Landscape architects often collaborate with other parties (engineers, architects, attorneys, contractors, and other landscape architects) who provide additional quality control, and their plans must be approved by local building departments. Thus, there are parties who can identify problems earlier in the process so that cases that come to the LATC typically do not deal with major property damage or bodily injury.

35. How are cases prioritized? What is the board’s compliant prioritization policy? Is it different from DCA’s *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.

The LATC’s case prioritization policy is consistent with DCA’s guidelines and appropriate for the profession being regulated. As complaints are received, staff immediately reviews the complaint to determine the appropriate course of action based on the LATC’s prioritization guidelines. Complaints given the highest or “urgent” priority include imminent life and safety issues, severe financial harm to clients, egregious pattern of complaints, and project abandonment. Complaints given a “high” priority level include those that involve aiding and abetting, negligence, and unlicensed practice. The most common complaints are contract violations, unlicensed advertising (title) violations, and routine settlement reports.

36. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?

Mandatory reporting requirements are specified in BPC sections 5678 (Report of Settlement or Arbitration - Licensee), 5678.1 (Report of Settlement or Arbitration - Insurer), and 5680.05 (Report to Board by Clerk of Court of Judgement of Conviction of Crime by License Holder).

BPC sections 5678 and 5678.1 require that within 30 days, every licensee and insurer providing professional liability insurance to a California landscape architect send a report to the LATC on any civil action judgment, settlement, arbitration award, or administrative action of \$5,000, or greater of any action alleging the license holder's fraud, deceit, negligence, incompetency, or recklessness in practice. The LATC received 10 settlement reports during the previous reporting period and 7 reports in the current period.

BPC section 5680.05 requires that within 10 days after a judgment by a court of this state that a licensee has committed a crime or is liable for any death, personal or property injury, or loss caused by the license's fraud, deceit, negligence, incompetency, or recklessness in practice, the court which rendered the judgment shall report that fact to the LATC.

Historically, the Board has tried to work with the courts to gain cooperation and compliance with the reporting requirement. However, the Board has not received a report of a judgment from a court. The Board previously requested the California Administrative Office of the Courts to assist in attaining compliance from court clerks. In an effort to address this ongoing issue, the Board has requested its Deputy Attorney General (DAG) liaison to seek assistance to obtain compliance from the courts by disseminating a letter to clerks of the courts reminding them of BPC section 5590. The letter is planned to be released by the end of 2018.

In addition, BPC section 5680 (Renewal of License - Forms) mandates that licensees report on their renewal forms whether they have been convicted of a crime or disciplined by another public agency during the preceding renewal period.

a. What is the dollar threshold for settlement reports received by the board?

As noted above, the dollar threshold for settlement cases received by the LATC is \$5,000.

b. What is the average dollar amount of settlements reported to the board?

The average dollar amount of settlements reported to the LATC during the current reporting period is \$149,000.

37. Describe settlements the board, and Office of the Attorney General on behalf of the board, enter into with licensees.

The Board considers approving stipulated settlements with licensees where appropriate to promote cost effective consumer protection and to expedite disciplinary decisions. In order to enter into a stipulated settlement, the licensee is generally required to admit to the violations set forth in the accusation, have their license placed on probation, submit quarterly probation reports, complete professional education courses directly relevant to the violation(s), and reimburse the Board for its investigative and prosecution costs.

Each proposed stipulated settlement is negotiated by the DAG assigned to the case (in consultation with the Executive Officer), the respondent (licensee or applicant), and the respondent's legal counsel, if represented, and must be accompanied by a memorandum from the DAG addressed to Board members explaining the background of the case and defining the allegations, mitigating circumstances, admissions, and proposed penalty, along with a recommendation for the Board to adopt the stipulated settlement.

- a. What is the number of cases, pre-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

The Board has not settled any disciplinary cases in the past four years prior to the filing of an accusation.

- b. What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

In the past four years, no cases were sent to the Office of the Attorney General.

- c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

N/A

38. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?

