

Sunset Review Report 2018



LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

2018 Sunset Review Report

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LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

Section 1 – Background and Description of the LATC and Regulated Profession

Provide a short explanation of the history and function of the Landscape Architects Technical Committee (LATC). Describe the occupations/profession that are licensed and/or regulated by the LATC (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 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, three Canadian Provinces, and Puerto Rico regulate the practice of landscape architecture.
- Of the 54 jurisdictions, 47 have practice acts and 7 have title acts only. California has both a practice and title act.
- There are more than 16,400 licensed landscape architects in the United States.
- More than 21 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.

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 16,400 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 regulates 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 LATC’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.

The **Education/Experience Subcommittee** (Subcommittee) was charged with reviewing informational tools and data relevant to California’s current landscape architecture licensure requirements and various licensure pathways in other states. Thereafter, the Subcommittee was charged with issuing a recommendation to the LATC for expanded pathways to licensure and amendment of California Code of Regulations (CCR) section 2620 to define and prescribe allowable credit for the following new pathways: 1) acceptance of degrees related to landscape architecture, 2) acceptance of non-related degrees, and 3) an experience-only pathway to licensure. On November 2, 2017, the LATC reviewed the Subcommittee’s recommendations and accepted them with the exception of the Subcommittee’s proposal to allocate credit toward designated non-accredited related degrees and any associates degree. On December 7, 2017, the Board approved the proposed

amendments to CCR section 2620. Following this approval, it was determined that minor, additional edits were needed to CCR section 2620 for the purpose of consistency in the language. The Committee reviewed and approved these edits during its meeting on May 4, 2018. During this meeting, the Committee also determined that further research related to the LATC's Certification of Experience form was needed in order to explore how the LATC can better structure the experience a candidate gains to prepare for licensure. Thereafter, at their meeting on July 20, 2018, the Committee reviewed staff's research on other states' verification of candidate experience and determined that no additional amendments were necessary to the Certification of Experience form nor CCR section 2620. The proposed amendments were then approved by the Board on September 12, 2018. Barring no additional changes to CCR section 2620, the LATC anticipates initiating the rulemaking process with the Office of Administrative Law (OAL) by the end of 2018.

An organizational chart of the LATC's current committee structure is provided below:



Table 1a. Committee Member Attendance (July 1, 2014 – June 30, 2018) Includes current and prior members. Length of time serving varies depending on remainder of term available at time of appointment.

Andrew Bowden			
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 Expires: 6/1/2019]			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	Yes
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	Yes
LATC Meeting	8/6/2015	Sacramento	Yes
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	Yes
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	Yes
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	Yes

Nicki Johnson			
Date Appointed: 5/24/2012 [Term Expired: 6/1/2014]			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	Yes
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	Yes

Stephanie Landregan			
Date Appointed: 5/11/2006 [Term Expired: 6/1/2010]			
Date Re-appointed: 12/10/2010 [Term Expired: 6/1/2014]			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	Yes

Susan M. Landry			
Date Appointed: 4/19/2018 [Term Expired: 6/1/2018]			
Date Re-appointed: 7/25/2018 [Term Expires: 6/1/2022]			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting	5/4/2018	Sacramento	Yes

Katherine Spitz			
Date Appointed: 5/24/2012 [Term Expired: 6/1/2016]			
Resigned: 5/14/2015			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	No
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	No

David Allan Taylor, Jr.			
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 (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10-11/2015	Pomona	Yes
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	Yes
LATC Meeting	8/6/2015	Sacramento	Yes
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	No
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	No
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	No

Patricia Trauth			
Date Appointed: 6/1/2015 [Term Expired: 6/1/2018]			
Date Re-Appointed: 6/8/2018 [Term Expires: 6/1/2022]			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting	8/6/2015	Sacramento	Yes
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	Yes
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	Yes
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	Yes

Marq Truscott			
Date Appointed: 9/1/2015 [Term Expired: 6/1/2016]			
Date Re-appointed: 6/9/2016 [Term Expires: 6/1/2020]			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	Yes
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	Yes
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	Yes

Table 1b. Board/Committee Member Roster Includes current and prior members. Length of time serving varies depending on remainder of term available at time of appointment. (As of November 30, 2018)					
Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Patricia Trauth, Chair	6/1/2015	6/8/18	6/1/2018 6/1/2022	Governor	Landscape Architect
Marq Truscott, Vice Chair	9/1/2015	6/9/2016	6/1/2016 6/1/2020	Governor	Landscape Architect
Andrew Bowden	1/17/2008	5/24/2012 6/1/2015	6/10/2010 6/1/2015 6/1/2019	Governor	Landscape Architect
Nicki Johnson	5/24/2012	N/A	6/1/2014	Governor	Landscape Architect
David Allan Taylor, Jr..	6/25/2008	6/1/2010 6/4/2014	6/1/2010 6/1/2014 6/1/2018	Senate Rules Committee	Landscape Architect
Susan M. Landry	4/19/2018	7/25/2018	6/1/2018 6/1/2022	Speaker of the Assembly	Landscape Architect

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

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

3. Describe any major changes to the LATC 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 January 2013, 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 May 2013, OPES initiated the OA process and finalized the OA report in May 2014. As part and parcel of the OA process, OPES conducted a Landscape Architect Registration Examination (LARE) review and linkage study in November 2014 that compared the content of the 2014 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.

The LATC has since contracted with OPES to prepare a new CSE form every year, using the examination plan contained in the 2014 OA as the basis. As a result, LATC developed and administered new CSE forms in 2015, 2016, 2017, and 2018.

Proposal to Expand Initial Pathways to Licensure

The LATC appointed the Education/Experience Subcommittee (Subcommittee) to issue a recommendation to the LATC that expands pathways to licensure and enables amendments of California Code of Regulations (CCR) section 2620 to define and prescribe allowable credit for the following new pathways: 1) acceptance of degrees related to landscape architecture, 2) acceptance of non-related degrees, and 3) an experience-only pathway to licensure. On November 2, 2017, the LATC reviewed the Subcommittee's recommendations and accepted all but two recommendations with minor changes. The Subcommittee's proposals not accepted by the LATC were recommendations to allocate credit toward designated non-accredited related degrees and any associate degree. On December 7, 2017, the California Architects Board approved the proposed amendments to CCR section 2620. Following this approval, it was determined that minor, additional edits were needed to CCR section 2620 for the purpose of consistency in language. The Committee reviewed and approved these edits during its meeting on May 4, 2018. During this meeting, the Committee also determined that further research related to the LATC's Certification of Experience form was needed in order to explore how the LATC can better structure the experience a candidate gains to prepare for licensure. Thereafter, at their meeting on July 20, 2018, the Committee reviewed staff's research on other states' verification of candidate experience and determined that no additional amendments were necessary to the Certification of Experience form nor CCR section 2620. The proposed amendments were then approved by the Board on September 12, 2018. Barring no additional changes to CCR section 2620, the LATC anticipates initiating the rulemaking process with OAL by the end of 2018.

Collection Agency Contract

The Board's current Strategic Plan contains an objective to measure the effectiveness of the Board's citation collection methods as a means of protecting future consumers. Likewise, the LATC's current Strategic Plan includes an objective to contract with collection agencies to pursue and recover unpaid citations from unlicensed individuals. Accordingly, the Board and LATC are currently collaborating with DCA to execute a contract with a collection agency, through the informal solicitation method (Government Code section 14838.5), 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 Board and LATC anticipate execution of this contract by early 2019.

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 commenced the development of its 2019-2020 Strategic Plan in December 2018.

Leadership and Personnel

The LATC experienced a leadership change for its Program Manager during this reporting period. LATC has also experienced transitional changes as staff promoted to outside agencies.

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

Assembly Bill (AB) 177 (Bonilla, Chapter 428, Statutes of 2015) extends the effective date of the Landscape Architects Technical Committee from January 1, 2016 to January 1, 2020.

AB 507 (Olsen, 2015) [BreEZe] would have added Business and Professions Code (BPC) section 210.5 to require DCA to submit an annual report to the Legislature and the Department of Finance regarding the BreEZe system. The author opted to not move the bill forward, as comprehensive reporting on BreEZe will be more appropriate when it is fully implemented.

AB 1005 (Calderon, 2017) [Orders of Abatement] would have amended BPC section 125.9 to require a citation containing an order to pay an administrative fine to contain an order of abatement, fixing a period of no fewer than 30 days for abatement of the violation before the administrative fine becomes effective. The bill did not advance.

AB 2138 (Chiu and Low, Chapter 995, Statutes of 2018) [Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction] authorizes a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been convicted of a crime only if the applicant or licensee is presently incarcerated or if the conviction, as defined, occurred within the preceding seven years, except for serious felonies, and would require the crime to be substantially related to the qualifications, functions, or duties of the business or profession. The bill prohibits a board from denying a person a license based on the conviction of a crime, or on the basis of acts underlying a conviction for a crime, if the conviction has been dismissed or expunged, if the person has provided evidence of rehabilitation, if the person has been granted clemency or a pardon, or if an arrest resulted in a disposition other than a conviction.

AB 2483 (Voepel, 2018) [Indemnification of Public Officers and Employees: Antitrust Awards] would have required a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board within the DCA for an act or omission occurring within the scope of the member's official capacity as a member of that regulatory board. The bill did not advance.

Senate Bill (SB) 850 (Block, Chapter 747, Statutes of 2014) authorized community colleges to establish baccalaureate degree pilot programs at campuses to be determined by the Chancellor of California Community Colleges.

SB 704 (Gaines, Chapter 495, Statutes of 2015) established an additional provision of the Government Code wherein appointed members of unelected boards or commissions would be permitted to recuse themselves from decisions on contracts in which they have a financial interest.

SB 1195 (Hill, 2016) [Board Actions: Competitive Impact] would have granted the DCA Director authority to review any board decision or other action to determine whether it unreasonably restrains trade. The bill was referred to the Senate inactive file.

SB 800 (Committee on Business, Professions and Economic Development, Chapter 573, Statutes of 2017) authorizes a license to be renewed within five years of its expiration and prohibits a license that is expired for more than five years from being renewed, restored, reissued, or reinstated. Rather, the holder of the expired license would apply for a new license.

SB 247 (Moorlach, 2017) [Professions and Vocations: License Requirement: Business: Surety Bond Requirement] would have repealed occupational licensing requirements. The bill failed passage in the Senate Business, Professions and Economic Development Committee and did not advance.

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. SB 984 is with the Assembly Appropriations Committee.

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.

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.

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

A number of relevant regulatory changes have been enacted or proposed since the last Sunset Review. These changes are listed below.

Application for Examination (CCR section 2610) – Effective April 2015, CCR section 2610 was amended to increase the amount of time that candidates have to apply for the LARE, and change the registration deadline to be consistent with LATC’s current application processing timeframe. This proposal also has the potential to expedite the pathway to licensure for prospective licensees.

Education and Training Credits (CCR section 2620) – Effective January 2017, CCR section 2620 was amended to add new subsection 2620(a)(13) to allow candidates to gain up to one year of training/ practice credit for teaching in an approved or non-approved landscape architecture degree program or an associate landscape architecture degree program, under the supervision of a licensed landscape architect.

Fees (CCR section 2649) – Effective July 2017, CCR section 2649 was amended to extend the temporary renewal fee reduction to continue at \$220 between July 1, 2017 and June 30, 2019.

Reciprocity (CCR section 2615) – In September 2016, the LATC initiated a regulatory proposal that would amend CCR section 2615(c)(1) by adding a provision requiring candidates applying for California licensure based on licensure in another jurisdiction to submit verifiable documentation to the LATC that they possess both education and experience equivalent to that required of California applicants or, if they do not meet the education requirement, that they hold a current license in good standing in another jurisdiction where they have been actively engaged in the profession for at least 10 of the last 15 years. In response to this regulatory

proposal, staff received 296 public comments, many of which were not supportive of the proposal. Thereafter, the LATC determined that reciprocity requirements should mirror the initial licensure requirements. As the regulatory package was not consistent with initial licensure requirements, at the advice provided by DCA legal counsel, the LATC elected to not pursue this regulatory change to CCR section 2615.

Reciprocity, Education, and Training Credits (CCR sections 2615 and 2620) – The LATC is pursuing a regulatory change to amend CCR sections 2615 and 2620 to mirror its expanded licensure pathways and reciprocity requirements with those already used by the Board. Specifically, proposed amendments to section 2620(a) will expand pathways for licensure to 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. The LATC anticipates commencing the rulemaking process by the end of 2018.

Expired License (CCR sections 2624 and 2624.1) – The LATC is pursuing a regulatory change to repeal CCR sections 2624 and 2624.1 as they no longer are supported by statute due to amendments made to Business and Professions Code sections 5680.1 (Expired License – Renewal) and 5680.2 (License Renewal – Three Years After Expiration) effective January 1, 2018. These amendments allow an expired license holder to renew his/her license within five years of its expiration; and, an expired license holder, whose license is not renewed within five years after its expiration, to pay the fees required of new applicants and pass the CSE. The LATC anticipates commencing the rulemaking process by the end of 2018.

Disciplinary Guidelines (CCR section 2680) – The LATC is pursuing a regulatory change to amend CCR section 2680 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).

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

In 2017, the LATC began reviewing existing education and training requirements for licensure to ensure that there are no barriers to the landscape architect profession for qualified individuals. Staff collected initial research via two public forums, held on March 17, 2017 and April 18, 2017 in northern and southern California, to obtain stakeholder feedback about the expansion of existing licensure requirements. This feedback contributed to the LATC’s pursuit of regulatory changes to create more opportunities for licensure.

In October 2017, the LATC held an Education/Experience Subcommittee (Subcommittee) meeting to evaluate and issue a recommendation to the LATC regarding increased pathways to licensure. To prepare for this meeting, staff conducted extensive research in order to provide the Subcommittee with data to guide their recommendation. This data included examination content areas for the CSE and the LARE, as well as the accreditation requirements for degrees in landscape architecture, architecture, and civil engineering. In addition, staff collected data on other states’ licensing requirements. This included a reporting on which states allow for degrees in fields related to landscape architecture, baccalaureate degree requirements, associate degree requirements, and experience-only.

On November 2, 2017, the LATC considered the Subcommittee’s recommendations and proposed amendments to CCR section 2620. The LATC made a recommendation for the Board’s approval to expand the pathways to licensure that include related degrees (accredited architecture and civil engineering degrees), non-related baccalaureate degrees, an experience-only pathway, and experience supervised by a landscape contractor. The Board approved these proposed amendments to CCR section 2620 during its meeting on December 7, 2017.

Following the Board's approval, it was determined that minor, additional edits were needed to CCR section 2620 for the purpose of consistency in language. The Committee reviewed and approved these edits during its meeting on May 4, 2018. During this meeting, the Committee also determined that further research related to the LATC's Certification of Experience form was needed in order to explore how the LATC can better structure the experience a candidate gains to prepare for licensure. Thereafter, at their meeting on July 20, 2018, the Committee reviewed staff's research on other states' verification of candidate experience and determined that no additional amendments were necessary to the Certification of Experience form nor CCR section 2620. The proposed amendments were then approved by the Board on September 12, 2018. Barring no additional changes to CCR section 2620, the LATC anticipates initiating the rulemaking process with OAL by the end of 2018.

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

- Does the LATC'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 LATC participates.

None.

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

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

CLARB Annual Meeting

September 17-19, 2015 (New Orleans, LA)

September 22-24, 2016 (Philadelphia, PA)

September 14-16, 2017 (Boise, ID)

- If the LATC is using a national exam, how is the LATC 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 Exam Writing Committee. Currently, there are three California participants on CLARB's Exam Writing Committee.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of December 1, 2018

Section 2 – Performance Measures and Customer Satisfaction Surveys

6. Provide each quarterly and annual performance measure report for the LATC as published on the DCA website.

The LATC's quarterly performance measure reports for the last four years (quarters three and four of FY 2017/18 not available at time of report) are attached (cf., Section 12, Attachment E).

7. Provide results for each question in the LATC's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

The LATC is committed to providing exemplary customer service to its stakeholders. To assist the LATC in fulfilling this commitment, it utilizes customer satisfaction surveys directed to its key constituents. The LATC performs customer satisfaction surveys of consumers including those who have filed complaints against landscape architects/unlicensed individuals and of individuals seeking or renewing a license to practice landscape architecture in California. A majority (70 percent) of the responses to the survey demonstrate that individuals are satisfied or very satisfied with the services provided by the LATC (non-applicable responses excluded).

The LATC distributes its customer satisfaction survey in the following manner:

- Visible link near top of LATC's website;
- Link included in all outgoing staff emails; and
- Link included in all LATC subscriber list emails.

In addition, the LATC is partnering with DCA's Communications Division to identify options by which to expand its social media presence. The LATC anticipates that this enhanced web presence could also create additional opportunities for stakeholder interactions and, accordingly, means by which to solicit customer satisfaction survey feedback.

Constituents who respond to the surveys may also provide written comments regarding the various functions of the LATC. The comments provide management an opportunity to obtain qualitative feedback from constituents and ensure exemplary customer service.

To increase the response rate, the LATC recently implemented distribution of the survey to all newly licensed individuals when mailed their license certificate. The LATC will continue to research additional methods to increase response rates and provide exemplary service to its stakeholders. This is an important component to the LATC's mission and strategic goals.

	FY 2017–2018	Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contact with us, how would you rate the responsiveness and effectiveness of staff who assisted you?	0	2	1	1	1	3
2.	When you visited our website, how would you rate the ease of locating information?	0	3	2	2	0	1
3.	When you visited our website, how would you rate the usefulness of the provided information?	0	2	2	1	1	2
4.	If you submitted an application, how would you rate the timeliness of processing your application?	0	2	1	0	0	4
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?	1	0	2	0	1	4
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?	0	2	0	0	0	6
7.	Were you satisfied with the overall service provided by the LATC?	0	3	1	0	0	4
	Total:	1	14	9	4	3	24

	FY 2016–2017	Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contact with us, how would you rate the responsiveness and effectiveness of staff who assisted you?	3	2	0	0	1	1
2.	When you visited our website, how would you rate the ease of locating information?	0	2	2	3	0	0
3.	When you visited our website, how would you rate the usefulness of the provided information?	0	2	2	2	0	1
4.	If you submitted an application, how would you rate the timeliness of processing your application?	0	0	0	0	0	7
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?	0	0	0	0	0	7
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?	0	0	0	0	0	7
7.	Were you satisfied with the overall service provided by the LATC?	2	1	1	2	0	1
	Total:	5	7	5	7	1	24

	FY 2015–2016	Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contact with us, how would you rate the responsiveness and effectiveness of staff who assisted you?	6	2	1	1	2	2
2.	When you visited our website, how would you rate the ease of locating information?	5	4	4	1	0	0
3.	When you visited our website, how would you rate the usefulness of the provided information?	4	5	1	2	1	0
4.	If you submitted an application, how would you rate the timeliness of processing your application?	3	0	2	2	1	6
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?	2	0	1	1	2	8
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?	1	0	1	0	2	10
7.	Were you satisfied with the overall service provided by the LATC?	4	3	2	1	3	1
	Total:	25	14	12	8	11	27

	FY 2014–2015	Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contact with us, how would you rate the responsiveness and effectiveness of staff who assisted you?	5	1	2	0	4	2
2.	When you visited our website, how would you rate the ease of locating information?	1	4	3	3	1	1
3.	When you visited our website, how would you rate the usefulness of the provided information?	2	3	4	3	1	1
4.	If you submitted an application, how would you rate the timeliness of processing your application?	1	0	3	0	2	7
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?	0	0	1	0	3	8
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?	0	0	1	0	3	8
7.	Were you satisfied with the overall service provided by the LATC?	3	4	2	0	4	1
	Total:	12	12	16	6	18	28

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of December 1, 2018

Section 3 – Fiscal and Staff

Fiscal Issues

- 8. Is the LATC's fund continuously appropriated? If Yes, please cite the statute outlining this continuous appropriation.**

No.