The LATC's statute of limitations is defined by BPC section 5661: "All accusations charging the holder of a license issued under this chapter with the commission of any act constituting a cause for disciplinary action shall be filed with the board within three years after the board discovers, or through the use of reasonable diligence should have discovered, the act or omission alleged as the ground for disciplinary action, whichever occurs first, but not more than six years after the act or omission alleged as the ground for disciplinary action. However, with respect to an accusation alleging a violation of Section 5667 (Fraud, Misrepresentation - Obtaining License), the accusation may be filed within three years after the discovery by the board of the alleged facts constituting the fraud or misrepresentation prohibited by Section 5667."

Since FY 2019/20, the LATC has not lost any cases due to the expiration of its statute of limitations. However, the LATC received five cases in which the alleged violation(s) occurred beyond the statute of limitations. As a result of the statute of limitations, the LATC did not take any disciplinary action after its investigation of those settlement cases. These cases involved settlement reports where the landscape architectural services were provided more than six years prior to the receipt of the reports.

39. Describe the board's efforts to address unlicensed activity and the underground economy.

In most cases, consumers, licensees, or other government agencies provide evidence of unlicensed activity to be investigated. The LATC addresses unlicensed activity and advertising by immediately and thoroughly investigating complaints, including reviewing online advertisements for violations, issuing citations with administrative fines for violations, and advising consumers of how to recover their money through small claims court. The Board also refers egregious cases to the Division of Investigation for sworn investigation, if appropriate.

In an effort to address unlicensed practice, the LATC's website contains a document entitled "Permitted Practice for Professionals, Practitioners, and Unlicensed Person," which provides a quick reference regarding the various professionals, practitioners, and unlicensed persons who may offer landscape design services and the permitted scope and/or limitations that pertain to each.

Additionally, on its website, the LATC promotes its Consumer's Guide to Hiring a Landscape Architect to provide information on the practice of landscape architecture and how to choose the right landscape architect for a project. This information contains a number of basic steps that consumers can take to help keep their projects on track. The LATC also promotes the Board's



*Building Official Information Guide* which contains a section on Landscape Architects and provides information regarding the profession.

Lastly, the LATC provides presentations at schools to educate students about the title act and exempt area of practice, thereby helping to prevent future violations.

## **Cite and Fine**

40. Discuss the extent to which the board has used cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the \$5,000 statutory limit?

The citation program provides the LATC with an expeditious method of addressing violations involving unlicensed activity, repeated advertising violations, and the less serious practice or technical violations that have not resulted in substantial financial or physical harm. CCR section 2630, the regulation that authorizes the LATC to issue administrative citations and fines, was last amended in 2006 to: 1) increase the maximum administrative fine to \$5,000; 2) modify the fine ranges for Class A, B, and C violations; and 3) modify the Class A violation to pertain to unlicensed individuals in violation of the Act. The Board is in the process of amending CCR section 2630 to include language clarifying the Board's existing ability to issue orders of corrections to cease unlawful advertising.

For this reporting period, the LATC issued an average of two citations per year. Of those, all included a fine assessment averaging \$1,313.

41. How is cite and fine used? What types of violations are the basis for citation and fine?

As noted above, the citation program provides the LATC with an expeditious method of addressing violations that have not resulted in substantial financial or physical harm. All professional practice complaints and some unlicensed practice complaints recommended for citation are reviewed by an expert. Administrative fines range from \$250 to \$5,000 per violation, depending on prior violations; the gravity of the violation; the harm, if any, to the complainant, client or public; and other mitigating evidence.

The LATC has used the citation program most frequently to cite individuals who have violated the following:

BPC Sections:

- 5616 - Landscape Architecture Contract - Contents, Notice Requirements
- 5640 - Unlicensed Person Engaging in Practice - Sanctions

CCR Section:

- 2670 - Rules of Professional Conduct

Licensees who fail to pay the assessed fines have a "hold" placed on their license record that prevents renewal of the license until the fine is paid.

42. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?

In the last four fiscal years, there have been three informal conferences and no administrative hearings as a result of citation appeals.

43. What are the five most common violations for which citations are issued?

BPC Sections:

- 5616 - Landscape Architecture Contract - Contents, Notice Requirements
- 5640 - Unlicensed Person Engaging in Practice – Sanctions
- 5657 - Filing of Mailing Address – Requirement
- 5671 - Negligence, Willful Misconduct in Practice

CCR Section:

- 2670 - Rules for Professional Conduct

44. What is average fine pre- and post- appeal?

The average pre-appeal fine is \$1,313 and the average post-appeal fine is \$250, with two \$1,000 fines withdrawn.

45. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

The LATC uses the Franchise Tax Board (FTB) Intercept Program to collect unpaid administrative fines from unlicensed individuals and recover dishonored checks. The majority of the LATC's outstanding, unpaid fines are against unlicensed individuals, and Intercept Program provides an additional tool to seek those penalties. Thus far, the success in collecting via this program has not been significant, as the potential sources of recovery are limited to Lottery proceeds, state tax refunds, and unclaimed property.

### **Cost Recovery and Restitution**

46. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.

The LATC seeks cost recovery in all disciplinary cases (i.e., accusations, statements of issues, and petitions to revoke probation). Cost recovery is generally a required term in stipulated settlements. In cases where the respondent is placed on probation, cost recovery is required pursuant to established payment schedules. However, for those cases calling for revocation, costs are often difficult to collect as respondents have fewer financial resources due to the loss of their licenses and no incentive to pay.

47. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

The amount of cost recovery ordered is dependent upon the amount of time spent on the investigation, including the classification of the investigator, and the charges imposed by the Office of the Attorney General up to the date of the hearing, if a stipulated settlement does not occur prior to a hearing.

Since the last reporting period, no accusations have been filed by the Board, however, a previously filed accusation became final in FY 18/19 and resulted in a disciplinary decision of stayed revocation and the license being placed on a 5-year probation with a cost reimbursement of \$4,517.50, which has been paid in full.

48. Are there cases for which the board does not seek cost recovery? Why?

No.

49. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.

The LATC currently utilizes FTB to collect cost recovery.

50. Describe the board’s efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

The LATC has no authority to order restitution outside of a stipulated agreement or an administrative law judge’s proposed decision. Through the LATC’s complaint handling process, the LATC may recommend that a licensee refund a client’s monies or make an adjustment to satisfactorily resolve a complaint involving services provided and fees paid. The LATC has no jurisdiction over fee disputes.

<b>Table 11. Cost Recovery<sup>9</sup></b> (list dollars in thousands)				
	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Total Enforcement Expenditures				
Potential Cases for Recovery *	2	2	1	1
Cases Recovery Ordered	0	0	0	0
Amount of Cost Recovery Ordered	0	0	0	0
Amount Collected	\$1,694.16	\$2,070.40	\$0	\$0
* “Potential Cases for Recovery” are those cases in which disciplinary action has been taken based on violation of the license practice act.				

<b>Table 12. Restitution</b> (list dollars in thousands)				
	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Amount Ordered	0	0	0	0
Amount Collected	0	0	0	0

<sup>9</sup> Cost recovery may include information from prior fiscal years.

## Section 5 – Public Information Policies

51. How does the board use the internet to keep the public informed of board activities? Does the board post board-meeting materials online? When are they posted? How long do they remain on the board's website? When are draft-meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?

The LATC continually updates its website to reflect upcoming LATC and subcommittee meetings and activities, changes in laws or regulations, licensing information, forms, publications, and other relevant information of interest to consumers, candidates, and licensees. Meeting notices are posted to the website at least 10 days prior to a meeting, and the related meeting packet 7 days prior. Committee meeting minutes are posted on the website once officially approved and remain for 100 years, in accordance with the LATC's retention schedule. Draft meeting minutes are posted on the website in the subsequent meeting packet for Committee approval. Other meeting related documents, such as meeting packets, remain on the website for 50 years, also in accordance with the LATC's retention schedule. The LATC continually seeks input from users for items that may be included on the website and makes a specific effort to ensure that our website meets the needs of our constituents.

Other tools used by the LATC to communicate its messages include the eSubscriber list for e-news broadcasts and social media (Twitter, Instagram and LinkedIn).

52. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long do webcast meetings remain available online?

The LATC webcasts its meetings when DCA resources are available. The meetings are held at a variety of locations throughout the state in order to increase public participation. In addition, the LATC has actively engaged with the DCA's Office of Public Affairs to facilitate the webcasting of its Committee and subcommittee meetings and includes notification of webcast availability on its meeting notices. Despite the LATC's active effort to facilitate webcast at each of its meetings, varying technical capabilities of the meeting sites (schools of landscape architecture and public venues) as well as availability of Department personnel to perform the video streaming affect the ability to webcast. Lastly, webcast meetings are uploaded onto the DCA YouTube account and are available online for an indefinite period of time.