- 9. Describe the LATC'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) 2017/18 is \$1,751,000 (19.2 months in reserve). The estimated current spending level for 2018/19 is \$1,033,000. The LATC's fund condition is shown below in Table 2, identifying fund balance and expenditure levels. In addition, due to Landscape Architect Registration Examination and California Supplemental Examination savings, the LATC's request for spending authority reduction in the form of a Baseline Budget Adjustment was approved in the amount of \$200,000 for FY 2015/16 and ongoing.

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

In 2015, the LATC implemented a temporary license renewal fee-reduction for FY 2015/16 through 2016/17 to maintain an appropriate fund balance. The LATC promulgated an additional regulatory amendment to continue the fee reduction for FYs 2017/18 through 2018/19. The LATC is committed to continue monitoring its fund condition and, in consultation with DCA Budget Office, has determined the next appropriate step to maintain its current, decreased fund condition is to allow the renewal fee to revert back to the full amount (\$400) beginning July 1, 2019.

Table 2. Fund Condition

(Dollars in Thousands)	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18 ²	FY 2018/19 ¹	FY 2019/20 ¹
Beginning Balance (Includes Prior Year Adjustments)	\$2,524	\$2,521	\$2,299	\$2,102	\$1,751	\$1,170
Revenues and Transfers	\$787	\$540	\$519	\$517	\$512	\$836
Total Resources	\$3,311	\$3,061	\$2,818	\$2,619	\$2,263	\$2,006
Budget Authority	\$1,192	\$1,019	\$972	\$1,009	\$1,033	\$1,054
Expenditures (Includes Direct Fund Assessments)	\$773	\$751	\$716	\$868	\$1,093	\$1,115
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
Fund Balance	\$2,538	\$2,310	\$2,102	\$1,751	\$1,170	\$891
Months in Reserve	40.6	38.7	23.8	19.2	12.6	9.4

¹ Projected to spend full budget.

² Estimated. Year-end figures expected to be available in March 2019 due to DCA's transition to FISCal.

11. Describe the history of general fund loans. When were the loans made? When have payments been made to the LATC? 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.

12. 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 LATC 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 23% of its budget on the enforcement program, 24% on the examination program, 23% on the licensing program, 5% on administration, and 25% on DCA pro rata. (Note: percentages differ slightly from last reporting period due to pro rata costs dispersed among the programs.)

Table 3. Expenditures by Program Component

(list dollars in thousands)

	FY 2014/15		FY 2015/16		FY 2016/17		FY 2017/18 ¹	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$114	\$59	\$113	\$65	\$105	\$39	\$130	\$49
Examination	\$122	\$63	\$120	\$70	\$112	\$42	\$138	\$53
Licensing	\$118	\$61	\$117	\$67	\$108	\$40	\$134	\$51
Administration ²	\$27	\$14	\$26	\$15	\$24	\$9	\$30	\$12
DCA Pro Rata		\$195		\$156		\$178		\$218
Total Expenditures	\$381	\$392	\$376	\$373	\$349	\$308	\$432	\$383

¹ Estimated. Year-end figures expected to be available in March 2019 due to DCA's transition to FISCal.

² Administration includes costs for executive staff, board, administrative support, and fiscal services.

13. Describe the amount the LATC has contributed to the BreEZe program. What are the anticipated BreEZe costs the LATC has received from DCA?

Since the inception of the BreEZe project, the LATC has contributed a total of \$44,221. The LATC's estimated budgeted contribution in FY 2017-18 is \$11,000.

14. 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 LATC.

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 license, 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.

Fees for an original license and biennial renewal increased on July 1, 2009, pursuant to CCR section 2649. As a result:

- 1) Original license fees increased from \$300 to \$400 (license is prorated based on birth month and year);
- 2) Renewal fees increased from \$300 to \$400 (prior to that, the fee had not been increased since 1991, when it was raised from \$200 to \$300); and
- 3) Delinquency fee increased from \$150 to \$200.

In 2015, the LATC implemented a temporary license renewal fee-reduction for FY 2015/16 through 2016/17 to maintain an appropriate fund balance. The LATC promulgated an additional regulatory amendment to continue the fee reduction for FYs 2017/18 through 2018/19. LATC is committed to continue monitoring its fund condition and, in consultation with DCA Budget Office, has determined the next appropriate step to maintain its current, decreased fund condition is to allow the renewal fee to revert 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:

- a) Eligibility application fee is \$35;
- b) Reciprocity application is \$35;
- c) CSE application fee is \$35;
- d) CSE fee is \$275;
- e) Original license fee is \$400 (Prorated);
- f) For licenses expiring on or after July 1, 2009, the fee for biennial renewal is \$400. For licenses expiring on or after July 1, 2015, the fee for biennial renewal is \$220. For licenses expiring on or after July 1, 2019, the fee for biennial renewal is \$400.;
- g) Delinquency fee is \$110; and
- h) Duplicate certificate fee is \$15.

Table 4. Fee Schedule and Revenue (list dollars in thousands ¹)							
Fee	Current Fee Amount	Statutory Limit	FY 2014/15 Revenue	FY 2015/16 Revenue	FY 2016/17 Revenue	FY 2017/18 ³ Revenue	% of Total Revenue ⁴
Duplicate License/Cert.	\$15	\$50	\$210	\$315	\$225	\$75	0%
Citation/Fine ²	Various	Various	\$3,750	\$5,104	\$8,750	\$4,839	2%
Citation/Fine FTB Collection	Various	Various	\$0	\$0	\$0	\$0	0%
Cost Recovery	Various	Various	\$0	\$0	\$0	\$0	0%
Initial License (Prorated)	\$400	\$400	\$18,689	\$28,248	\$22,258	\$28,050	4%
CA Supplemental Exam	\$275	\$275	\$36,025	\$41,525	\$54,175	\$58,025	11%
LARE Eligibility	\$35	\$100	\$10,780	\$8,120	\$8,085	\$7,385	2%
Biennial Renewal	\$220	\$400	\$696,820	\$426,910	\$391,762	\$403,530	79%
Accrued Renewal	Various	Various	N/A	N/A	N/A	\$0	0%
Delinquent Renewal	\$110	\$200	\$14,200	\$13,960	\$10,740	\$9,470	2%
Dishonored Check	\$25	\$50	\$50	\$50	\$125	\$75	0%
TOTAL(S)			\$780,524	\$524,232	\$496,120	\$511,449	0%

¹ Listed actuals instead of thousands due to low amounts.

² Citation/Fine received and cashiered by LATC.

³ Estimated. Year-end-figures expected to be available in March 2019 due to DCA's transition to FISCal.

⁴ Percentage of revenue based on most recent full FY results (FY 2016/17).

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

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

The LATC has not submitted any BCPs in the past four FYs.

Staffing Issues

16. Describe any LATC 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. Currently, the LATC has all positions filled. The LATC’s position vacancies have mainly been in the Staff Services Analyst and Office Technician classifications, which are entry level. These 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 reclassifying positions when needed to ensure appropriate classifications are available to meet operational needs and cross-trains staff. Hiring temporary help such as Retired Annuitants and limited-term staff has also been effective in minimizing interruption in workload, training, and succession planning, when necessary.

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.

17. Describe the LATC’s staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

The LATC encourages training for all staff and participates heavily 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 both in-house and externally. 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 as well as leadership trainings, such as the Future Leadership Development Program, which the Program Manager participated in.

In the past three FYs, the average cost per year spent on training (i.e., information technology, enforcement certification, regulatory process, annual meeting registrations) is approximately \$2,700. 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.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

Section 4 – Licensing Program

18. What are the LATC's performance targets/expectations for its licensing program? Is the LATC meeting those expectations? If not, what is the LATC 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.

19. Describe any increase or decrease in the LATC'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 LATC to address them? What are the performance barriers and what improvement plans are in place? What has the LATC done and what is the LATC 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)(2)). 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.

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.

20. How many licenses or registrations does the LATC issue each year? How many renewals does the LATC issue each year?

Refer to Tables 7a and 7b below for data on licenses and renewals issued each year.

21. How many licenses or registrations has the LATC 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 LATC 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.

Table 6. Licensee Population					
		FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Landscape Architect	Active ¹	3,507	3,593	3,607	3,644
	Delinquent	292	253	227	242
	Retired	N/A	N/A	N/A	N/A
	Out-of-State	461	470	490	500
	Out-of-Country	34	32	30	36
Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.					

¹ Data does not include pending incomplete renewal applications, which range from 10 to 25 per FY and may result in an "Active" license record when application is completed correctly.

Table 7a. Licensing Data by Type											
Application Type		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	Combined, if unable to separate out
FY 2015/16	LARE	225	194	DNA	N/A	DNA	DNA	DNA	See note below ²		
	CSE	152	122	DNA	N/A	DNA	DNA	DNA	“		
	License	97	96	DNA	96	DNA	DNA	DNA	“		
	Renewal	1,873 ¹	1,873	DNA	1,873	DNA	DNA	DNA	“		
FY 2016/17	LARE	231	177	DNA	N/A	DNA	DNA	DNA	“		
	CSE	196	146	DNA	N/A	DNA	DNA	DNA	“		
	License	74	74	DNA	74	DNA	DNA	DNA	“		
	Renewal	1,769 ¹	1,769	DNA	1,769	DNA	DNA	DNA	“		
FY 2017/18	LARE	192	179	DNA	N/A	DNA	DNA	DNA	“		
	CSE	246	225	DNA	N/A	DNA	DNA	DNA	“		
	License	109	108	DNA	108	DNA	DNA	DNA	“		
	Renewal	1,907 ¹	1,907	DNA	1,907	DNA	DNA	DNA	“		
* Optional. List if tracked by the committee.											
DNA = Data Not Available N/A = Not Applicable											

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

² 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. Total Licensing Data			
	FY 2015/16	FY 2016/17	FY 2017/18
Initial Licensing Data:			
Initial License/Initial Exam Applications Received	375	427	438
Initial License/Initial Exam Applications Approved	316	323	404
Initial License/Initial Exam Applications Closed	DNA	DNA	DNA
License Issued	96	74	108
Initial License/Initial Exam Pending Application Data:			
Pending Applications (total at close of FY)	DNA	DNA	DNA
Pending Applications (outside of committee control)*	DNA	DNA	DNA
Pending Applications (within the committee control)*	DNA	DNA	DNA
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (All - Complete/Incomplete)	See note 2 above for Table 7a		
Average Days to Application Approval (incomplete applications)*			
Average Days to Application Approval (complete applications)*			
License Renewal Data:			
License Renewed	1,873	1,769	1,907
Note: The values in Table 7b are the aggregates of values contained in Table 7a			
* Optional. List if tracked by the committee.			
DNA = Data Not Available			

22. How does the LATC 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. In 2018, LATC staff researched whether the Certification of Experience form may be expanded to more thoroughly capture the areas of experience gained by a candidate, especially with regard to the proposed experience-only pathway. Staff presented its research results to the LATC who concurred that the Certification of Experience form content will be expanded to address the additional pathways to licensure upon promulgation of the proposed regulatory language (i.e., account for experience gained under a licensed landscape contractor); however, it was also determined that the LATC's form must still be closely structured and tied to regulation to ensure that the information requested align with the LATC's regulatory parameters.

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 LATC use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the LATC 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)?

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 responding "yes" to any of the questions 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 LATC fingerprint all applicants?

The LATC is a component of the Board and works in tandem to align processes and procedures. The Board and LATC are not statutorily authorized to fingerprint candidates (applicants) for a landscape architect license.

In 2011 and 2012, the Board considered the necessity of a fingerprinting requirement as part of its Strategic Plan objectives and determined that based on the anticipated low number of arrest and prosecution reports expected, there would be little increased benefit to the public health, safety, and welfare. It was noted that current law already requires landscape architects working on school projects where children are present to have a background check conducted by submitting their fingerprints. Additionally, there would be increased costs to licensees and candidates.

The Board's current Strategic Plan includes an objective assigned to its Regulatory and Enforcement Committee (REC) to determine the necessity and implementation alternatives of a licensure fingerprint requirement as a means of protecting consumers. At this time, the Board is 1 of 6 programs within the Department of Consumer Affairs' (DCA) 40 boards, bureaus, and programs without the statutory authority to use fingerprinting for criminal background checks. Staff researched how other DCA boards and bureaus implemented their fingerprint requirements for applicants and licensees, as well as examined the current fingerprint requirements for other architectural licensing boards throughout the country. The REC reviewed and discussed this objective at its August 23, 2018 meeting, and while the REC recognized the benefit of a fingerprint requirement, it also noted:

1. There is a low percentage of the Board's applicant and licensee population with criminal records and most of those crimes are not substantially related to the qualifications, functions, or duties of an architect.
2. Applicants and licensees are already required to disclose convictions to the Board on their applications.
3. A fingerprint requirement would result in increased costs for applicants and licensees.
4. Related design and construction boards (the Board for Professional Engineers, Land Surveyors, and Geologists and the Contractors State License Board) fingerprint their applicants, but only deny a negligible percentage of applications due to prior convictions.
5. The Texas Board of Architectural Examiners is the only architectural licensing board in the United States with a fingerprint requirement.
6. A fingerprint requirement would only apply to applicants and licensees, not unlicensed employees of architectural firms who may also enter consumers' homes and businesses.
7. Licensees who work on school projects where children are present are already required to have a background check conducted by submitting their fingerprints.

The REC ultimately concluded there is insufficient data to justify the need for fingerprinting at this time and voted to recommend to the Board that it not pursue a fingerprint requirement for applicants

or licensees at this time unless mandated to do so. The Board approved the REC's recommendation at its meeting on September 12, 2018.

The LATC monitored the Board's action on fingerprinting and included an objective on its current 2017-2018 Strategic Plan to follow the Board's determination regarding a licensure fingerprint requirement. At its September 12, 2018 meeting, the Board also reached the same determination for the LATC to not pursue a fingerprint requirement.

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

No. The LATC is not statutorily authorized to fingerprint licensees. See response to 21b for additional information.

d. Is there a national databank relating to disciplinary actions? Does the LATC 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 his or her license renewal application that he or she had been convicted of a crime or disciplined by another public agency within the preceding renewal period.

e. Does the LATC 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.

23. Describe the LATC'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 experience as specified in CCR section 2620 and successfully complete both the national examination (LARE or the equivalent) and the CSE.

24. Describe the LATC'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 LATC identify or track applicants who are veterans? If not, when does the LATC 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 LATC?

None.

c. What regulatory changes has the LATC 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 LATC waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on LATC revenues?

None.

e. How many applications has the LATC 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.

25. Does the LATC 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.

N/A

Examinations

Table 8. Examination Data – Tables modified to include examination results for the CSE and the LARE (by division).

Table 8a. Examination Data California Supplemental Examination (CSE)		
License Type		Landscape Architect
FY 2014/15	# of 1 st Time Candidates	90
	Pass %	81%
FY 2015/16	# of 1 st Time Candidates	107
	Pass %	81%
FY 2016/17	# of 1 st Time Candidates	117
	Pass %	76%
FY 2017/18	# of 1 st time Candidates	141
	Pass %	55%
Date of Last OA		May 2014
Name of OA Developer		OPES
Target OA Date		May 2020

Table 8b. Examination Data Landscape Architect Registration Examination (LARE) (National Examination)					
License Type		Landscape Architect			
Exam Title: LARE Divisions ³		Section 1	Section 2	Section 3	Section 4
FY 2014/15	# of 1 st Time Candidates ¹	See note 2 below			
	Pass %	69%	65%	68%	47%
FY 2015/16	# of 1 st Time Candidates ¹	See note 2 below			
	Pass %	72%	62%	62%	54%
FY 2016/17	# of 1 st Time Candidates ¹	See note 2 below			
	Pass %	69%	66%	60%	58%
FY 2017/18	# of 1 st Time Candidates ¹	See note 2 below			
	Pass %	63%	65%	72%	69%
Date of Last OA		2016			
Name of OA Developer		Professional Testing, Inc.			
Target OA Date		TBD			

¹Data includes all California candidates.

²The current candidate management system used by CLARB is unable to track this information. CLARB is working to expand their system functions and may be able to provide this information in the future.

³The LARE sections currently administered are:

- Section 1: Project and Construction Administration
- Section 2: Inventory and Analysis
- Section 3: Design
- Section 4: Grading Drainage and Construction Documentation

26. 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 “Practice Analysis” was conducted by CLARB in 2016. 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:

- Section 1 - Project and Construction Management
- Section 2 - Inventory and Analysis
- Section 3 - Design
- Section 4 - Grading, Drainage, and Construction Documentation

CLARB partners with Pearson VUE Test Centers to administer the LARE three times annually. There are 22 test centers in California and over 250 nationwide, making the examination easily accessible for candidates.

Candidates must pass each section of the LARE independently and receive credit for sections passed, but must retake those sections not 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 2014 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 May 2014. The OA was immediately 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 (2010)* to ensure there is no overlap between the content in the LARE and CSE.

27. 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
2014/2015	66%	62%
2015/2016	73%	64%
2016/2017	54%	47%
2017/2018	54%	56%

28. Is the LATC 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. Pearson VUE Test Services is the test administrator for the LARE. Candidates schedule their exam appointments through CLARB and sit for an administration at a Pearson Vue 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.

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

No.

School approvals

30. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the LATC 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, there are two such programs in California, the University of California, Los Angeles Extension Program and the University of California, Berkeley Extension Program. Programs must meet the requirements specified in CCR section 2620.5 for approval as extension certificate programs. In 2013, the LATC conducted reviews for each of the extension program. Approval is granted with the provision that curriculum cannot be changed without LATC approval. Both programs are currently approved through December 31, 2020. In July 2017, LATC was advised that the University of California, Berkeley Extension Program will close in the Fall 2019 and is no longer accepting new students.

31. How many schools are approved by the LATC? How often are approved schools reviewed? Can the LATC 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 are two landscape architecture extension certificate programs in California, as noted above, approved by the LATC. Approval is granted for seven-year periods.

32. What are the LATC’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

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

The Landscape Architects Practice Act does not require continuing education.

- a. How does the LATC verify CE or other competency requirements? Has the LATC worked with the Department to receive primary source verification of CE completion through the Department's cloud?

N/A

- b. Does the LATC conduct CE audits of licensees? Describe the LATC'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 LATC's course approval policy?

N/A

- f. Who approves CE providers? Who approves CE courses? If the LATC approves them, what is the LATC 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 LATC audit CE providers? If so, describe the LATC's policy and process.

N/A

- i. Describe the LATC'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

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

Section 5 – Enforcement Program

34. What are the LATC’s performance targets/expectations for its enforcement program? Is the LATC meeting those expectations? If not, what is the LATC 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 one day. 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) 2014/15, 2015/16, 2016/17, and 2017/18, the LATC averaged 330 days, 306 days, 151 days, and 117 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 copied and sent to them for review and returned by the expert upon completion of the report. To aid in improving the length of time it takes to investigate a complaint, the LATC contracts with two expert consultants and recruits additional experts as needed.