In response to the COVID-19 pandemic, public LATC meetings transitioned to online videoconferences and LATC intends to continue to use the WebEx videoconference platform whenever possible.

53. Does the board establish an annual meeting calendar, and post it on the board's web site?

Yes. The LATC establishes a prospective meeting calendar at its last meeting of each year and posts it on the website afterwards. Meetings of subcommittees are also posted to the calendar when the dates are determined by the respective subcommittee chair.

54. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?

The LATC's complaint disclosure policy is consistent with DCA's Recommended Minimum Standards for Consumer Complaint Disclosure. Accusations and disciplinary actions are posted on the LATC's website according to the LATC's records retention schedule.

55. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

California Code of Regulations (CCR) section 2608 requires the LATC to maintain a public information system to provide members of the public with information regarding complaints and disciplinary or enforcement actions against licensed landscape architects and unlicensed persons subject to its jurisdiction.

Information subject to the public information system is disclosed to the public upon request by telephone, in person, or in writing (including fax or email). Information is made available by the LATC in writing or by telephone within 10 days of the request. This information is also available on LATC's website through its license search feature.

The following information is disclosed regarding license status of past and current licensees:

1. Name of the licensee, as it appears on the LATC's records;
2. License number;
3. Address of record;
4. License issue date;
5. License expiration date; and
6. License status and history.

The LATC also discloses the total number of enforcement and disciplinary actions, as well as brief summaries on its website under enforcement actions. It provides the current status of pending complaints (that comply with the criteria for disclosure pursuant to CCR section 2608), accusations, statements of issues, and citations filed by the Board.

56. What methods are used by the board to provide consumer outreach and education?

The LATC provides outreach and education to consumers through a variety of means to ensure effective dissemination of information.

The LATC has the Consumer's Guide to Hiring a Landscape Architect which is a specific publication targeting consumers. This publication is a comprehensive guide for consumers that includes information about the practice of a landscape architect, contract criteria, as well as how to file a complaint.

The LATC also utilizes the Board's *Building Official Information Guide* which is a publication specific for building officials to assist in understanding the laws and regulations governing the practice of architecture and landscape architecture.

A key means of distributing these publications is making them available in city and county building departments. This enables consumers who are researching permit requirements for their projects to have timely information on landscape architects and managing a project. In addition, the LATC posts these publications on its website in order to make them readily available. Further, the LATC has expanded communication to stakeholders by conducting more frequent emails to its e-Subscribers. An example of such notification includes advertisement of the availability of new publications and means by which stakeholders can request hardcopies for their own use or

distribution. The LATC's 2019-2021 Strategic Plan contained an objective to increase its social media presence. Though the LATC has maintained a Twitter account, in 2022, LATC began the process of expanding its social media presence and established new accounts on both Instagram and LinkedIn.

Lastly, the website continues to be a primary focus of LATC efforts, providing the public, licensees, and candidates with a wide range of information. The website provides stakeholders with access to enforcement actions, a license verification tool, newsletters, as well as a comprehensive list of downloadable applications, forms, publications, and instructional materials. In order to increase public attention to the LATC's website, the LATC website has been optimized on search engines for individuals searching for a landscape architect to enhance LATC's ability to reach more consumers interested in using a landscape architect. This has resulted in the LATC's website being a more likely search option in consumers' web searches related to landscape architecture.

The LATC will continue to evaluate these consumer education methodologies and work to identify other effective means to provide information.

57. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?

Technology has been integrated into the landscape architectural profession and continues to provide efficiencies in practice by allowing landscape architects to prepare instruments of service electronically (and outsource their production to online drafting services, as necessary), coordinate with other design professionals, and communicate and share design ideas with clients.

The LATC believes the Landscape Architects Practice Act provides sufficient regulatory control over the use of technology and online practice by landscape architects, as Business and Professions Code (BPC) section 5659 requires the landscape architect's stamp and signature on instruments of service as evidence of the landscape architect's responsibility for those documents. Another important consumer protection tool in this area is the written contract requirement (BPC section 5616), which requires a landscape architect to execute a written contract when providing professional services to a client, with limited exceptions. At this point, technology and online practice have not resulted in an increase in complaints against landscape architects, but the LATC will continue to monitor these issues closely.