35. Explain trends in enforcement data and the LATC’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 LATC done and what is the LATC 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 27 complaints for FY’s 2014/15, 2015/16, 2016/17, and 2017/18, of which an average of 13 were advertising and unlicensed activity complaints. Staff has maintained an average of 14 pending complaints at the end of each FY. Enforcement staff closed 40% of investigations within 90 days and 41% within one year.

The LATC has issued 10 citations since the last reporting period. Nine of the citations included a fine assessment averaging \$1,639, and one outlier had a fine assessment at \$16,000. 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 is currently collaborating with DCA to execute 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 Board and LATC anticipate execution of this contract by early 2019.

Lastly, the LATC’s 2017/2018 Strategic Plan contained an objective to collect and review data respective to unlicensed activity and licensee violations to identify if trends exist. The LATC will use the results of the collected data to shape consumer education and enhance enforcement efforts. One such measure is to contact various social media platforms, such as Yelp and LinkedIn, to request the addition of “landscape designer” as a category of profession to mitigate unlicensed activity complaints for those individuals who advertise as a landscape architect due to lack of other options available on that platform.

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.

Table 9a. Enforcement Statistics			
	FY 2015/16	FY 2016/17	FY 2017/18
COMPLAINT			
Intake			
Received	22	24	40
Closed	0	0	0
Referred to INV	22	24	40
Average Time to Close	1	5	1
Pending (close of FY)	0	0	0
Source of Complaint			
Public	9	5	7
Licensee/ Professional Groups	9	9	6
Governmental Agencies	3	7	26**
Other	1	3	1
Conviction / Arrest			
CONV Received	3	4	23**
CONV Closed	2	4	19
Average Time to Close	86 days	95 days	63 days
CONV Pending (close of FY)	0	0	6
LICENSE DENIAL			
License Applications Denied	0	0	0
SOIs Filed	0	0	0
SOIs Withdrawn	0	0	0
SOIs Dismissed	0	0	0
SOIs Declined	0	0	0
Average Days SOI	N/A	N/A	N/A

ACCUSATION			
Accusations Filed	1	0	2
Accusations Withdrawn	0	0	0
Accusations Dismissed	0	0	0
Accusations Declined	0	0	0
Average Days Accusations	828	N/A	247
Pending (close of FY)	2	1	2
DISCIPLINE			
Disciplinary Actions			
Proposed/Default Decisions	0	1	0
Stipulations	1	1	0
Average Days to Complete	1,260	953	N/A
AG Cases Initiated	1	1	1
AG Cases Pending (close of FY)	2	1	2
Disciplinary Outcomes			
Revocation	0	1	0
Voluntary Surrender	0	1	0
Suspension	0	0	0
Probation with Suspension	1	0	0
Probation	0	0	0
Probationary License Issued	0	0	0
Other	0	0	0
PROBATION			
New Probationers	1	0	0
Probations Successfully Completed	0	0	0
Probationers (close of FY)	1	1	0
Petitions to Revoke Probation	0	0	0
Probations Revoked	0	0	0
Probations Modified	0	0	0
Probations Extended	0	0	0
Probationers Subject to Drug Testing	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A
Petition for Reinstatement Granted	0	0	0
DIVERSION			
New Participants	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A
Participants (close of FY)	N/A	N/A	N/A
Terminations	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A
* All complaints received by the LATC are referred for investigation.			
** Number of complaints received increased during FY 2017/18 due to the tracking of candidate and licensee disclosed convictions.			

Table 9b. Enforcement Statistics (continued)			
	FY 2015/16	FY 2016/17	FY 2017/18
INVESTIGATION			
All Investigations			
First Assigned	22	24	40*
Closed	33	19	37
Average days to close	306	145	117
Pending (close of FY)	8	13	16
Desk Investigations			
Closed	33	24	37
Average days to close	306	145	117
Pending (close of FY)	8	13	16
Non-Sworn Investigation			
Closed	0	0	0
Average days to close	0	0	0
Pending (close of FY)	0	0	0
Sworn Investigation			
Closed	3	2	0
Average days to close	80	169	0
Pending (close of FY)	2	0	0
COMPLIANCE ACTION			
ISO & TRO Issued	0	0	0
PC 23 Orders Requested	0	0	0
Other Suspension Orders	0	0	0
Public Letter of Reprimand	0	0	0
Cease & Desist/Warning	15	6	12
Referred for Diversion	N/A	N/A	N/A
Compel Examination	N/A	N/A	N/A
CITATION AND FINE			
Citations Issued	8	4	0
Average Days to Complete	648	248	N/A
Amount of Fines Assessed	\$12,500	\$18,250	\$0
Reduced, Withdrawn, Dismissed	2	0	0
Amount Collected	\$1,000	\$8,750**	\$2,180**
CRIMINAL ACTION			
Referred for Criminal Prosecution	0	0	0

* Number of complaints received increased during FY 2017/18 due to the tracking of candidate and licensee disclosed convictions.

**Amounts reflect fines collected, which were assessed in previous years.

Table 10. Enforcement Aging						
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
0-1 Year	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0	0%
1-2 Years	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0	0%
2-3 Years	0 (0%)	0 (0%)	1 (100%)	0 (0%)	1	50%
3-4 Years	0 (0%)	1 (100%)	0 (0%)	0 (0%)	1	50%
Over 4 Years	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0	0%
Total Attorney General Cases Closed*	0	1	1	0	2	100%
Investigations (Average %)						
Closed Within:						
90 Days	10 (38.5%)	9 (27.3%)	7 (36.8%)	21 (56.8%)	46	40.0%
91-180 Days	2 (7.7%)	8 (24.2%)	8 (42.1%)	8 (21.6%)	26	22.6%
181 Days-1 Year	6 (23.1%)	7 (21.2%)	2 (10.5%)	6 (16.2%)	21	18.3%
1-2 Years	4 (15.4%)	6 (18.2%)	2 (10.5%)	2 (5.4%)	15	13.0%
2-3 Years	3 (11.5%)	1 (3%)	0 (0%)	0 (0%)	4	3.5%
Over 3 Years	1 (3.8%)	2 (6.1%)	0 (0%)	0 (0%)	3	2.6%
Total Cases Closed	26	33	19	37	115	100%

*Accusation filed

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

The LATC filed four accusations, all seeking revocation of licensure, during the current reporting period (FY 2014/15 through FY 2017/18); this is an increase of two from the last reporting period. Two accusations resulted in a stipulated settlement in which the respondents voluntarily surrendered the license in response to the accusation; however, one of these decisions of the accusation became effective in FY 2018/19 and therefore was not reported in the above table. One accusation resulted in respondent's license being revoked. Respondent contested the decision and a hearing was held in April 2018. The majority of respondent's motions have been denied and the court ordered further briefing on one motion. At this time, the parties have not briefed nor has the court scheduled another hearing. One accusation has been served to the respondent and is currently awaiting a decision.

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.

37. How are cases prioritized? What is the LATC's complaint 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.

38. 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 LATC actions taken against a licensee. Are there problems with the LATC 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 8 settlement reports during the previous reporting period and 10 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 licensee'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 obtain 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 LATC?

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 LATC?

The average dollar amount of settlements reported to the LATC during the current reporting period is \$73,582.

39. Describe settlements the LATC, and Office of the Attorney General on behalf of the LATC, 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 his or her 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 LATC 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 LATC settled for the past four years, compared to the number that resulted in a hearing?

In the past four years, there were four cases sent to the Office of the Attorney General, all of which resulted in the filing of an accusation. Out of those four cases, two were settled without going to hearing, one resulted in a hearing, and one is awaiting a decision.

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

In the past four years, 50% of disciplinary cases were settled, 25% resulted in a hearing, and 25% is currently awaiting a decision.

40. Does the LATC 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 LATC'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 2014/15, 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 action after its investigation of four settlement cases and the fifth case’s investigation is pending. These cases involved settlement reports where the landscape architectural services were provided more than six years prior to the receipt of the reports.

41. Describe the LATC’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 publications for selecting a landscape architect for residential, private development, and public-sector projects. These publications were designed with the intention to help consumers understand the sometimes complex and technical nature of landscape architectural services to include: how to find and select a landscape architect; written contract requirements and recommendations; and what to do if a problem occurs with the project. The LATC also 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.

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

Lastly, with regard to LATC’s 2017-2018 Strategic Plan objective to collect and review data respective to unlicensed activity and licensee violations to identify if trends exist and shape its consumer protection efforts, LATC determined that one means to achieve this objective is to contact various social media platforms, such as Yelp and LinkedIn, to request the addition of “landscape designer” as a category of profession to mitigate unlicensed activity complaints for those individuals who advertise as a landscape architect due to lack of other options available on that platform.

Cite and Fine

42. Discuss the extent to which the LATC has used its 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 LATC 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 also plans to assess CCR section 2630 to determine the appropriateness of the classifications of violations and the corresponding fine amounts through a future Strategic Plan objective.

For this reporting period, the LATC issued an average of three citations per year. Of those, all included a fine assessment averaging \$1,639, with one outlier fine assessment of \$16,000.

43. 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 result 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.

44. 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 six informal conferences and no administrative hearings as a result of citation appeals.

45. What are the 5 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

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

The average pre-appeal fine is \$1,639 and the average post-appeal fine is \$1,306 with an outlier fine of \$16,000.

47. Describe the LATC'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.

The Board's current Strategic Plan contains an objective to measure the effectiveness of the Board's citation collection methods as a means of protecting future consumers. Likewise, the LATC's current Strategic Plan includes an objective to contract with collection agencies to pursue and recover unpaid citations from unlicensed individuals. Accordingly, the Board and LATC are currently collaborating with DCA to execute 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 Board and LATC anticipate execution of this contract by early 2019.

Cost Recovery and Restitution

48. Describe the LATC'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.

49. How many and how much is ordered by the LATC 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.

In the last four FYs, the Board has filed four accusations. One accusation resulted in a disciplinary decision of license surrender with a cost reimbursement of \$4,775; a second accusation resulted in a disciplinary decision of license revocation with a cost reimbursement of \$7,762.50 (this accusation is currently being appealed through the State of California Superior Court); a third accusation resulted in a disciplinary decision of license surrender, that became final in FY 2018/19, with a cost reimbursement of \$2,240.00; and one accusation is pending disciplinary decision.

50. Are there cases for which the LATC does not seek cost recovery? Why?

No.

51. Describe the LATC’s use of Franchise Tax Board intercepts to collect cost recovery.

The LATC currently utilizes FTB to collect cost recovery.

52. Describe the LATC’s efforts to obtain restitution for individual consumers, any formal or informal LATC restitution policy, and the types of restitution that the LATC attempts to collect, i.e., monetary, services, etc. Describe the situation in which the LATC 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.

Table 11. Cost Recovery (list dollars in thousands)				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Total Enforcement Expenditures	\$173	\$178	\$144	\$179
Potential Cases for Recovery *	0	0	\$2	0
Cases Recovery Ordered	0	0	\$2	0
Amount of Cost Recovery Ordered	\$0	\$0	\$13	\$0
Amount Collected	\$0	\$0	\$0	\$0

* “Potential Cases for Recovery” are those cases in which disciplinary action has been taken based on violation of the license practice act.

Table 12. Restitution (list dollars in thousands)				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Amount Ordered	\$0	\$0	\$0	\$0
Amount Collected	\$0	\$0	\$0	\$0

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of December 1, 2018

Section 6 – Public Information Policies

53. How does the LATC use the internet to keep the public informed of LATC activities? Does the LATC post LATC meeting materials online? When are they posted? How long do they remain on the LATC’s website? When are draft meeting minutes posted online? When does the LATC 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. Moreover, the LATC’s 2017-2018 Strategic Plan contains an objective to revamp its website to be more user-friendly to constituents. The LATC consulted with DCA Office of Information Services to update its website to align with that of the Board using v5 of the California Department of Technology’s template. The new website design was launched in Fall 2018.

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

54. Does the LATC webcast its meetings? What is the LATC’s plan to webcast future LATC and sub-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 DCAs’ 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.

55. Does the LATC establish an annual meeting calendar, and post it on the LATC'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.

56. Is the LATC's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the LATC 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.

57. What information does the LATC 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.

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. 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.

58. What methods are used by the LATC 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 specific publications targeting consumers and utilizes the following long-standing publications:

1. *Consumer Tips for Design Projects*. This information is a concise document that summarizes the basic steps that consumers can take to help keep their projects on track.
2. *Selecting a Landscape Architect* publications, which include: *Selecting a Landscape Architect for Public Sector Projects*; *Selecting a Landscape Architect for Residential Projects*; and *Selecting a Landscape Architect for Private Development Projects*. These publications contain information regarding: 1) A description of the typical services a licensed landscape architect can provide; 2) How to select a landscape architect; 3) What the written agreement between a consumer and a landscape architect should include; and 4) The LATC's role as a regulatory entity. Though the information provided in each of the three publications is consistent, each publication has information tailored to the type of project being performed by the landscape architect.

Additionally, in 2017, the LATC approved a new consumer-oriented publication: *Consumer's Guide for Hiring a Landscape Architect*. 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.

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's posts these publications on its website in order to make them readily available. Further, in response to the LATC's 2017-2018 Strategic Plan objective to expand communication to stakeholders, the LATC is 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 2017-2018 Strategic Plan also contained an objective to adopt DCA's best practices for social media use. Though the LATC currently maintains a Twitter account, in 2018, LATC began consulting with DCA's Communications Division to begin the process of expanding its social media presence.

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 enhance public attention to the LATC's website, the LATC's 2017-2018 Strategic Plan also contains an objective to optimize the LATC website 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. Staff have consulted with DCA's Communications Division to begin the process of optimizing the LATC's website so that consumers' web searches related to landscape architecture are more likely to yield the website as a search option.

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

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

Section 7 – Online Practice Issues

59. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the LATC regulate online practice? Does the LATC 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.

The Board and LATC are interested in researching the feasibility of partnering with such referral websites to verify licensure for these professionals who advertise to California consumers and to remove illegal

advertisements by unlicensed individuals. The Board will also continue to focus on consumer outreach and education regarding the licensure requirements when selecting a landscape architect on the Internet.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

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Section 8 – Workforce Development and Job Creation

60. What actions has the LATC taken in terms of workforce development?

The LATC has amended regulations and implemented process efficiencies to expand the eligibility requirements for licensure. In 2017, amendments to CCR section 2620 (Education and Training Credits) became effective, which grant candidates up to one year of training credit for teaching in a landscape architecture degree program.

The LATC is currently pursuing additional amendments to CCR section 2620 that would expand the eligibility requirements to grant 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. Presently, a candidate must 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. Barring no additional changes to CCR section 2620, the LATC anticipates initiating the rulemaking process with the Office of Administrative Law by the end of 2018. (See Section 11 for additional information.)

Additionally, the LATC maintains its website (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. The LATC strives to remove impediments to licensure, such as allowing candidates to take Sections 1 and 2 of the LARE prior to completion of the experience requirements.

61. Describe any assessment the LATC 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.

62. Describe the LATC'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.

63. 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. As the Committee operates under California Architects Board's (Board) governance, the LATC strives to mirror the regulations of the Board, where appropriate. The Board offers diversity in pathways to licensure, including granting credit for related and unrelated degrees and an Integrated Pathway to Architectural Licensure (IPAL) program. IPAL is a structured pathway designed for aspiring architects to have the opportunity to complete the requirements for licensure in an integrated and streamlined manner while earning their accredited degree.

Current LATC licensure requirements necessitate that a candidate must hold a degree or extension certificate in landscape architecture or an accredited degree in architecture. However, the LATC believes that education and training requirements should be expanded as valuable training can occur via the inclusion of more diversity in its licensure pathways. Accordingly, in 2018, the LATC approved amendments to CCR section 2620 that would allow education credit for a degree in civil engineering as well as any baccalaureate degree. In addition, the proposed regulation would allow for expanded opportunities to gain experience credit for licensure as well as a new experience-only pathway to licensure. The LATC believes that promulgation of these regulatory amendments will achieve mitigation of licensure impediments as well as effectuate enhanced opportunities for individuals to pursue licensure in California.

64. Provide any workforce development data collected by the LATC, 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.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of December 1, 2018

Section 9 – Current Issues

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

N/A

66. What is the status of the LATC'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 225 days.

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

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

The Board and LATC, along with 19 other boards and bureaus, were scheduled for the third release of BreEZe. However, numerous technical delays and problems with the project forced the delay of both the first and second releases of the system, and subsequently eliminated the project for those boards and bureaus scheduled for Release 3, including the Board/LATC.

The Department of Consumer Affairs (DCA) developed a Business Modernization Plan, based on the new Project Approval Lifecycle developed by the California Department of Technology (CDT). The purpose of this initiative is to address business and technology needs for programs that continue to rely on legacy technology solutions. The Plan identifies a methodical step-by-step approach that boards and

bureaus within DCA will use to assist in moving their programs forward. The goal is to embrace the unique nature of each of DCA's programs while offering some process standardization. The Plan outlines four stages of the project approval process: Stage 1 - document business justification, Stage 2 - alternatives and cost-benefit analysis, Stage 3 - solution development framework, and Stage 4 - project approval. The final step of the process will be system implementation.

An initial meeting was held on July 11, 2017, with the Board/LATC and DCA's Organizational Change Management (OCM) to discuss the Business Modernization Plan and approach. On August 17, 2017, the Board/LATC met with OCM to discuss the Project Charter and initial inventory of the existing administrative, enforcement, and licensing business processes. The Charter outlines the roles and responsibilities of key project stakeholders, describes the project decision-making authority, and the commitment needed in order to conduct a successful project. The Charter was finalized in January 2018.

The Board/LATC's Business Modernization Report accompanies the Business Modernization Plan and documents the business modernization activities that will be conducted specific to the Board/LATC. The Plan and Report were presented to the Board at their March 1, 2018 meeting along with a presentation by a DCA representative explaining the process planned for Release 3 boards. The Report presented to the Board included a proposed timeline, with a "go-live" release of a minimum viable product by November 2021 with release of configuration and phased implementation enhancements by November 2022. However, the LATC's potential need for a Budget Change Proposal could extend this timeline.

The Board/LATC's business processes inventory was finalized and provided to OCM in May 2018. The next step included mapping all of the business processes in consultation of the Board/LATC's subject matter experts.

Currently the Board/LATC utilizes two legacy systems (Applicant Tracking System [ATS] and Consumer Affairs System [CAS]) and the LATC uses a workaround system for candidates. Because this planned approach will take time and to address the delayed implementation of a new platform, the Board/LATC are pursuing a stop gap measure to accept credit card payments for renewal applications, our highest volume transaction and an enhanced license verification feature on its websites. In addition, the Board/LATC are pursuing conversion to the DCA's new web license search portal. This web-based license verification enhancement will enable the Board/LATC to display information as soon as an update is made to a license (e.g., address change, renewal status, etc.) as well as enable consumers to view all license-related data including licenses that an architect/ landscape architect may hold from other DCA's boards and bureaus as well as enforcement actions. In addition, the enhanced verification tool will facilitate a more convenient license-lookup experience for consumers as it will be designed to be smartphone-compatible.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of December 1, 2018

Section 10 – LATC Action and Response to Prior Sunset Issues

Include the following:

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

CAB ISSUE #1: TRAVEL RESTRICTIONS. Should the Committees encourage travel to professional conferences or meetings that directly affect licensure of California licensees?

Committee Staff's Recommendation: The Committees should encourage the Board to pursue opportunities at which its Members and Officers can interact directly with their national peers, and provide a strong voice for California's unique perspective and needs. The Board should inform the Committees of whether it continues to face travel restrictions that prohibit it from attending meetings where its representation could significantly impact California's ability to ensure that national examinations or standards reflect California's needs and protect California licensees, candidates for licensure, and consumers.

2014 LATC Response:

The Board/LATC concurs with the Committees' recommendation. Participation in national affairs is critical for the Board and LATC. The national examinations save the Board and LATC literally millions of dollars by not having to replicate the national examinations. In addition, the Board relies on the Intern Development Program to ensure that candidates receive experience in crucial areas of practice.

The Board and LATC have had recent success on travel, with approvals to attend three key out-of-state national sessions. In addition, three recent sessions have been in California, where the Board was also able to participate. These approved trips for the Board were funded by our national nonprofit - the National Council of Architectural Registration Boards (NCARB), so no State funds were spent. The Board has not received approval to travel with State funds since 2010. LATC was approved to travel to the Annual Business Meeting of the Council of Landscape Architectural Registration Boards (CLARB) in 2009 and 2014 with State funds, but CLARB does not offer "funded trips." LATC was denied the opportunity to attend a CLARB session that was held in California. Sending a Board member to the Annual Meeting costs a fraction of the Board's budget - approximately .0005.

The Board just participated in the NCARB Regional Summit on March 13-14 in Long Beach. At that meeting, the main proposal discussed would restrict existing reciprocity standards and prevent nearly 2,000 California architects from practicing in other states. California was the only state advocating to preserve the existing pathway. Through our efforts, we built a coalition to oppose the measure when it is up for a vote in June at the Annual Business Meeting. There is much more to be done to defeat the measure, but much of the effort takes place on-site at the meeting. In order to succeed, the Board must be in attendance with a strong delegation. This is because there are approximately 250 people in attendance from the 54-member jurisdictions, as well as NCARB executive staff and leadership from the American Institute of Architects, National Architectural Accrediting Board, Association of Collegiate Schools of Architecture and American Institute of Architects - Students. Persuading a group of that size requires a delegation of at least four, but a larger group has greater odds for success and also helps with succession planning so that new Board/LATC members can learn first-hand about the national associations and develop the relationships needed to protect California's interests.

The Board is in the process of submitting an out-of-state trip request to Department of Consumer Affairs (DCA) to add two members in addition to the two that were previously approved. This will provide the Board a strong delegation to work to defeat the resolution.

The professions, via the American Institute of Architects - California Council and California Council of the American Society of Landscape Architects, understand the importance of participation and regularly and consistently support the Board's engagement in NCARB and CLARB. The Board appreciates that DCA and Administration have been approving some of the trips, and the Board encourages ongoing and increased support for the criticality of national issues.

(Note: This was Issue #1 for LATC in the Sunset Background Paper.)

2018 LATC Update Response:

The Board's and LATC's travel requests for out-of-state meetings have been consistently approved including the two additional members' approval sought since the last reporting period. The Board has participated in all the NCARB Annual Meetings since the last report except for the 2017 Regional Meeting which took place in Kansas, a State banned from travel pursuant to Assembly Bill 1887 (Low, Chapter 687, Statutes of 2016). Similarly, LATC has participated in all CLARB Annual Meetings since the last report except for the 2018 meeting held out of country. This bill prohibits State-funded or state sponsored travel to states that, after June 26, 2015, have enacted a law of a discriminatory nature.

The work conducted at these meetings is critically important and can have a profound impact on issues such as reciprocity. The Board's and LATC's participation can directly influence the policies and procedures that are discussed and decided upon. For example, by California's participation at an NCARB Annual Meeting, the Board was able to successfully advocate against a resolution that would have precluded California architects who do not hold an accredited degree from attaining the "NCARB Certificate" and, accordingly, gaining reciprocity in key states that require the certificate. Through the Board's advocacy, we were able to preserve this important pathway. Similarly, the presence of LATC representatives at the CLARB Annual Meetings ensures that California is sufficiently informed on CLARB activity and able to participate in major discussions and decisions that occur during the meetings. Additionally, during their annual meetings CLARB hosts many discussions to help inform participants of various trends related to the licensing, regulatory, and disciplinary functions of CLARB member boards. The Board and LATC look forward to maintaining a strong presence at the national level.

LATC ISSUE #2: PRO RATA. What services does the Board receive for its share of pro rata?

Committee Staff's Recommendation: The Board should advise the Committees about the basis upon which pro rata is calculated, and the methodology for determining what services to utilize from DCA. In addition, the Board should discuss whether it could achieve cost savings by providing some of these services in-house.

2014 LATC Response:

The Board/LATC's share of the department's pro rata is calculated based on authorized position counts, licensing and enforcement record counts, prior year workload, and interagency agreements. The Board/LATC currently utilizes most of the pro rata services for efficiencies and cost savings. Centralized services are more practical and efficient particularly for smaller boards such as ours. Board/LATC staff would need special high-level expertise in certain administrative services to be effective. It would be difficult to achieve an "economy of scale" if the Board/LATC were to assume pro rata-related services. The Board/LATC has limited staff with diverse responsibilities, whereas DCA has teams of trained specialists with program-specific management.

Senate Bill 1243 (Lieu, Chapter 395, Statutes of 2014) requires DCA to conduct a study and submit a report to the Legislature on its pro rata calculation of administrative expenses by July 1, 2015. The study will assess whether the pro rata system is the most productive, efficient, and cost-effective methodology and whether some of the services should be outsourced or charged on an as-needed basis. The study will also include consideration of whether the boards should be permitted to elect not to receive (and be charged for) certain administrative services. As part of the study, the Board/LATC has participated in a survey of its use of DCA's services. Based on the outcome of the study and the DCA's report to the Legislature, the Board/LATC will reassess its continued use of the DCA's pro rata services.

(Note: This was Issue #4 for LATC in the Sunset Background Paper.)

2018 LATC Update Response:

The Board's 2014 response is still applicable. The Board/LATC's share of the department's distributed costs (pro rata) is calculated based on authorized position counts, licensing and enforcement record counts, volume of calls, complaints and correspondence, prior year workload, interagency agreements, and other distributions. The Board/LATC currently utilizes most, if not all, of the pro rata services for efficiencies and cost savings. Centralized services are more practical and efficient particularly for smaller boards such as ours. Board/LATC staff would need special high-level expertise (and potentially additional resources) to provide such administrative services in an effective manner. It would be difficult to achieve an "economy of scale" if the Board/LATC were to assume pro rata-related services. The Board/LATC has limited staff with diverse responsibilities, whereas DCA has teams of trained specialists with program-specific management.

At an annual meeting, DCA provides an overview of the department's distributed costs. The purpose of this meeting is to explain how the costs of DCA's services are funded. In addition, Senate Bill 1243 (Lieu, Chapter 395, Statutes of 2014) required the department to provide a one-time study of its process for distributing administrative costs among its 39 boards, bureaus, committees, commission and program (boards). The distribution of costs for these divisions is budgeted to all boards utilizing the various distribution methodologies described above. The study and resultant report provided to all boards provides robust data as to pro rata. For the size of the Board and LATC, the continued use of the DCA's pro-rata and centralized services is more

practical and cost efficient. The Board is appreciative of the transparency and DCA's efforts to explain the basis for costs for services.

LATC ISSUE #3: BREEZE IMPLEMENTATION. The Board was supposed to be part of BreEZe's Release Three, which has now been delayed until at least 2016.

Committee Staff's Recommendation: The Board should inform the Committees of any difficulties it foresees as a result of having to remain on its legacy system, and whether any additional stop-gap technological measures are needed until BreEZe is implemented. The Board should inform the Committees of how costs related to BreEZe will impact its fund condition.

2014 LATC Response:

Substantial difficulties are foreseeable as a result of having to remain on the legacy systems, due to numerous significant changes to the national Architect Registration Examination (ARE) and potential changes to other national programs. Board/LATC staff is conducting an assessment of the impact due to delayed implementation of BreEZe for Release 3 boards and bureaus and coordinating efforts with DCA to develop stop-gap measures that could involve significant modifications to the legacy systems.

The Board believes, however, that due to the changes to the ARE, the corresponding changes to the "business model analysis" that was prepared in preparation for BreEZe approximately five years ago, are so significant that the current delay and repositioning of BreEZe may actually be a strategic advantage. Had BreEZe actually rolled out with the ARE consisting of seven divisions, as it does now, it would be completely dysfunctional, as the ARE previously had nine divisions. To add further complexities, there are intricate new rules that place restrictions on candidates' eligibility, which would have further exacerbated the problems.

The Board/LATC routinely monitors its fund condition and works very closely with DCA's Budget Office. The Budget Office has provided the Board/LATC's fund condition projected to fiscal year (FY) 2016/17, which includes anticipated BreEZe costs. The Board/LATC and the Budget Office do not foresee an issue with the Board/LATC's fund condition based on the current projections for BreEZe costs. The Board's fund condition will have an 11-month reserve in FY 2016/17, the year the BreEZe program is planned to be implemented for the Board.

(Note: This was Issue #3 for LATC in the Sunset Background Paper.)

2018 LATC Update Response:

The Board/LATC are working in collaboration with DCA on its Business Modernization Plan to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform. The Plan is a structured approach to identifying business needs and overlaying those requirements on available licensing platforms and complimentary technology. This approach will take time and to address the delayed implementation of a new platform, the Board/LATC are pursuing a stop gap measure to accept credit card payments for renewal applications, our highest volume transaction, and an enhanced license verification feature on its websites. In addition, the Board/LATC are pursuing conversion to the DCA's new web license search portal. This web-based license verification enhancement will enable the Board/LATC to display information as soon as an update is made to a license (e.g., address change, renewal status, etc.) as well as enable consumers to view all license-related data including licenses that an architect/landscape architect may hold from other DCA's

boards and bureaus as well as enforcement actions. In addition, the enhanced verification tool will facilitate a more convenient license-lookup experience for consumers as it will be designed to be smartphone-compatible.

Since the inception of the BreZE project, the Board has contributed a total of \$328,269 and the LATC \$44,221 through FY 2016-17. The estimated budgeted contribution in FY 2017-18 is \$83,000 and \$11,000 respectively. The Board may require a budget change proposal if the costs for the new platform are not absorbable. The Board/LATC have not yet determined whether they will utilize the BreZE system or an alternative platform.

ISSUE #7: COLLECTION OF FINES. The Board notes that it is seeking ways to increase collection of fines, particularly in cases of unlicensed practice when it does not have the leverage of a license to incentivize payment.

Committee Staff's Recommendation: The Board should continue to explore ways to improve its enforcement efforts and collect fines. The Board should examine other agencies that are authorized to release SSNs to collection agencies, and whether there are any privacy or security issues that may arise if such information was transmitted. The Board should work with other licensing boards, such as the Contractors State Licensing Board, the Bureau of Real Estate, and the Board of Professional Engineers, Land Surveyors, and Geologists, to determine the feasibility of sharing disciplinary information for purposes of leveraging other professional licenses as a way to achieve compliance; how such a system would operate; and what changes would be necessary.

2014 LATC Response:

The Board/LATC concurs with the Committees' recommendations.

The Board currently has an ongoing objective from its 2014 Strategic Plan to “pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties” and is committed to continuous improvements with regard to all enforcement efforts.

The Board's fine collection success has averaged about 62% over the last three fiscal years, while other construction/design boards have averaged 37%.

Should the Board pursue authority to release SSNs to collection agencies, it would fully investigate whether there are any privacy or security issues that may arise. The Board has noted that the Respiratory Care Board is authorized to release SSNs to collection agencies via Business and Professions Code section 3778 (Chapter 586, Statutes of 2003); the Board is currently not aware of other agencies with similar authority.

As part of its Strategic Plan objective, the Board/LATC will research the feasibility of working with other licensing boards in sharing disciplinary information for purposes of leveraging other professional licenses. Other strategies the Board/LATC has utilized with regard to fine collection: Franchise Tax Board Intercept Program; payment plans; revised enforcement letters; etc. In addition, the Board is working with DCA to explore the possibility of establishing a collections unit in DCA to assist boards in collecting citation penalties.

(Note: This was Issue #5 for LATC in the Sunset Background Paper.)

2018 Board/LATC Update Response:

The Board continues to focus on the collection of citation penalties, and its current Strategic Plan includes an objective to measure the effectiveness of the Board's citation collection methods as a means of protecting future consumers. Likewise, the LATC's current Strategic Plan includes an objective to contract with collection agencies to pursue and recover unpaid citations from unlicensed individuals.

The Board's and LATC's ongoing efforts to pursue payment of citation penalties resulted in collecting 70% and 100% respectively (with one \$16,000 outlier LATC citation) of the fines assessed in the past three fiscal years. Research has also indicated that collection agencies can take action without SSNs. Accordingly, the Board and LATC are currently collaborating with DCA to execute 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 reimbursement accounts aged beyond 90 days. The Board and LATC anticipate execution of this contract by early 2019.

In addition, collaboration with the Contractors State License Board and Board for Professional Engineers, Land Surveyors, and Geologists to share disciplinary actions for the purpose of leveraging professional licenses may be feasible when the three boards are on a new platform system.

ISSUE #8: CONTINUED REGULATION BY THE BOARD. Should the licensing and regulation of architects be continued and be regulated by the current Board membership?

Committee Staff's Recommendation: Recommend that the licensing and regulation of architects continue to be regulated by the current Board members of the California Architects Board in order to protect the interests of the public and be reviewed once again in four years.

The Board/LATC concurs with the Committees' recommendation.

(Note: This was Issue #6 for LATC in the Sunset Background Paper and the Board/LATC concur with that recommendation.)

Note: as indicated on the cover memo, the following issue was unique to LATC.

LATC ISSUE #2: PATHWAYS TO LICENSURE. Should the LATC consider ways to streamline its licensure process or make its licensure process more flexible to accommodate out-of-state applicants?

Committee Staff's Recommendation: The LATC should continue to work closely with the Board to identify opportunities to initiate efficiencies in its licensure system, and consult with stakeholders to ensure that the path to licensure is efficient and effective. The LATC should also continue to discuss the possibility of expanding the definition of "education credit" to encompass a certain amount of licensed experience, and to consider granting education credit for degrees related to landscape architecture, while ensuring that licensees retain their competence and that consumers are protected by any changes in eligibility.

2014 LATC Response:

The LATC concurs with the Committees' recommendation. During this last reporting period, LATC has expanded its pathways to licensure to allow partial degrees, and architecture degrees to meet education

requirements. The LATC is researching other related degrees that can meet the education requirement for licensure.

Efficiencies in the licensure processes were improved by permitting candidates to take certain sections of the national exam upon graduation. On the horizon are changes to allow credit for teaching under a landscape architect. LATC will also work closely with the Board on its efforts on the Accelerated Path to Architectural Licensure.

In addition, the LATC has received license applications from candidates who are licensed in other states but do not meet specific California requirements, namely a degree in landscape architecture. The LATC is reviewing reciprocity requirements of other states to determine possible changes to improve efficiencies. Initial research revealed varying minimum standards across states including education only, experience only, varying degree types, and acceptance of reciprocity from other states. The LATC will work closely with CLARB to establish the minimum years of licensed experience to qualify to take the California Supplemental Exam in order to become licensed in California. The LATC will also work closely with other stakeholders to ensure that the path to licensure is efficient and effective.

2018 LATC Update Response:

During the previous reporting period, the LATC extended its licensure pathways to allow for partial degrees and architecture degrees (a degree related to landscape architecture) to meet education requirements. Since then, the LATC has pursued additional efforts that proactively mitigate impediments to licensure and provide enhanced opportunities for prospective candidates to qualify for licensure that are congruent with the type of education and training currently available. Effective January 1, 2017, the LATC promulgated regulations that allocated credit toward licensure for candidates who have landscape architectural teaching experience. Thereafter, the LATC has begun pursuit of additional regulatory changes that would provide expanded pathways to licensure.

The LATC presently requires that candidates have a combination of education and experience to qualify for licensure. To assess stakeholder feedback regarding expansion of licensure requirements, the LATC held public forums in March and April 2017. Thereafter, the LATC formed an Education/Experience Subcommittee (Subcommittee) tasked with determining expanded pathways to licensure and allocating credit given to those pathways. The LATC sought to mirror its expanded licensure pathways with those already used by the California Architects Board (Board), which provides credits for candidates who have degrees related to architecture, any bachelor's degree, and an experience-only pathway, which is constructed as a structured internship program.

Resultant of the Subcommittee's recommended new licensure pathways and in due consideration of public opinion, the LATC and the Board approved amendments to current regulations that expand pathways to enhance accessibility into the profession. These pathways provide for more related degrees, specifically allocating credit toward licensure for an accredited civil engineering degree as well as provide credit for a candidate with any bachelor's degree, experience supervised by a licensed landscape contractor, as well as an experience-only pathway.

The LATC has also continued to assess reciprocity requirements since the last reporting period. In the past, the LATC has received requests for reciprocal licensure from individuals licensed in jurisdictions where a degree in landscape architecture or architecture was not a requirement for initial licensure, as it is in California. Accordingly, the LATC is seeking to align its reciprocity and initial licensure requirements such that an out-of-

state candidate who meets the criteria for initial licensure will also be eligible for reciprocity licensure. The enhanced pathways that are being proposed to expand access to licensure (i.e., related degrees, any degree, and experience-based pathways) will afford more opportunities for out-of-state candidates to become licensed in California.

During its meeting May 4, 2018, the Committee determined that the current regulation for reciprocity aligns with the newly proposed initial licensure pathways, but that only minor changes were necessary to update the language. Furthermore, the Committee determined that further research related to the LATC's Certification of Experience form, which is used to certify that a candidate's experience meets the requirements for licensure, was needed in order to explore how the LATC can better structure the experience a candidate gains to prepare for licensure. At their meeting on July 20, 2018, the Committee reviewed staff's research on other states' verification of candidate experience and determined that no additional amendments were necessary to the Certification of Experience form nor CCR section 2620. The proposed amendments were then approved by the Board on September 12, 2018. Barring no additional changes to CCR section 2620, the LATC anticipates submitting a regulatory proposal to the OAL by the end of 2018.

Additionally, the Committee will continue discussions regarding how it will structure the allocation of experience-based credit. The LATC believes that these proactive efforts will ensure enhanced licensure opportunities, while still maintaining competency of practitioners, for individuals of diverse backgrounds seeking licensure in California.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of December 1, 2018

Section 11 – New Issues

This is the opportunity for the LATC to inform the Committees of solutions to issues identified by the LATC and by the Committees. Provide a short discussion of each of the outstanding issues, and the LATC's recommendation for action that could be taken by the LATC, 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 that were raised under prior Sunset Review that have not been addressed.
2. New issues that are identified by the LATC in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committees.

The LATC has addressed all issues from the prior review.