However, the prevalence of unlicensed individuals who misrepresent themselves as landscape architects and/or offer landscape architectural services to California consumers via the Internet remains a challenge for the LATC's Enforcement Program. During the current reporting period, unlicensed advertising or activity complaints accounted for approximately 47 percent of all complaints received by the LATC. The Board issues citations with administrative fines to unlicensed individuals who advertise or put out devices (such as Internet advertisements) that might indicate to the public that they are landscape architects or qualified to engage in the practice of landscape architecture, in violation of BPC section 5640.

Many of these unlicensed activity complaints involve consumers who may not be familiar with license requirements or the design and landscape construction process. These consumers often rely on "referral" websites that offer to match them with "prescreened" professionals in their area who have passed the websites' background checks and can provide quotes for requested services. While these websites provide valuable information to consumers, such as ratings and reviews from past clients, they do not guarantee the accuracy, quality, or reliability of the information contained in the professionals' advertisements, and some allow unlicensed individuals to identify themselves as landscape architects and/or offer landscape architectural services to the public without verifying licensure.

Since the last reporting period, the Board has amended the LATC's CCR section 2671 (Public Presentments and Advertising Requirements) to require that all California licensed landscape architects to include their license number in all public presentments in connection with the rendition of landscape architectural services. The intent of this new requirement is to create transparency with consumers and inform them of licensure status. The Board will also continue to focus on consumer outreach and education regarding the licensure requirements when selecting a landscape architect on the Internet.

## Section 7 – Workforce Development and Job Creation

### 58. What actions has the board taken in terms of workforce development?

The LATC strives to remove impediments to licensure and has amended regulations to expand the eligibility requirements for licensure. In 2022, amendments to CCR sections 2615 (Form of Examinations) and 2620 (Education and Training Credits) became effective, which grant candidates two years of education credit for an accredited degree in civil engineering or architecture, one-year of credit for any bachelor's degree, and up to six years of training credit for qualifying landscape architectural experience. Prior to this regulatory change, candidates were required to hold a landscape architectural degree or certificate, or an accredited architecture degree to qualify for licensure. By expanding these pathways, the LATC hopes to achieve more opportunities for individuals to become licensed landscape architects.

The LATC is currently pursuing additional amendments to CCR section 2615 that would 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. Presently, these candidates may take two of the four LARE sections prior to completing the experience requirement. By allowing additional early entrance to the examination, the LATC hopes to achieve more opportunities for individuals to become licensed landscape architects. The rulemaking package was submitted to the Office of Administrative Law (OAL) to publish Notice of the 45-day comment period from May 5, 2023, through June 20, 2023. The final rulemaking package was submitted to OAL for review on TBD.

Additionally, the LATC maintains its website ([latc.ca.gov](http://latc.ca.gov)), which contains easy-to-understand information about licensing requirements and other related issues. Staff provides presentations regarding licensure at the accredited and approved schools of landscape architecture.

Furthermore, LATC has opposed a provision of CLARB's recently adopted Uniform Licensure Standard. CLARB has pushed for all jurisdictions to implement the standard, so that licensure requirements are the same in each jurisdiction. One of those standards provides for a total of eight years of required experience for individuals seeking to be license through experience only. LATC's recently established experienced only path requires six years of experience, and LATC does not support an increase in the required number of years, due to the burden this would place on candidates using this licensure pathway, and absent any justification.

### 59. Describe any assessment the board has conducted on the impact of licensing delays.

No formal studies have been conducted. However, LATC management has been very proactive in directing the workload of staff to avoid or reduce delays in processing applications and mitigating any impact to the workforce.

### 60. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

The LATC is proactive in working with chairs, deans and students of landscape architectural programs to convey information on the licensing requirements in California. The LATC supplements this effort by holding Committee meetings at schools' campuses. Student outreach seminars are also conducted at campuses to explain licensing requirements. Additionally, at the commencement of the school year, the LATC, through the chairs and deans of the landscape architectural colleges, sends a letter introducing itself and explaining its role to students. A similar



related letter is disseminated at the end of the school year. The LATC believes that these efforts pay dividends by helping students become licensed more efficiently, which saves candidates time and money.