NEW ISSUES

Enhanced Pathways to Licensure

During the previous reporting period, the LATC extended its licensure pathways to allow for partial degrees and architecture degrees to meet education requirements. Since then, the LATC has pursued additional efforts that proactively mitigate impediments to licensure and provide enhanced opportunities for prospective candidates to qualify for licensure that are congruent with the type of education and training currently available. Effective January 1, 2017, the LATC promulgated regulations that allocated credit toward licensure for candidates who have landscape architectural teaching experience. Thereafter, the LATC has begun pursuit of additional regulatory changes that would provide expanded pathways to licensure.

The LATC presently requires that candidates have a combination of education and experience to qualify for licensure. To assess stakeholder feedback regarding expansion of licensure requirements, the LATC held public forums in March and April 2017. Thereafter, the LATC formed an Education/Experience Subcommittee (Subcommittee) tasked with determining expanded pathways to licensure and allocating credit given to those pathways. The LATC sought to mirror its expanded licensure pathways with those already used by the California Architects Board (Board), which provides credits for candidates who have degrees related to architecture, any bachelor's degree, and an experience-only pathway, which is constructed as a structured internship program.

Resultant of the Subcommittee's recommended new licensure pathways and in due consideration of public opinion, the LATC and the Board approved amendments to current regulation that 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. Following this approval, it was determined that minor, additional edits were needed to CCR section 2620 for the purpose of consistency in language. The Committee reviewed and approved these edits during its meeting on May 4, 2018. During this meeting, the Committee also determined that further research related to the LATC's Certification of Experience form was needed in order to explore how the LATC can better structure the experience a candidate gains to prepare for licensure. At their meeting on July 20, 2018, the Committee reviewed staff's research on other states' verification of candidate experience and determined that no additional amendments were necessary to the Certification of Experience form nor CCR section 2620. The proposed amendments were then approved by the Board on September 12, 2018. Barring no additional changes to CCR section 2620, the LATC anticipates initiating the rulemaking process with the Office of Administrative Law by the end of 2018.

The LATC believes that these proactive efforts will ensure enhanced licensure opportunities, while still maintaining competency of practitioners, for individuals of diverse backgrounds seeking licensure in California.

Written Contract

The LATC's "written contact requirement" is one of its most important consumer protection tools. Presently, the landscape architect's written contract must: 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; 4) describe the procedure to accommodate additional services; and 5) describe the procedure to be used by both parties to terminate the contract.

Memorializing the basic terms of a business relationship can prove invaluable. Both parties to the relationship need to understand the cost, schedule, compensation, etc. When there is no contract, there is an enhanced opportunity for one party to take advantage of the other. The LATC believes that the contract requirement benefits both the consumer and the landscape architect.

Since this provision has been in effect for some time, the Board has investigated many consumer complaints that centered around the existence of a contract or meaning of specific terms. As such, the Board's experts in the enforcement program (Architect Consultants) have identified several potential improvements to the current law. Many of the disputes that have resulted in complaints stemmed from misunderstandings concerning 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: 1) design services required; 2) compensation related to those services; and 3) project budget and schedule. Without a defined project description, it is often unclear whether the project is on track in meeting the expectations and project requirements established by the client and the architect or landscape architect.

Under the Rules of Professional Conduct, Title 16, California Code of Regulations, section 2670(d), 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. However, landscape architects are not currently required to define the project description in their written contracts with clients. 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 related to disputes regarding the ownership and use of an architect's instruments of service. Assembly Bill 630 (Holden, Chapter 453, Statutes

of 2013) became effective January 1, 2014, and added BPC section 5536.4 to the Architects Practice Act, which 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. However, architects and landscape 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 instruments of service.

The LATC is proposing to amend BPC section 5616 in order to clarify that the following elements are needed in landscape architects' written contracts with clients for professional services: 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. The LATC is also proposing to clarify that landscape architects are specifically licensed by LATC in the required notice to the client.

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 disagreements regarding the project description, unauthorized changes made to the project during the design process, and/or the ownership and use of instruments of service.

The LATC respectfully requests that this proposal be included as part of the legislation addressing its sunset date. See proposed language below:

Amend section 5616 of the Business and Professions Code to read:

(a) A landscape architect shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. The written contract shall be executed by the landscape architect and the client, or their representatives, prior to the landscape architect commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following:

(1) A description of the project for which the client is seeking services.

(~~2~~) A description of the services to be provided by the landscape architect to the client.

(~~3~~) A description of any basis of compensation applicable to the contract, including the total price that is required to complete the contract and the method of payment agreed upon by both parties.

(~~3~~) ~~A notice~~ statement in at least 12-point type that reads: "Landscape architects are licensed by the State of California Landscape Architects Technical Committee located at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834."

(~~4~~) The name, address, and license number of the landscape architect, and the name and address of the client and project address.

(~~5~~) A description of the procedure that the landscape architect and client will use to accommodate additional services.

(7) 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, total price, and method of payment.

(68) A description of the procedure to be used by either party to terminate the contract.

(9) A statement identifying the ownership and use of instruments of service prepared by the landscape architect.

~~(b) This section shall not apply if the client knowingly states in writing after full disclosure of this section that a contract that complies with this section is not required.~~

~~(e)~~ This section shall not apply to any of the following:

(1) Professional services rendered by a landscape architect for which the client will not pay compensation.

(2) An arrangement as to the basis for compensation and manner of providing professional services implied by the fact that the landscape architect's services are of the same general kind that the landscape architect has previously rendered to, and received payment for from, the same client.

(3) If the client knowingly states in writing after full disclosure of this section that a writing which complies with the requirements of this section is not required.

(34) Professional services rendered by a landscape architect to any of the following:

(A) A landscape architect licensed under this chapter.

(B) An architect licensed under Chapter 3 (commencing with Section 5500).

(C) A professional engineer licensed under Chapter 7 (commencing with Section 6700).

(D) A contractor licensed under Chapter 9 (commencing with Section 7000).

(E) A geologist or geophysicist licensed under Chapter 12.5 (commencing with Section 7800).

(F) A professional land surveyor licensed under Chapter 15 (commencing with Section 8700).

(G) A manufacturing, mining, public utility, research and development, or other industrial corporation, if the services are provided in connection with, or incidental to, the products, systems, or services of that corporation or its affiliates.

(H) A public agency.

~~(d)~~ As used in this section, "written contract" includes a contract that is in electronic form.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of December 1, 2018

Section 12 – Attachments

Please provide the following attachments:

A. LATC’s administrative manual.

See Attachment A

LATC Member Administrative Manual

B. Current organizational chart showing relationship of committees to the LATC and membership of each committee (cf., Section 1, Question 1).

See Attachment B

Committee Organizational Chart

C. Major studies, if any (cf., Section 1, Question 4).

See Attachment C

Review of the Council of Landscape Architectural Registration Boards’ Landscape Architect Registration Examination – Executive Summary

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 3, Question 17)

See Attachment D

Year-End Organization Charts – FYs 14/15 – 17/18

E. Performance Measure Reports (cf., Section 2, Question 6).

See Attachment E

Quarterly Performance Measure Reports
(quarters three and four of FY 2017/18 not available at time of report)

LATC Member Administrative Manual

**Landscape Architects Technical Committee
Member Administrative
Manual**

Approved by Board 9/12/18

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Chapter 1

Introduction

Overview

The California Board of Architectural Examiners was created by the California Legislature in 1901 to safeguard the public's health, safety, and welfare. It was renamed the California Architects Board (Board) in 2000. It is one of the boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), part of the Business, Consumer Services and Housing Agency under the aegis of the Governor. The Department is responsible for consumer protection and representation through the regulation of licensed professions and the provision of consumer services. While the DCA provides administrative oversight and support services, the Board has policy autonomy and sets its own policies, procedures, and regulations.

The Board is presently composed of 10 members that, by law, 5 are public members, and 5 are architects. The five architect members are all appointed by the Governor. Three of the public members are also gubernatorial appointees; while one public member is appointed by the Assembly Speaker and the other is appointed by the Senate Rules Committee. Board members may serve up to two four-year terms. Board members fill non-salaried positions but are paid \$100 per day for each meeting day or day spent in the discharge of official duties (see section entitled "Salary Per Diem") and are reimbursed travel expenses.

The Landscape Architects Technical Committee (LATC) was statutorily established under the jurisdiction of the Board pursuant to the enactment of Assembly Bill 1546 (Chapter 475, statutes of 1997), which became effective January 1, 1998. It replaces the former Board of Landscape Architects, which was abolished through the enactment of Senate Bill 2036 (Chapter 908, statutes of 1994) on July 1, 1997.

The LATC consists of five technical experts who are licensed to practice landscape architecture in this state. Under the provisions of section 5621(b) of the Business and Professions (B&P) Code, the Governor

has the authority to appoint three of the members. The remaining two members are appointed by the Senate Committee on Rules and the Speaker of the Assembly. Like the Board members, Committee members fill non-salaried positions but are paid \$100 per day for each meeting day and are reimbursed travel expenses.

The LATC's purpose is to act in an advisory capacity to the Board on examinations, regulations, and other matters pertaining to the practice of landscape architecture in California.

This Committee Member Administrative Manual is provided to members as a reference of important laws, regulations, DCA policies, and Board policies to guide the actions of the members and ensure effectiveness and efficiency.

Delegated Authority

(B&P Code Sections 5620 & 5622)

B&P Code sections 5620 and 5622 set forth the duties of the Board and the LATC. On May 14, 1998, the Board unanimously voted to empower the LATC, to the fullest extent authorized by law, to exercise all duties, powers, purposes, responsibilities and jurisdiction relative to administration of the LATC as set forth in Chapter 3.5 of Division 3 of the B&P Code (commencing with section 5615), with the following exceptions:

The Committee shall:

- Make recommendations concerning proposed regulatory or statutory changes and submit them to the Board for review and final approval.
- Make recommendations concerning budget augmentations and submit them to the Board for review and final approval.
- Develop a Strategic Plan for the LATC and submit it to the Board for review and final approval.
- Make recommendations involving disciplining a landscape architect or taking action against a person who has violated this chapter to the Board for review and final approval.

Mission

The LATC regulates 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.

Vision

The LATC will champion for consumer protection and a safer built environment for the people of California

Values

Consumer Protection
Innovation
Communication
Integrity
Leadership

General Rules of Conduct

All Committee members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times. The Committee members serve at the pleasure of the Governor and the Legislature, and shall conduct their business in an open manner, so that the public that they serve shall be both informed and involved, consistent with the provisions of the Bagley-Keene Open Meeting Act and all other governmental and civil codes applicable to similar boards within the State of California.

- Members shall not act or speak on the Board's or LATC's behalf without proper authorization from the Board president or LATC chair.
- Members shall maintain the confidentiality of confidential documents and information.
- Members shall commit the time to prepare for LATC responsibilities.
- Members shall recognize the equal role and responsibilities of all LATC members.
- Members shall act fairly, be nonpartisan, impartial, and unbiased in their role of protecting the public.
- Members shall treat all applicants and licensees in a fair and impartial manner.
- Members' actions shall serve to uphold the principle that the LATC's primary mission is to protect the public.
- Members shall not use their positions on the LATC

for personal, familial, or financial gain.

Abbreviations

ASLA	American Society of Landscape
B&P	Business and Professions Code
CLARB	Council of Landscape Architectural Registration Boards
DCA	Department of Consumer Affairs
EO	Executive Officer
Gov.	Government Code
LARE	Landscape Architect Registration Examination
SAM	State Administrative Manual

Chapter 2

LATC Meeting Procedures

Bagley-Keene Open Meeting Act

(Gov. Code Section 11120 et seq.)

All meetings are open for public attendance and subject to all provisions of the Bagley-Keene Open Meeting Act. This act governs meetings of the state regulatory boards and meetings of committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included in the agenda.

Public Comment

(Gov. Code Section 11125.7)

Public comment must be allowed on open session agenda items before or during discussion of each item and before a vote.

The LATC may accept public comment on an item not on the agenda, provided that the LATC takes no action or does not discuss the item at the same meeting. The LATC may refer the item to the next Strategic Planning session and/or place the matter on the agenda of a future meeting. The LATC cannot prohibit public criticism of the LATC's policies or services. The LATC chair may set reasonable time limitations.

Due to the need for the LATC to maintain fairness and neutrality when performing its adjudicative function, the LATC shall not receive any substantive information from a member of the public regarding matters that are currently under or subject to investigation, or involve a pending or criminal

administrative action.

Closed Session

(Gov. Code Sections 11126, 11126.1)

Any general discussion of exams shall be held in public. The LATC may meet in closed session to discuss examinations where a public discussion would compromise the integrity of the examination.

If the agenda contains matters that are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

No members of the public are allowed to remain in the meeting room for closed sessions. At least one staff member must be present at all closed sessions to record topics discussed and decisions made.

Closed session must be specifically noticed on the agenda (including the topic and legal authority). Before going into closed session, the LATC chair should announce in open session the general nature of the item(s) to be discussed.

Frequency of Meetings

(B&P Code Section 101.7)

The LATC shall meet at least two times each calendar year for the purpose of transacting such business as may lawfully come before it and may meet more often as it determines necessary.

Meeting Location

(Gov. Code Sections 11123.1 & 11131; B&P Code Section 101.7)

The LATC is required to hold its meetings at locations that are easily accessible to the public and individuals with disabilities in compliance the Americans with Disabilities Act (ADA). The LATC will hold meetings in different locations throughout the state and is required to hold at least one meeting in Northern California and one meeting in Southern California.

Committee Member Attendance at LATC and Board Meetings

(Board/LATC Policy)

Members shall attend each meeting of the LATC. If a member is unable to attend he/she must contact the LATC chair or vice chair and ask to be excused from the meeting for a specific reason. Should a member miss two consecutive meetings, the Board president or LATC chair may notify the Director of the DCA.

The Board and LATC maintain an ongoing practice

of providing regular updates regarding key issues at each other's respective meetings to sustain understanding of each entity's priorities. The LATC may send a representative to Board meetings as deemed appropriate by the chair or vice chair.

Member Participation

(Board/LATC Policy)

The LATC chair may ascertain from members whose level of participation is below standard whether or not the member is no longer able to continue serving as an active member of the LATC. In such a case, the chair may recommend to the Board that the member resign. If such resignation is not forthcoming within a reasonable time, the Board, by resolution, may request the appointing authority to have the member replaced. However, the member shall be given the opportunity to present to the Board his/her arguments against the resolution prior to such a resolution being adopted by the Board.

Teleconference Meetings

(Gov. Code Section 11123)

Special rules for notice of teleconference meetings are as follows:

- Same 10-day notice requirement as in-person meetings.
- Notice and agenda must include teleconference locations.
- Every teleconference location must be open to the public and at least one LATC member must be physically present at every noticed location. LATC members must attend the meeting at a publicly noticed location.
- Additional locations may be listed on the notice that allow the public to observe or address the LATC by electronic means without an LATC member present.

Special Meetings

(Gov. Code Section 11125.4)

A special meeting may be called at any time by the LATC chair or in his or her absence the vice chair or by a majority of the members of the LATC and held with 48 hours' notice in specified situations (e.g., consideration of proposed legislation). At the commencement of any special meeting, the LATC must make a finding in open session that the delay necessitated by providing

notice 10 days prior to a meeting would cause a “substantial hardship on the LATC or that immediate action is required to protect the public interest.” The finding shall be adopted by two-thirds vote of the LATC if less than two-thirds members present, a unanimous vote of those members present.

Emergency Meetings

(Gov. Code Section 11125.5)

An emergency meeting may be held after finding by a majority of the LATC at a prior meeting or at the emergency meeting that an emergency situation exists due to work stoppage or crippling disaster. [A quorum is required for the LATC to meet in the event of emergency, such as a work stoppage or crippling disaster.] Emergency meetings require a one-hour notice.

Quorum

Three of the members of the LATC constitute a quorum of the LATC for the transaction of business. The concurrence of three members of the LATC present at a meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the LATC.

Agenda Items

(Board/LATC Policy)

The LATC chair, with the assistance of the LATC program manager, shall prepare the agenda and tentative meeting timeframe. Any LATC member may submit items for an LATC meeting agenda to the program manager 20 days prior to the meeting.

Notice of Meetings to be Sent to Individuals

(Gov. Code Section 11120 et seq.; B&P Code Section 101.7)

According to the Bagley-Keene Open Meeting Act, meeting notices (including agendas for LATC meetings) shall be sent to persons on the LATC's mailing or email list at least 10 calendar days in advance. The notice shall include a staff person's name, work address, and work telephone number who can provide further information prior to the meeting.

Notice of Meetings to be Posted on the Internet

(Gov. Code Section 11125)

Unless the meeting meets the requirements for a special or emergency meeting under the Bagley-Keene Open Meeting Act, notice shall be given and made available on the Internet at least 10 calendar days in advance of the meeting, and

shall include the name, address, and telephone number of a staff person who can provide further information prior to the meeting but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the Internet address where notices required by the Bagley-Keene Open Meeting Act are made available.

Record of Meetings

(Board/LATC Policy; B&P Section 5626; Gov. Code Sections 11123(c), 11126.1)

The minutes are a summary, not a transcript, of each LATC meeting. They shall be prepared by LATC staff and submitted for review by LATC members before the next LATC meeting. The minutes must contain a record of how each member present voted for each item on which a vote was taken. LATC minutes shall be approved at the next scheduled meeting of the LATC. When approved, the minutes shall serve as the official record of the meeting.

Voting on Motions

(B&P Code Section 5524; Gov. Code Sections 11120, 11122, 11123, 87100 et seq.; 68 Ops.Cal.Atty.Gen. 65, 69-70)

As a general rule, all votes must be taken publicly. However, votes taken on closed session matters are not required to be taken publicly. Secret ballots and proxy votes are prohibited. A majority of the committee vote is determined by the votes actually cast. Abstentions are recorded, but not counted, unless a law provides otherwise.

Options for LATC members:

- 1) Support / in Favor / Yes / Aye
- 2) Oppose / No / Nay
- 3) Abstain (not counted as a vote)
- 4) Recused (not counted as a vote)

Audio/Visual Recording

(Board/LATC Policy)

The meeting may be audio/video recorded and/or broadcast live via the Internet. Recordings shall be disposed of upon LATC approval of the minutes. If a webcast of the meeting is intended, it shall be indicated on the agenda notice.

Chapter 3**Travel & Salary Policies/Procedures****Travel Approval**

*(DCA Memorandum
96-01)*

LATC members shall have LATC chair approval for all travel except for regularly scheduled LATC, Board and subcommittee meetings to which the LATC member is assigned.

Travel Arrangements

(Board/LATC Policy)

LATC members are encouraged to coordinate with the LATC staff for any LATC-related travel arrangements, including air or train transportation, car rental, and lodging accommodations through Cal Travel Store's online booking tool, Concur.

LATC members must also utilize the most economic source of transportation available. For example, if the hotel provides a shuttle from the airport to the hotel it is not fiscally responsible to rent a car or take a taxi. Reimbursement may be reduced or denied if the most economical sources are not used.

All LATC-related travel must be booked using Cal Travel Store's self-service reservation system, Concur, if an LATC member seeks reimbursement.

In advance of LATC and Board meetings, the LATC staff will provide members information detailing the name and address of the chosen hotel where state rates are available if an overnight stay is required.

Out-of-State Travel

(SAM Section 700 et seq.)

For out-of-state travel, LATC members will be reimbursed actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all

persons representing the state of California is controlled and must be approved by the Governor's Office.