In June 2022, CCR section 2620 was amended to expand the education and training credit standards for a candidate to qualify as a landscape architect. The regulatory amendments established credit for accredited civil engineering degrees, increased credit granted for accredited architecture degrees, and provided for training/practice experience-only pathways to examination. The LATC issued letters to the chairs and deans of California landscape architectural colleges to inform potential licensees of these new pathways to licensure.

At its April 2023 meeting, the LATC had a presentation from the Department of Consumer Affairs' Office of Professional Examination Services (OPES) of low pass rates among California exam candidates. As part of that presentation, one school was identified with lower-than-average pass rates. LATC notified the school of its findings.

In July 2023, LATC participated in a webinar with the American Society of Landscape Architects Southern California Chapter on the transition to a new format for the LARE and LATC Eligibility Procedures.

61. Describe any barriers to licensure and/or employment the board believes exist.

The LATC proactively strives to expand its pathways to licensure such that there are more opportunities for potential candidates to qualify for licensure.

62. Provide any workforce development data collected by the board, such as:

a. Workforce shortages

No data is available. However, it should be noted there is anecdotal information to suggest that when the economy is strong, firms experience difficulty hiring new landscape architects.

b. Successful training programs.

No data is available.

63. What efforts or initiatives has the board undertaken that would help reduce or eliminate inequities experienced by licensees or applicants from vulnerable communities, including low- and moderate-income communities, communities of color, and other marginalized communities, or that would seek to protect those communities from harm by licensees?

At its April 2023 meeting the LATC had a presentation from the American Society of Landscape Architects Diversity x Landscape Architecture Program. The Program recommended LATC consider collecting demographic data on landscape architects and set specific goals related to diversity, equity and inclusion to ensure there is no bias in the testing program. LATC is reviewing these suggestions.

As mentioned above, effective June 2022, CCR sections 2615 and 2620 were amended to expand experience and education pathways to licensure and reduce unnecessary barriers to the landscape architect profession for qualified individuals. Specifically, the amendments to section 2620(a) provide credit for a candidate with an accredited civil engineering degree, any bachelor's degree, experience supervised by a licensed landscape contractor, as well as an experience-only pathway.

## Section 8 – Current Issues

64. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

N/A

65. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

CPEI was launched in an effort to overhaul the enforcement processes of DCA healing arts boards and bureaus. The LATC strives to achieve the performance measures outlined in CPEI, such as the goal to complete all investigations within an average of 270 days. In addition, the LATC continues to report to DCA on a quarterly basis the success in meeting the applicable enforcement goals of CPEI. The LATC is exceeding expectations by closing complaints within an average of 100 days.

66. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

a. Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?

The LATC is not using the BreEZe platform. The LATC was originally in the BreEZe Release 3 and has not submitted any change requests during this reporting period.

b. If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board's understanding of Release 3 boards? Is the board currently using a bridge or workaround system?

The LATC is in the process of transitioning to a new licensing and enforcement platform (Connect). The first release occurred on May 23, 2023, and included automation of the Eligibility Application, California Supplemental Exam Application, and Initial License Application. The second release will include automation of the Certification of Experience and Reciprocity Applications. During the transition, the LATC is using a workaround system.

**Section 9 –  
Board Actions and Responses to COVID-19.**

67. In response to COVID-19, did the board take any steps or implement any policies regarding licensees or consumers? Has the board implemented any statutory revisions, updates or changes that were necessary to address the COVID-19 Pandemic? Any additional changes needed to address a future State of Emergency Declaration.

During the COVID-19 pandemic, public LATC meetings transitioned to online videoconferences and LATC intends to continue to use the WebEx videoconference platform whenever possible.

## Section 10 – Board Action and Response to Prior Sunset Issues

Include the following:

1. Background information concerning the issue as it pertains to the board.
2. Short discussion of recommendations made by the Committees during prior sunset review.
3. What action the board took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the board has for dealing with the issue, if appropriate.

### **ISSUE #1: LATC has only professional committee members.**

**Background:** DCA boards are comprised of a mix of professional and public members so that consumers' interests are represented in the regulation of professional licensing. In contrast, LATC has only professional members. However, LATC exists as a committee of the Board, which itself is comprised of public and professional members, who ultimately vote on LATC proposals.