Travel Reimbursement

*(SAM Section 700 et seq. &
DCA Memorandum 96-01)*

Rules governing reimbursement of travel expenses for LATC members are the same as for management level state staff. LATC members must submit the originals of all receipts, with the exception of meals, and, when applicable, a copy of the airline itinerary and hotel receipt showing the balance paid, to the LATC staff. All expenses shall be claimed on the appropriate travel expense

claim forms. The staff maintain these forms and complete them as needed. The staff complete travel expense reimbursements in CalATERS Global and maintain copies of these reports and submitted receipts. It is advisable for LATC members to submit their travel expense forms immediately after returning from a trip and not later than two weeks following the trip.

In order for the expenses to be reimbursed, LATC members shall follow the procedures contained in DCA Departmental Memoranda that are periodically disseminated by the Director and are provided to LATC members on at least an annual basis by the staff.

Salary Per Diem

(B&P Code Section 103)

Each member of a board, commission or committee created in various chapters of Division 3 (commencing with section 5000) is eligible to receive a per diem of \$100 for each day actually spent in the discharge of official duties, unless on any day served, the member also received compensation for their regular public employment. Reimbursement of travel and other related expenses for LATC members is also regulated by section 103.

In relevant part, this section provides for the payment of salary per diem for LATC members **“for each day actually spent in the discharge of official duties,”** and provides that the LATC member **“shall**

be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.”

(Board/LATC Policy)

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

No salary per diem or reimbursement for travel-related expenses shall be paid to LATC members except for attendance in official Board or committee meetings, unless a substantial official service is performed by the LATC member. Attendance at gatherings, events, hearings, conferences, or meetings other than official Board or committee meetings in which a substantial official service is performed shall be approved in

advance by the LATC chair. The LATC program manager shall be notified of the event and approval shall be obtained from the LATC chair prior to LATC member's attendance.

The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Board or committee meeting to the conclusion of that meeting. Where it is necessary for a LATC member to leave early from a meeting, the LATC chair shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

For LATC specified work, LATC members will be compensated for actual time spent performing work authorized by the LATC chair. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences; CLARB committee work; and travel time on non-meeting days (out-of-state). That work does not include preparation time for LATC or subcommittee meetings. LATC members cannot claim salary per diem for time spent traveling to and from a Board or committee meeting.

Chapter 4

LATC Member Disciplinary Actions

(Board/LATC Policy; Gov. Code Section 11125.4)

Other Policies/Procedures

An LATC member may be censured by the Board if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The Board president shall preside over the hearing unless the censure involves the president's own actions, in which case the Board vice president shall preside. In accordance with the Bagley-Keene Open Meeting Act, the censure hearing shall be conducted in open session.

Removal of LATC Members

(B&P Code Sections 106 &

The Governor has the power to remove from office at any time any member of any board appointed by him/her for continued neglect of duties required

106.5) by law or for incompetence or unprofessional or dishonorable conduct. The Governor may also remove from office a member of a board or other licensing entity in DCA who directly or indirectly discloses examination questions to an applicant for examination for licensure.

Resignation of LATC Members

(Gov. Code Section 1750)

In the event that it becomes necessary for an LATC member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the director of DCA, the Board president, LATC chair, and the EO.

Officers of the LATC

(Board/LATC Policy)

The LATC shall elect from its members a chair and a vice chair to hold office for one year or until their successors are duly elected and qualified.

Election of Officers

(Board/LATC Policy)

The LATC shall elect the officers at the last meeting of the calendar year. Officers shall serve a term of one year. All officers may be elected on one motion or ballot as a slate of officers unless more than one LATC member is running per office. An officer may be re-elected and serve for more than one term.

Officer Vacancies

(Board/LATC Policy)

If an office becomes vacant during the year, an election shall be held at the next meeting. If the office of the chair becomes vacant, the vice chair shall assume the office of the chair. Elected officers shall then serve the remainder of the term.

Task Force or Subcommittee Appointments

(Board/LATC Policy)

The LATC chair shall establish task force groups or special subcommittees as he or she deems necessary. The composition of the task forces or special subcommittees and the appointment of the members shall be determined by the LATC chair in consultation with the vice chair and LATC program manager. When task forces or special subcommittees include the appointment of non-LATC members, all impacted parties should be considered.

Attendance at Task Force or Subcommittee Meetings

(Board/LATC Policy; Gov. Code Section 11122.5(c)(6))

If an LATC member wishes to attend a meeting of a task force or special subcommittee in an official capacity of which he/she is not a member, that LATC member shall obtain permission from the LATC chair to attend and shall notify the task force or subcommittee chair and LATC program manager. LATC members who are not members of the task force or subcommittee that is meeting cannot vote during the task force or subcommittee meeting and may attend only as observers. If there is a quorum of the LATC at a task force or subcommittee meeting, LATC members who are not members of the task force or subcommittee must sit in the audience and cannot participate in task force or subcommittee deliberations.

Task forces and subcommittees operate at the direction of the LATC to fulfill specific goals in the Strategic Plan. Task force and subcommittee chairs shall lead actions toward such goals without undue influence on the part of LATC officers or members.

Board and LATC Staff

(DCA Reference Manual)

Employees of the Board and LATC, with the exception of the EO, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by civil service laws, regulations, and collective bargaining labor agreements. Because of this complexity, it is most appropriate that the LATC delegate all authority and responsibility for management of the civil service staff to the LATC program manager. LATC members shall not intervene or become involved in specific day-to-day personnel transactions or matters.

Program Manager Evaluation

(Board/LATC Policy)

LATC members shall provide input regarding the performance of the LATC program manager on an annual basis. The LATC chair shall disseminate a performance appraisal form to all LATC members who shall complete the form and return it to the chair who will, in turn, submit it to the EO.

LATC Administration

(DCA Reference Manual)

LATC members should be concerned primarily with formulating decisions on LATC policies rather than decisions concerning the means for carrying out a

specific course of action. It is inappropriate for LATC members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the LATC program manager and EO.

Consistent with the budget and Strategic Plan, requests by individual LATC members that are not directly associated with the LATC's goals or have an impact on staff workload, as determined by the chair and program manager, may be declined. In the event the request is by the chair, the vice chair shall review the request.

LATC Budget

(Board/LATC Policy)

The vice chair shall serve as the LATC's budget liaison with staff and shall assist staff in the monitoring and reporting of the budget to the LATC. Staff will conduct an annual budget briefing with the LATC with the assistance of the LATC vice chair. The EO, LATC program manager, or his/her designee will attend and testify at legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.

Conflict of Interest

(Gov. Code Section 87100)

No LATC member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any LATC member who has a financial interest shall disqualify himself/herself from making or attempting to use his/her official position to influence the decision. Any LATC member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the LATC program manager or the LATC's legal counsel. The question of whether or not a member has a financial interest that would present a legal conflict of interest is complex and must be decided on a case-by-case review of the particular facts involved. For more information on disqualifying yourself because of a possible conflict of interest, please refer to the Fair Political Practice Committee's manual on their website: fppc.ca.gov.

Financial Disclosure

(Gov. Code Section 87302(b))

The Conflict of Interest Code also requires LATC members to file annual financial disclosure statements by submitting a Form 700 – Statement of Economic Interest. New LATC members are required to file a disclosure statement within 30 days after assuming office. Annual financial statements must be filed no later than April 1 of each calendar year.

A “leaving of office statement” must be filed within 30 days after an affected LATC member leaves office.

LATC members are not required to disclose all of their financial interests. Gov. Code section 87302 (b) explains when an item is reportable:

An investment, interest in real property, or income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.

Refer to the Fair Political Practices Commission’s website fppc.ca.gov to determine what investments, interests in property, or income must be reported by a member. Questions concerning particular financial situations and related requirements should be directed to DCA’s Legal Affairs Division.

Incompatible Activities

(Gov. Code Section 19990)

Following is a summary of the employment, activities, or enterprises that might result in or create the appearance of being inconsistent, incompatible, or in conflict with the duties of state officers:

- Using the prestige or influence of a state office or employment for the officer’s or employee’s private gain or advantage, or the private gain or advantage of another.
- Using state time, facilities, equipment, or supplies for the officer’s or employee’s private gain or advantage, or the private gain or advantage of

another.

- Using confidential information acquired by the virtue of state employment for the officer's or employee's private gain or advantage or advantage of another.
- Receiving or accepting money, or any other consideration, from anyone other than the state for the performance of an act which the officer or employee would be required or expected to render in the regular course or hours of his or her state employment or as a part of his or her duties as a state officer or employee.
- Performance of an act other than in his or her capacity as a state officer or employee knowing that such an act may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by such officer or employee of the agency by which he or she is employed. (This would not preclude a member of the LATC from performing normal functions of his or her occupation.)
- Receiving or accepting, directly or indirectly, any gift, including money, any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is seeking to do business of any kind with the state or whose activities are regulated or controlled in any way by the state, under circumstances from which it reasonably could be inferred that the gift was intended to influence him or her in his or her official duties or was intended as a reward for any official action on his or her part.

The aforementioned limitations do not attempt to specify every possible limitation on member or employee activity that might be determined and prescribed under the authority of Gov. Code section 19990. DCA's Incompatible Work Activities OHR 10-01 is included in Appendix C.

Ex Parte Communications

*(Gov. Code Section
11430.10 et seq.)*

The Government Code contains provisions prohibiting ex parte communications. An "ex parte" communication is a communication to the decision-maker made by one party to an

enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

“While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication.”

Board members adjudicate disciplinary matters involving the practice of architecture and landscape architecture and are prohibited from an ex parte communication with Board enforcement staff individuals involved in disciplinary proceedings while those matters are pending. In addition, Committee members shall not participate in any ex parte communication with Board members, enforcement staff, or individuals involved in pending disciplinary proceedings.

Occasionally an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board or Committee members.

If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the EO.

If a Committee member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person that discussion about the matter is not permitted, he or she will be required to recuse him or herself from any participation in the matter, and continued discussion is of no benefit to the applicant or licensee.

If a Committee member believes that he or she has received an unlawful ex parte communication, he or she should contact the Board's assigned Legal Affairs Division counsel.

**Communications with
Other Organizations/
Individuals**

(Board/LATC Policy)

All communications relating to any LATC action or policy to any individual or organization including CLARB, ASLA, or a representative of the media shall be made only by the LATC chair, his/her designee, or the LATC program manager. Any LATC member who is contacted by any of the above should immediately inform the LATC chair or LATC program manager of the contact. All correspondence shall be issued on the LATC's standard letterhead and will be created and disseminated by the LATC office.

LATC members shall not act on behalf of the LATC without approval and consensus, including but not limited to meeting or interacting with other professional organizations, governmental entities, educational institutions, landscape architectural associations, intern associations, etc. All actions on behalf of the LATC shall be documented and communicated to the LATC program manager. The LATC program manager will then convey such information to the LATC via the monthly report or by other means, as determined necessary.

Legislation

(Board/LATC Policy)

In the event time constraints preclude Board and LATC action, the Board delegates to the EO the authority to take action on legislation that would change the Landscape Architects Practice Act, impact a previously established Board or LATC policy, or affect the public's health, safety, or welfare. Prior to taking a position on legislation, the EO shall consult with the LATC chair and Board president. The LATC shall be notified of such action as soon as possible.

Contact with Candidates

(Board/LATC Policy)

LATC members shall not intervene on behalf of a candidate for any reason. They should forward all contacts or inquiries to the LATC program manager.

Gifts from Candidates

Gifts of any kind to LATC members or the staff from

(Board/LATC Policy)

candidates for licensure with the LATC shall not be permitted.

Request for Records Access

(Board/LATC Policy)

No LATC member may access a licensee or candidate file without the program manager's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the LATC's office.

Business Cards

(Board/LATC Policy)

Business cards will be provided to each LATC member upon request with the LATC's name, address, telephone, fax number, and website address. A LATC member's business address, telephone, and fax number, and e-mail address may be listed on the card at the member's request.

Letterhead

(Board/LATC Policy)

Only correspondence that is transmitted directly by the LATC office may be printed or written on LATC letterhead stationery. Any correspondence from a LATC member requiring the use of LATC stationary or the LATC's logo should be transmitted to the LATC office for finalization and distribution.

Chapter 5

Training

Once a LATC member is appointed, the LATC staff will send an email containing a list of all the required trainings, their due dates, and instructions about their completion. LATC members should send the certificate of completion or signature page to the LATC staff who maintain LATC members' records. For additional information, LATC members may refer to DCA's online Board Member Resource Center which may be found at: dca.boardmembers.ca.gov

LATC Member Orientation

(B&P Code Section 453)

Newly appointed and reappointed LATC members must attend a Board Member orientation training course offered by DCA within one year of assuming office. The orientation covers information regarding required training, in addition to other topics that will ensure a member's success, including an overview of DCA.

Ethics

(Gov. Code Section 11146 et seq.)

State appointees and employees in exempt positions are required to take an ethics orientation within the first six months of their appointment and every two years thereafter. To comply with that directive, LATC members may take the interactive course provided by the Office of the Attorney General, which can be found at oag.ca.gov/ethics.

Sexual Harassment Prevention

(Gov. Code Section 12950.1)

LATC members are required to undergo sexual harassment prevention training and education once every two years, in odd years. Staff will coordinate the training with DCA.

Defensive Driver

(SAM Section 0751)

All state employees, which includes Board and committee members, who drive a vehicle (state vehicle, vehicles rented by the state, or personal vehicles for state business) on official state business must complete the Department of General Services (DGS) approved defensive driver training (DDT) within the first six months of their appointment and every four years thereafter.

APPENDIX A**Landscape Architects Technical Committee (LATC)
Committee Member Position Description**

The LATC exists to regulate the practice of landscape architecture in the interest and for the protection of the public health, safety, and welfare. The LATC is comprised of five landscape architects. Each member of the LATC is responsible first and foremost for public protection.

The LATC manages its responsibilities by delegating to subcommittees and task forces as needed and its staff, thereby enabling the LATC to more effectively fulfill its mission. The LATC employs a program manager to exercise the powers and perform the duties delegated by the LATC. The program manager manages the LATC's staff (currently five positions). With direction from the LATC and the Strategic Plan, the LATC staff implement the LATC's examination, licensing, enforcement, and administration programs.

As a whole, the LATC's responsibilities include the following:

- Assist the Board in the examination of candidates for landscape architecture licensure and, after investigation, evaluate and make recommendations regarding potential violations of the Landscape Architects Practice Act.
- Investigate, assist, and make recommendations to the Board regarding the regulation of landscape architects in this state.
- Perform duties and functions that have been delegated to it by the Board pursuant to B&P Code section 5620.
- Send a representative to all meetings of the full Board to report on the LATC's activities.

Individual LATC member responsibilities include:

- Attendance at LATC meetings. (The LATC regularly meets quarterly, but may meet more often if necessary. Meetings are generally one-day and are scheduled in locations throughout California. Overnight travel may be necessary. Every two years, the LATC meeting includes a Strategic Planning session.)
- Participation on LATC subcommittees and task forces. (Time commitment for committees and task forces vary.)
- LATC members are also expected to invest the time to review the "recommended reading" necessary to participate effectively in LATC business. Such readings include the LATC Member Administrative Manual, Sunset Review Report, Board and committee packets, recent studies and reports, and related material.
- Acting as a representative of the LATC to communicate information to the professional and educational communities.
- Possible participation in the Council of Landscape Architectural Registration Boards (CLARB) meetings. (CLARB meets once per year. Meetings are

usually three days, and up to two days travel time may be required, depending on meeting location.)

- Possible participation as a CLARB officer or director. (The LATC has a goal of exercising more influence on CLARB by encouraging its members to participate at officer levels of the organization.)

APPENDIX B

DCA Incompatible Work Activities (OHR 14-01)



DEPARTMENTAL POLICY

TITLE	INCOMPATIBLE WORK ACTIVITIES		
POLICY OWNER	OFFICE OF HUMAN RESOURCES		
POLICY NUMBER	OHR 14-01	SUPERSEDES	OHR 10-01
ISSUE DATE	NOVEMBER 24, 2014	EFFECTIVE	IMMEDIATELY
DISTRIBUTE TO	ALL EMPLOYEES		
ORIGINAL APPROVED BY	Original signature on file Awet P. Kidane Director		
NUMBER OF PAGES	1 of 10	ATTACHMENT	ATTACHMENT A

POLICY

It is the policy of the Department of Consumer Affairs (“DCA” and “Department”) that all policy directives and all laws, rules, and regulations concerning incompatible work activities are promoted and adhered to by its employees, governmental officials, and temporary staff.

APPLICABILITY

This policy applies to all employees, governmental officials, Board members and Bureau Advisory Committee members, and temporary staff of DCA, and any of its offices, divisions, bureaus, boards, programs, commissions, committees, and other constituent agencies. Within this policy, the terms “DCA” and “Department” apply to all of these entities.

PURPOSE

The purpose of this policy is to outline the State laws set forth in the standards of conduct with which State civil service officers and employees, and appointees and employees exempt from civil service are expected to comply. All employees of the DCA have a responsibility to their employer, their fellow employees, and the people of California to conduct themselves in an ethical manner so as not to bring discredit to themselves or the State and the Department.

AUTHORITY

- CA Government Code section 11475.10
- CA Government Code section 19990 et seq.
- CA Penal Code Section 502
- Executive Order B-66-2, "Standards of Ethical Conduct"
- Political Reform Act (CA Government Code section 81000 et seq.)
- Title II of the California Code of Regulations (CCR) section 599.859

PROVISIONS

Pursuant to Government Code section 19990 and Executive Order B-66-2, there is a code of ethical standards, which is applicable to State employees and gubernatorial appointees/exempt employees. This code of ethical standards is to be followed in addition to all other statutes, executive orders, or rules (i.e. the Fair Political Practices Act) which might affect questions of conflict of interest, incompatibility, or ethics relating to gubernatorial appointees/exempt employees.

Applicable portions of the Executive Order are stated below. Exempt employees are requested to carefully read these sections and to comply with both their letter and spirit:

Standards of Ethical Conduct for Exempt Appointees

"Standards of Ethical Conduct"

"No employment, activity, or enterprise shall be engaged in by any officer or employee of the Executive Department of the State which might result in, or create the appearance of resulting in any of the following:

- (1) **Using the prestige or influence of a State office or employment** for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- (2) **Using State time, facilities, equipment, or supplies** for the officer's or employee's private gain or advantage, or the private gains or advantage of another.
- (3) **Using confidential information** acquired by virtue of State employment for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- (4) **Receiving or accepting money or any other consideration** from anyone other than the State for the performance of an act which the officer or employee would be required or expected to render in the regular course or hours of his [or her] State employment or as a part of his [or her] duties as a State officer or employee.
- (5) **Performance of an act in other than his [or her] capacity as a State officer or employee** knowing that such an act may later be subject, directly or indirectly, to the

control, inspection, review, audit or enforcement by such officer or employee or the agency by which he or she is employed. [This would not preclude an "industry" member of a board or commission from performing the normal functions of his or her occupation.]

- (6) **Receiving or accepting, directly or indirectly, any gift**, including money, any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is doing or is seeking to do business of any kind with the State or whose activities are regulated or controlled in any way by the State, under circumstances from which it reasonably could be inferred that the gift was intended to influence him or her in his or her official duties or was intended as a reward for any official action on his or her part." (Emphasis added.)