While the Committee has not raised any consumer-related issues with respect to this structure, the Committee may wish to consider whether adding consumers could be beneficial to their discussions.

**Staff Recommendation:** The Committee may wish to discuss whether adding consumers to the Committee would be a benefit.

### **LATC Response:**

The LATC does not have a concern with this proposal but would like the opportunity to discuss it further. The LATC does believe the current structure provides for public input and oversight, as the LATC's recommendations are acted upon by the Board, which has public members. We would also note that adding an additional member would result in an even number of Committee members.

### **2023 Updated LATC Response:**

As part of its current Strategic Plan, the LATC has an objective to research the economic and consumer protection impact of re-establishing the Landscape Architect 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. At its April 2023 meeting, the LATC discussed and determined they would continue to explore the possibility of a merger. The Board discussed at its May 2023 meeting and provided comments to LATC, which will continue to review.

### **ISSUE #2: The “written contract requirement” provisions of law need updating.**

**Background:** The Committee indicates that its “written contact requirement” is one of its most important consumer protection tools. Current law requires a landscape architect's written contract to:

1. Describe the services to be provided by the landscape architect to the client;
2. Describe the basis of compensation, including total cost and method of payment;
3. Include a notice that reads, “Landscape architects are licensed by the State of California”;
4. Identify by name and address the client and the landscape architect, including the landscape architect's license number;

5. Describe the procedure to accommodate additional services; and
6. Describe the procedure to be used by both parties to terminate the contract.

The Board has investigated many consumer complaints related to contracts, and LATC's experts in the Enforcement Program have identified several potential improvements to the current law.

Many of the disputes stemmed from misunderstandings of the project description and/or failure to manage changes in the project description during the design process. The description of the project has direct bearing on the design services required, compensation related to those services, and the project budget and schedule. Without a defined project description, it is often unclear whether the project is on track to meet expectations and project requirements established by the client and the architect.

According to the Rules of Professional Conduct, landscape architects are prohibited from materially altering the scope or objective of a project without first fully informing the client and obtaining the client's consent in writing.<sup>10</sup> However, landscape architects are not currently required to define the project description in their written contracts. Therefore, it can be difficult for the client or landscape architect to determine when the project description has been materially altered if it has not first been defined and agreed upon in the written contract.

The Board has also received complaints and questions from consumers regarding the ownership and use of an architect's instruments of service. Current law prohibits the use of an architect's instruments of service without the consent of the architect in a written contract, written agreement, or written license specifically authorizing that use.<sup>11</sup> However, architects are not currently required to include a provision addressing the ownership and use of their instruments of service in their written contracts with clients. Therefore, clients are often unaware of each party's rights with respect to the architect's instruments of service.

The LATC is proposing to clarify current law to include the following elements in landscape architects' written contracts:

1. A description of the project for which the client is seeking services;
2. The project address;
3. A description of the procedure that the landscape architect and the client will use to accommodate contract changes, including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and method of payment; and
4. A statement identifying the ownership and use of instruments of service prepared by the landscape architect.
5. A clarification that landscape architects are licensed by LATC.

The LATC expects this proposal to benefit consumers and landscape architects by providing enhanced transparency for contracted parties, thereby reducing the number of disputes related to project description disagreements, unauthorized changes made to the project during the design process, and/or the ownership and use of instruments of service.

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<sup>10</sup> Title 16, California Code of Regulations, § 2760(d)

<sup>11</sup> BPC § 5536.4

**Staff Recommendation:** *Amend the law as proposed by the LATC.*

**LATC Response:**

The LATC supports this recommendation and suggests consideration of a delayed implementation, until July 1, 2020, to provide for adequate outreach to licensees about the revised requirements. The LATC would like to note that it will be conducting an occupational analysis in FY 19-20, and as part of that process will be contacting all licensees and will use that opportunity to inform them of any changes to the written contract requirements.

**2023 Updated LATC Response:**

The LATC has implemented these changes and believes they have been beneficial.

**ISSUE #3:**

**Background:** Currently, CAB allows the EO to approve settlement agreements for revocation or surrender of a license. The Committee, however, does not, which requires a licensee surrendering a license to appear before the Board at one of its quarterly meetings. Aligning the EO duties for both regulating entities would streamline discipline and conform with the LATC's strategic objective to align its practices with the Board.

**Staff Recommendation:** *Adopt language approved by the Committee to allow the EO to approve settlement agreements for revocation or surrender of a license.*

**LATC Response:**

The LATC agrees with the staff recommendation.

**2023 Updated LATC Response**

The Board and LATC have implemented these changes.

**ISSUE #4: (CONTINUED REGULATION BY THE LATC) Should the licensing and regulation of landscape architects be continued by the Committee, through the CAB?**

**Background:** Clients and the public are best protected by strong regulatory boards with oversight of licensed professions. LATC has proven to be a competent steward of the landscape architect profession and should be continued with a four-year extension of its sunset date.

**Staff Recommendation:** *The licensing and regulation of landscape architects should continue to be regulated by the Committee, and it should be reviewed again in four years.*

**LATC Response:**

The LATC concurs with the staff recommendation.

**2023 Updated LATC Response:**

The LATC continues to support this recommendation.

## Section 11 – New Issues

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues raised under prior Sunset Review that have not been addressed.
2. New issues identified by the board in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committees.

### Approval of Plans:

On September 7, 2010, a legal opinion was issued to the Landscape Architects Technical Committee (LATC) from their DCA legal counsel at the time, regarding whether a local government agency had the authority to refuse to accept plans and specifications prepared and stamped by a landscape architect that is within the scope of practice of a landscape architect. The legal opinion determined that the landscape architect may not be lawfully prohibited from preparing plans and specifications that fall within the scope of practice of a landscape architect pursuant to Business and Professions Code (BPC) 460. Since the legal opinion was issued, the LATC has continued to receive inquiries on whether local jurisdictions can refuse to accept plans, specifications, and other instruments of service prepared, and stamped, by a licensed landscape architect within the scope of practice of their profession. It is not clear on what grounds local jurisdictions have in rejecting landscape architectural plans, specifications, and instruments of service prepared by a landscape architect.

LATC proposes amending BPC § 5659 to coincide with BPC § 460 by adding language specifically referencing landscape architects to prevent local government entities from prohibiting a licensed landscape architect from engaging in the practice of landscape architecture while also allowing those entities to adopt or enforce local ordinances.

### License Renewal – Five Years After Expiration

BPC Section 5680.2 provides that a license that is not renewed within five years of its expiration date may not be renewed, and that the holder of the expired license may apply for and obtain a new license if no fact justifies revocation or suspension of a valid license, the person pays the required fees and takes and passes the current California Supplemental Examination. The Board would like to clarify that a person whose license has been expired for more than 5 years must comply with the requirements for issuance of a new license.

BPC 5680.2 A license that is not renewed within five years after its expiration may not be renewed, restored, reissued, or reinstated thereafter, but the holder of the expired license may apply for and obtain a new license if: they pay all of the fees, and meet all of the requirements set forth in this chapter for obtaining an original license.

~~(a) No fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension.~~

~~(b) The holder of the expired license pays the fees required of new applicants.~~

~~(c) The holder of the expired license takes and passes the current California Supplemental Examination.~~

#### Email Address

In order to maximize use of the Board's online system for license application and renewal, the Board would like to require licensees to maintain the email address they have on file with the Board.

#### **5658. Filing of Electronic Mail Address - Requirement**

(a) Each applicant for examination or licensure who has a valid email address shall report to the board that email address at the time of application.

(b) Each licensee who has a valid email address shall report to the board or verify that email address at the time of renewal.

(c) Email addresses provided to the board pursuant to this chapter shall not be considered a public record and not subject to public disclosure.

#### Technical Changes:

LATC has identified several code sections that could be updated to include gender neutral references.

5640(b)(d), 5641.3, 5641.4.



## Section 12– Attachments

Please provide the following attachments:

- A. Board's administrative manual.
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).
- C. Major studies, if any (cf., Section 1, Question 4).
- D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 2, Question 15).
- E. Provide each quarterly and annual performance measure report for the board as published on the DCA website
- F. Provide results for each question in the board's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

## **AGENDA ITEM L: REVIEW OF FUTURE LATC MEETING DATES**

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

<u>Date</u>	<u>Event</u>	<u>Location</u>
November 17	LATC Meeting	Teleconference
December 1	Board Meeting	Teleconference