Responsibility of All Employees, Both Exempt and Civil Service

Employees of the DCA have a responsibility to their employer, their fellow employees, and the people of California to conduct themselves in an ethical manner so as not to bring discredit to themselves or the State and the Department.

This policy must be followed by each employee of the DCA in order to avoid activities which are clearly inconsistent, incompatible, or in conflict with his or her official duties. Employees must review this policy with consideration toward their particular job duties and responsibilities.

This policy specifically relates to incompatible activities and does not include all provisions of law or regulations with which employees must comply.

If an employee is uncertain as to whether certain activity, employment, or enterprise is in violation of this policy, the employee should immediately consult with his or her supervisor who will indicate in writing whether the activity, employment, or enterprise is prohibited.

To protect the integrity of the California State Civil Service, State law sets forth standards of conduct with which State civil service officers and employees are expected to comply. Section 19990 of the Government Code requires that:

“A state officer or employee shall not engage in any employment, activity, or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical to his or her duties as a state officer or employee.”

Each appointing power shall determine, subject to approval of the California Department of Human Resources (CalHR), those activities which, for employees under its jurisdiction, are inconsistent, incompatible, or in conflict with their duties as State officers or employees. Activities and enterprises deemed to fall in these categories shall include, but not be limited to, all of the following:

Using Prestige or Influence

- (a) Using the prestige or influence of the State or the appointing authority for the officer's or employee's private gain or advantage or the private gain of another.

Examples of such activities include:

1. *Soliciting business from persons licensed by the employee's employer (DCA entity) under the guise that the licensee may receive special benefits from the employee's agency.*
2. *Soliciting money from a licensee or from other departmental employees for the employee's private gain.*
3. *Providing or using the names and/or addresses of licensees, vendors, or other entities subject to regulation by DCA for mailing lists or solicitation unless authorized to do so as part of the employee's duties.*
4. *Using the badge, uniform, or identification card of a State position for private gain or advantage.*

Use of State Time, Facilities, etc.

(b) Using State time, facilities, equipment, or supplies for private gain or advantage.

Examples of such activities include:

1. *Using State vehicles or credit cards for personal gain or for personal transactions.*
2. *Using State letterhead stationery for private correspondence.*
3. *Using State office supplies, State postage stamping facilities, State copy machines, or computer equipment and software for home or personal business.*
4. *Selling products such as cosmetics, jewelry, stationery, plastics, etc., at times other than regularly scheduled breaks and lunch periods, or to other employees when they are not on such breaks.*

Using Confidential Information

(c) Using, or having access to, confidential information available due to State employment for private gain or advantage or providing confidential information to persons to whom issuance of said information has not been authorized may be inconsistent, incompatible or in conflict with a State employee's or officer's duties.

Examples of such activities include:

1. *Disclosing confidential investigative reports or confidential examination materials or information.*
2. *Providing or using, unless authorized to do so by the Department or by someone to whom that responsibility has been delegated, licensee social security numbers, birth dates, gender, and/or complaint activity reports.*

3. *Requesting, acquiring, examining, or disseminating confidential or employee personnel records or personal information maintained by the Department unless authorized in the assignment of related duties.*
4. *Willfully misusing, misplacing, or destroying confidential information, including but not limited to, the disclosure of passwords or permitting access to computer information systems, programs, or other data to unauthorized personnel.*

Accepting Money or Other Consideration

- (d) Receiving or accepting money, or any other consideration, from anyone other than the State for the performance of his or her duties as a State employee.

Examples of such activities include:

1. *Requesting or accepting money, or other consideration, from applicants or licensees for the priority processing of license applications.*
2. *Charging a fee for helping an applicant complete documents for licensure.*

Performance of an Activity

- (e) Performance of an activity, in other than his or her capacity as a State employee, which is subject directly or indirectly, to the control, inspection, review, audit, or enforcement by the employee.

Each DCA entity should evaluate its own mission and job classifications to determine what activities are covered by this category. Specific applications may vary by the DCA entity. The following examples are provided for guideline purposes only:

1. *Engaging in a personal medical practice or activity which is regulated by the employee's licensing board, when the employee's duties are to review, inspect, audit, or enforce the regulated activity.*
2. *Engaging in a nursing practice or activity which is regulated by the employee's licensing board, when the employee's duties are to review, inspect, audit, or enforce the regulated activity.*
3. *Engaging in a construction business or activity which is regulated by the employee's licensing board, when the employee's duties are to review, inspect, audit, or enforce the regulated activity.*
4. *Engaging in an automobile related business or activity which is regulated by the employee's bureau, when the employee's duties are to review, inspect, audit, or enforce the regulated activity.*

5. *Engaging in a private legal practice where the employee represents clients in any matter or venture subject to the regulation of an agency in DCA, or represents any licensee in any enforcement matter before a DCA entity.*

Exception to this Provision

Each DCA entity may determine that it is in the interests of the agency to allow specified employees to engage in activities which would otherwise be prohibited under the above guidelines. Examples may include allowing employees holding professional or vocational licenses to engage in the licensed business or profession in order to maintain current skills.

Any DCA entity deciding to allow such employment or activities shall develop criteria to evaluate whether requests to engage in such employment or activities will be approved. The criteria must include, but need not be limited to: the time-base of the employee, the benefit to the organization of the employment or activity, a policy to avoid an actual conflict of interest or the appearance of a conflict of interest, and periodic review of the employment or activity.

Any employee currently engaged in, or desiring to engage in, such employment or activities shall submit a written request to his or her supervisor, describing the type and scope of outside employment or activity. The supervisor shall review the request and make a recommendation to approve or disapprove the request, based on the criteria developed by the DCA entity. The request and recommendation shall be submitted through the supervisory chain to the Program Manager, Division Chief, Bureau Chief, Executive Officer, Executive Director, Registrar, Commissioner, or designee who will make the determination. The approving officer may review the matter with the DCA Legal Office and request legal review and a legal opinion regarding the proposed activity. The decision of the approving officer shall be in writing with reasons set forth for the decision.

If an exception request is denied, represented employees may request further review in accordance with the terms of the employee's Memorandum of Understanding.

Gratuities, Gifts, and Other Things of Value

- (f) Receiving or accepting, directly or indirectly, any gift, including money, or any service, gratuity, favor, entertainment, hospitality, loan, or other thing of value from anyone who is doing or seeking to do business of any kind with the employee's appointing authority, or whose activities are regulated or controlled by the appointing authority under circumstances from which it could reasonably be substantiated that the gift was intended to influence the employee in his or her official duties, or was intended as a reward for any official action performed by the employee.

Although this section does not preclude acceptance of gifts, it clearly establishes that if the intent of the giver is to influence future, or reward past, official actions, the gift cannot be accepted.

Since determining intent may be difficult, the following guidelines are provided:

1. *Does the value of the gift, in itself, suggest an intent other than routine hospitality or gratuity? It may be useful to apply the Fair Political Practices laws as a general guide. These laws require that certain employees (**only those who meet specific "Designated Employee" criteria**) shall not receive gifts that exceed \$460 during any twelve-month period from any one source; establish a financial interest between the source and the recipient; and must report gifts worth \$50 or more. Thus, it follows that gifts approaching these value limits could raise questions under Government Code Section 19990. In addition, gifts considerably below these limits can also be inappropriate if they raise concern under any of the following standards:*
 - a. *Do the circumstances surrounding the gift suggest an improper intent? For example, a gift given on the eve of an important decision involving the donor is of much greater concern than a routine holiday gift or an invitation to an annual reception. Gifts directly or indirectly identified as a reward for specific past decisions or actions usually raise questions of improper relationships.*
 - b. *Is the gift characteristic of the gratuities, hospitalities, or other items typically received from organizations and/or individuals, similar to the donor? The key here is to not accept a gift from one party, which could be viewed as an attempt to gain an advantage over others who have a similar relationship with the recipient.*
 - c. *How strongly does the form of the gift suggest that it is a routine part of an on-going business relationship as opposed to something more? For example, occasional business lunches or the receipt of mementos bearing the name or insignia of the donor raise fewer questions than gifts of cash, merchandise, extraneous travel or entertainment that have value beyond the business relationship.*

With consideration to the above-noted guidelines and rules set forth by the Fair Political Practices Commission, the best practice for addressing gifts (i.e. food, beverages, goods, etc.) is to always report them upon receipt to supervisors, regardless of the value of the gift. The supervisor will confer with Legal Affairs in making a determination to accept or return the gift.

DCA employees should not accept gifts for performing their expected scope of duties, as it creates the perception that employees can be influenced by gifts and gratuities, especially if the giver is a licensee or someone who will benefit from our services. A gift offered to one individual should not be accepted. If a gift is presented to an office, and it is determined to be acceptable, the gift may be shared with all employees within the office.

Not Devoting Full Time Efforts to State Office or Employment

- (g) Subject to any other laws, rules, or regulations as pertained thereto, not devoting his or her full time, attention, and efforts to his or her State office or employment during his or her hours of duty as a State employee.

An example of such activity would be conducting private or personal business during an employee's regular hours of duty.

Other Acts that May Be Incompatible

The aforementioned limitations do not attempt to specify every possible limitation on employee activity that might be determined and prescribed under the authority of Section 19990 of the Government Code. If later experience shows a need for additions to, deletions from, or clarification of the aforementioned limitations, the DCA will request the approval of CalHR in making changes it determines necessary. Upon such approval, the listing will be amended. Nothing in this statement or listing should be construed by any employee as the sole provisions of law and administrative rules, which should be observed by each State employee of this Department.

Procedures for Determining Incompatible Work Activity

This procedure applies to all requests to engage in outside employment or activity other than a request for an exemption from the prohibitions contained in Government Code Section 19990(e). To determine whether an activity is an Incompatible Work Activity, the following procedures shall be performed:

- Any DCA employee who is engaging, or intends to engage, in outside employment or an activity or enterprise which may be in conflict with the provisions of this policy shall submit a written request for review of the matter to his or her immediate supervisor.

The written request from the employee shall include the following information:

1. The name of the employee.
 2. The name of the DCA entity, i.e., the office, board, bureau, committee, commission, division, or program under which the person is employed.
 3. The classification of the employee.
 4. The collective bargaining unit representing the employee, if applicable.
 5. The employee's duty statement, along with a statement describing the extent to which the employee's duties pertain to any confidential information that would come under his or her direct review.
 6. A detailed description of the specific activity in which the employee intends to engage.
- The immediate supervisor shall review the request and discuss it with the head of the DCA entity, as applicable.
 - The head of the DCA entity may review the matter with the DCA's Legal Office and request a legal opinion on whether the proposed activity is prohibited by the DCA's Incompatible Work Activity Policy.
 - If the activity is determined to be compatible with the employee's duties or position, the employee's supervisor will approve the employee's request, and

the employee may continue to, or proceed to, engage in the activity or business.

- If activity is determined to be incompatible with the employee's duties or position, the supervisor shall provide a written statement detailing the reason(s) for the denial to the employee.

Represented employees may appeal a denial in accordance with the terms of the employee's Memorandum of Understanding (MOU). Non-represented employees may appeal under CCR 599.859 to the DCA Director. In all cases, the DCA Director's decision shall be final.

Appeal Process

If an employee is notified that he/she has violated any provision of this statement, or if an employee is notified that any outside employment in which the employee wishes to engage is in violation of any provision of this statement, the employee may file an appeal as follows:

1. The employee may appeal the determination to the Director/Chief Deputy Director within ten (10) working days after receipt of denial. The appeal should contain:
 - a. A copy of the original request for clarification;
 - b. The response prepared by the Deputy Director of the Administrative Services Division; and
 - c. A statement explaining why the employee believes the employment, activity, or enterprise in question is not incompatible, inconsistent, or in conflict with his/her assigned duties as a State employee.
2. Within fifteen (15) working days after receipt of the appeal, the Director/Chief Deputy Director or his/her designee will meet with the Deputy Director of the Administrative Services Division and the appropriate Division Chief to review the appeal and issue a final determination. The employee will be advised of the time and date of said meeting and will be given an opportunity to attend.

If the employee submits proof to the Director/Chief Deputy Director that the length of the appeal process would cause him/her to lose the opportunity to participate in the employment, activity, or enterprise in question, an accelerated appeal procedure may be used. Under this procedure, the employee is required to submit the appeal to the Director/Chief Deputy Director within five (5) working days of receipt of the determination from the Deputy Director of the Administrative Services Division. The Director/Chief Deputy Director or her/his designee shall respond with a final determination within fifteen (15) working days.

Service on Governmental Bodies

Service on a local appointed or elected governmental board, bureau, commission, committee, program, or other body or as a local elected official by DCA attorney shall not, by itself, be deemed to be inconsistent, incompatible, in conflict with, or inimical to, the

duties of the attorney as a State employee and shall not result in the automatic vacation of either office.

Nothing in this section shall be construed to prohibit a DCA attorney from serving on any other appointed or elected governmental board, commission, committee, or other body, consistent with all applicable conflict-of-interest statutes and regulations and judicial canons of ethics.

RECOMMENDED IMPLEMENTATION

This policy shall be distributed to all new employees in new employee packets or transfer packets for their review and acknowledgment.

In addition, the Department will emphasize this policy by distributing it on an annual basis to all employees to ensure everyone completes the “Incompatible Work Activities Acknowledgment” (Attachment A).

VIOLATIONS

Failure to follow any of the provisions of this policy is cause for discipline, which may include termination of employment.

In addition, any tampering, interference, damage, or unauthorized access to computer data or computer systems may constitute a criminal violation of Penal Code section 502.

REVISIONS

Determination of the need for revisions and/or the status or maintenance of this policy should be directed to the Division of Program & Policy Review at (916) 574-7970.

ATTACHMENTS

A. Incompatible Work Activities Acknowledgement OHR 14-01



ACKNOWLEDGEMENT

Incompatible Work Activities OHR 14-01

I hereby acknowledge receipt of the Department of Consumer Affairs (DCA) Incompatible Work Activities Policy OHR 14-01.

- ____ 1. I understand that I shall read the Policy and become familiar with its contents.
- ____ 2. I understand that I need to take all reasonable steps to comply with this policy.
- ____ 3. I understand that this completed Acknowledgement will become a permanent part of my Official Personnel File (OPF).
- ____ 4. I understand that my signature on this Acknowledgement does not modify my employment relationship with DCA as set forth in the most current Memorandum of Understanding (MOU) appropriate to my employee bargaining unit.

(Printed Name)

(Signature)

(Date)

(Board/Bureau/Committee/Commission/Program/Division/Office)

Original: Office of Human Resources (Official Personnel File)
Copies: Employee, Supervisor

Committee Organizational Chart



**Review of the Council of Landscape Architectural Registration Boards
Landscape Architect Registration Examination
Executive Summary**

CALIFORNIA LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

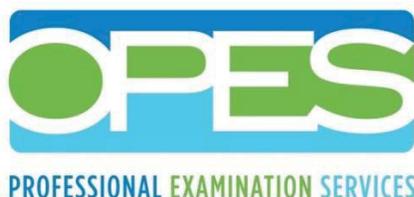
REVIEW OF THE COUNCIL OF LANDSCAPE ARCHITECTURAL REGISTRATION BOARDS' LANDSCAPE ARCHITECT REGISTRATION EXAMINATION

This report was prepared and written by the
Office of Professional Examination Services
California Department of Consumer Affairs

November 2014

Heidi Lincer-Hill, Ph.D., Chief

Raul Villanueva, M.A., Personnel Selection Consultant



EXECUTIVE SUMMARY

Licensing boards and bureaus within the California Department of Consumer Affairs (DCA) are required to ensure that examination programs being used in the California licensure process comply with psychometric and legal standards. The California Landscape Architects Technical Committee (Committee) requested that DCA's Office of Professional Examination Services (OPES) complete a comprehensive review of the Council of Landscape Architectural Registration Boards' (CLARB) examination program. The purpose of the OPES review was to evaluate the suitability of the Landscape Architect Registration Examination (LARE) for continued use in California.

OPES received and reviewed documents provided by CLARB. Follow-up phone communications were held to clarify the procedures and practices used to validate and develop the LARE. A comprehensive evaluation of the documents was made to determine whether (a) occupational analysis, (b) examination development, (c) passing scores, (d) test administration, (e) examination performance, and (f) test security procedures met professional guidelines and technical standards. OPES found that the procedures used to establish and support the validity and defensibility of the LARE examination program components listed above meet professional guidelines and technical standards outlined in the *Standards for Educational and Psychological Testing (Standards)* and the California Business and Professions Code Section 139.

OPES convened a panel of licensed California landscape architects to serve as subject matter experts (SMEs) to review the content of the four section examinations that make up the LARE and to compare this content to the description of practice for California landscape architects as based on the 2013 California Landscape Architect Occupational Analysis, performed by OPES. The SMEs were selected by the Committee based on their geographic location, experience, and practice specialty.

The SMEs performed a comparison between the content of the four LARE section examinations and the 2013 California Landscape Architect description of practice and concluded that the content measured by the four section examinations making up the LARE are congruent in assessing the general knowledge required for entry-level landscape architect practice in California.

The SMEs were also asked to link the job task and knowledge statements that make up the examination outline for the California Landscape Architect California Supplemental Examination (CSE) with the content of the four section examinations making up the LARE. This linkage was performed to identify if there were areas of California landscape architect practice not covered by the LARE.

The results of the linkage study indicate that there are areas of California landscape architect practice not covered by the LARE. These areas were found to be covered by the California Landscape Architect California Supplemental Examination. The California Landscape Architect California Supplemental Examination is structured into four content areas. The examination outline (Table 2) specifies the job tasks and related knowledge a California landscape architect is expected to have mastered at the time of licensure.

The content areas for the four section examinations of the LARE and the California Landscape Architect California Supplemental Examination are provided in Tables 1 and 2 below, respectively.

TABLE 1 – CONTENT AREAS OF THE 2012 LANDSCAPE ARCHITECT REGISTRATION EXAMINATION PLAN (LARE)

LARE Section Examination	Content of Each Section	Subarea Weights per Section
I. Project and Construction Management	Project Management	62%
	Bidding and Construction	38%
II. Inventory and Analysis	Site Inventory	22%
	Analysis of Existing Conditions	78%
III. Design	Concept Development	58%
	Design Development	42%
IV. Grading, Drainage and Construction Documentation	Grading, Drainage and Construction Documentation	100%

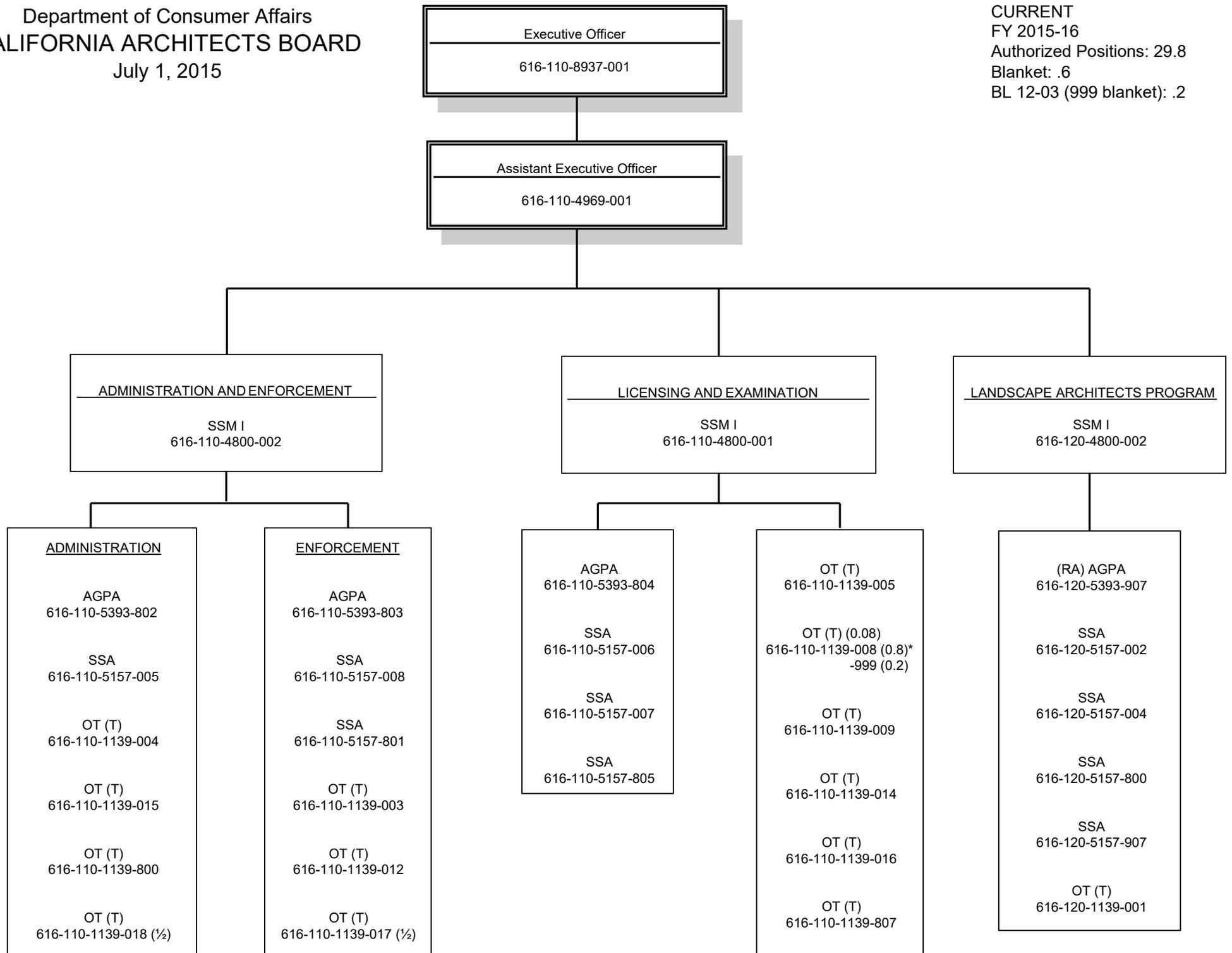
TABLE 2 – CONTENT AREAS OF THE 2013 LANDSCAPE ARCHITECT CALIFORNIA SUPPLEMENTAL EXAMINATION PLAN (CSE)

Content Area	Content Area Description	Percent Weight
I. Site Inventory and Analysis	This area assesses the candidate's ability to evaluate and analyze the project site and surrounding conditions to determine opportunities and constraints based on the client's goals and objectives.	15%
II. Program Development	This area assesses the candidate's ability to develop and evaluate program elements based on the client's goals and the site conditions and constraints.	10%
III. Design Process	This area assesses the candidate's ability to develop, evaluate, and refine design solutions to meet the client's needs.	65%
IV. Construction Documents and Contract Performance	This area assesses the candidate's ability to prepare construction documents and perform contract administration.	10%
Total		100%

Year-End Organization Charts - FYs 14/15 – 17/18

Department of Consumer Affairs
CALIFORNIA ARCHITECTS BOARD
 July 1, 2015

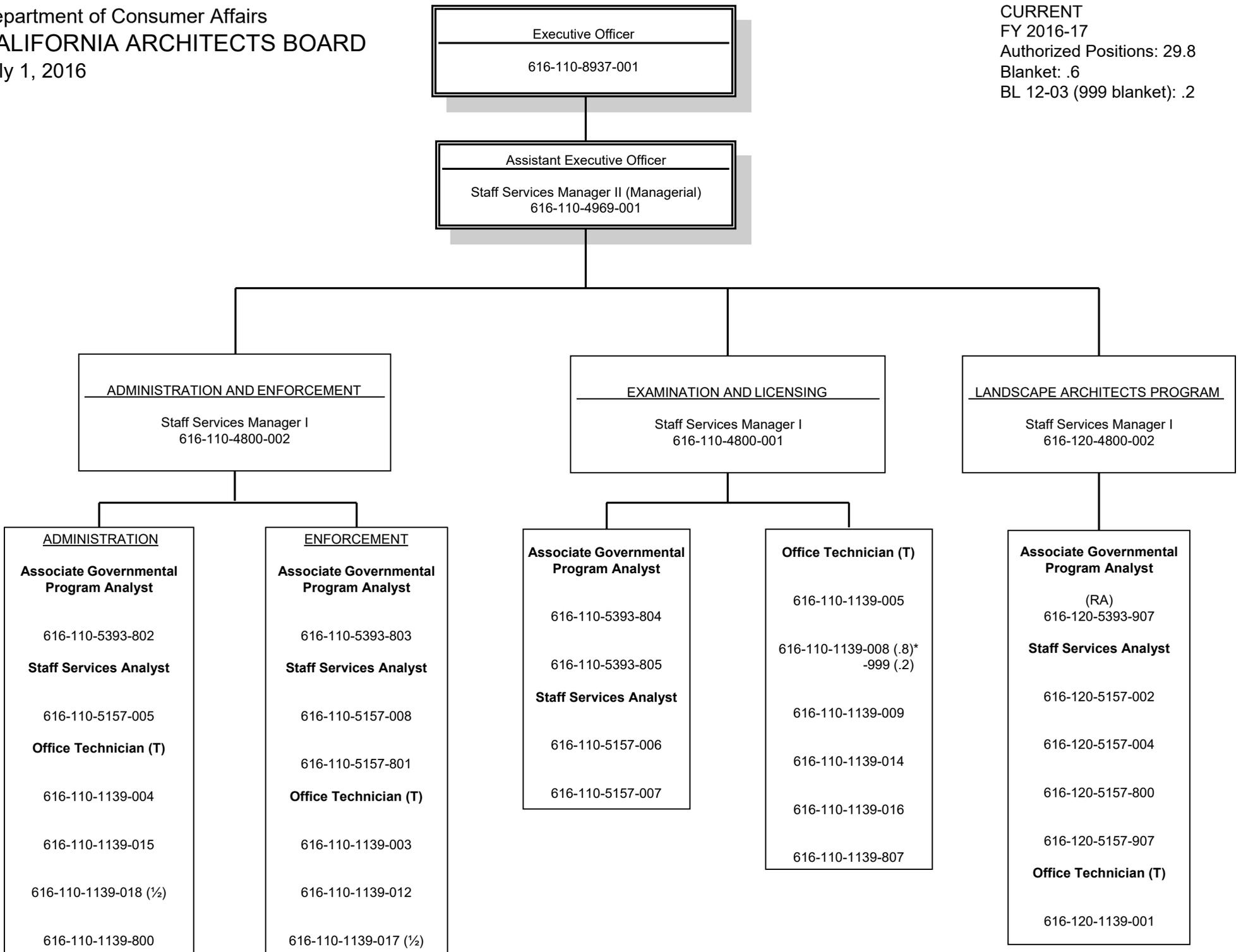
CURRENT
 FY 2015-16
 Authorized Positions: 29.8
 Blanket: .6
 BL 12-03 (999 blanket): .2



*=BL 12-03 (999 blanket) Reduction: .2

Executive Officer

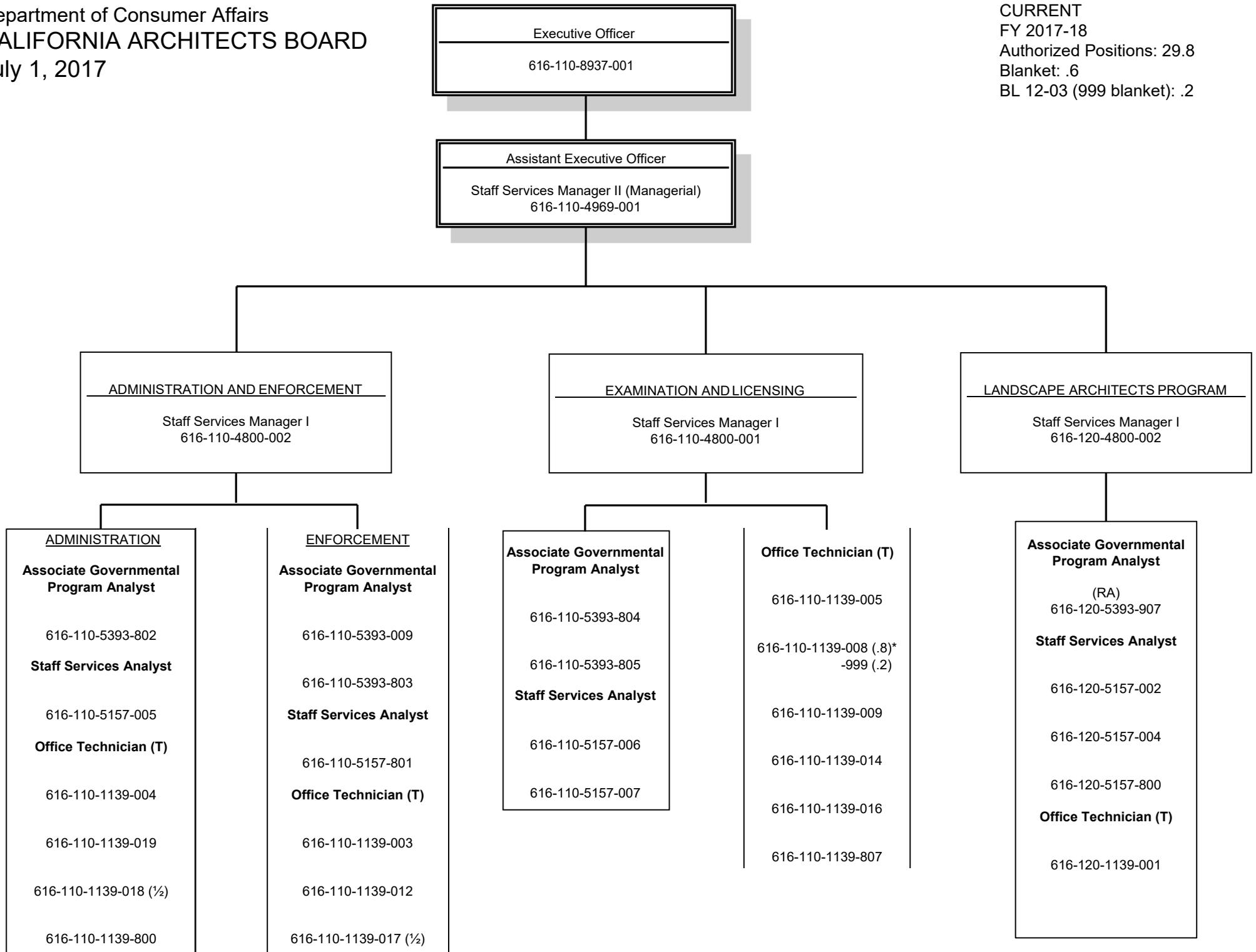
Classification and Pay Analyst



*=BL 12-03 (999 blanket) Reduction: .2

Executive Officer

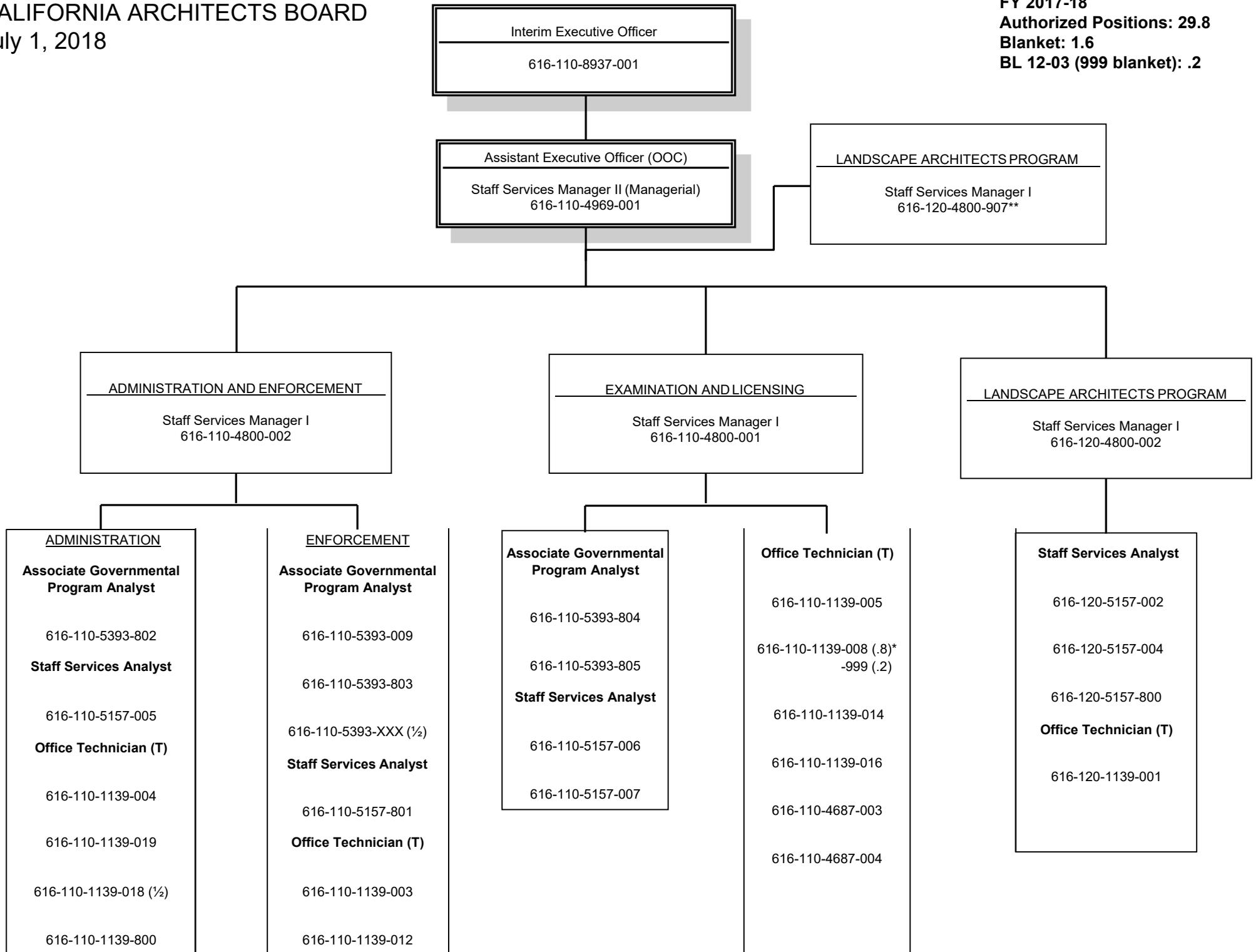
Classification and Pay Analyst



*=BL 12-03 (999 blanket) Reduction: .2

Executive Officer

Classification and Pay Analyst



Interim Executive Officer

*=BL 12-03 (999 blanket) Reduction: .2

**= Exceptional Allocation

Classification and Pay Analyst

Quarterly Performance Measure Reports

(quarters three and four of FY 2017/18 not available at time of report)

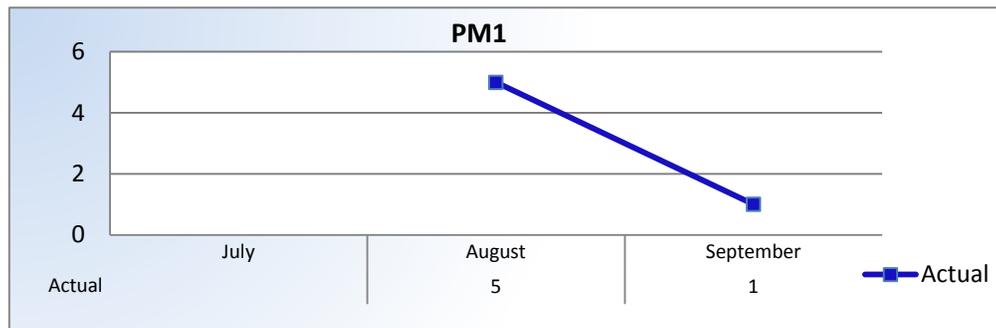
Performance Measures

Q1 Report (July - September 2014)

To ensure stakeholders can review the Committee's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

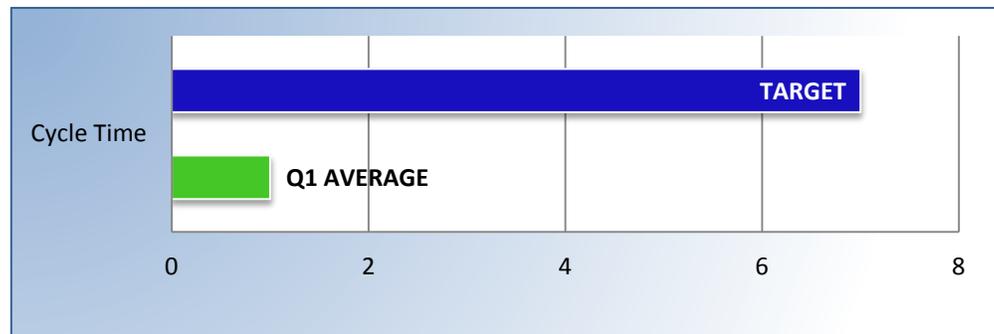


Total Received: 6 Monthly Average: 2

Complaints: 6 | Convictions: 0

PM2 | Intake

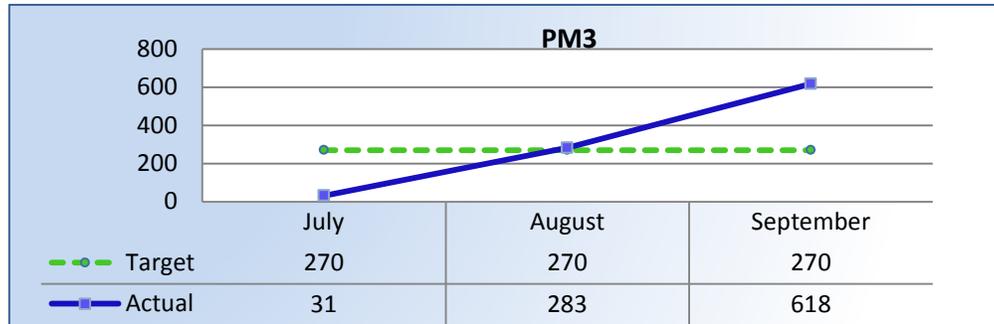
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 7 Days | Actual Average: 1 Day

PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 270 Days | Actual Average: 290 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Committee and prosecution by the AG).

The Committee did not report any formal discipline this quarter.

Target Average: 540 Days | Actual Average: N/A

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Committee did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

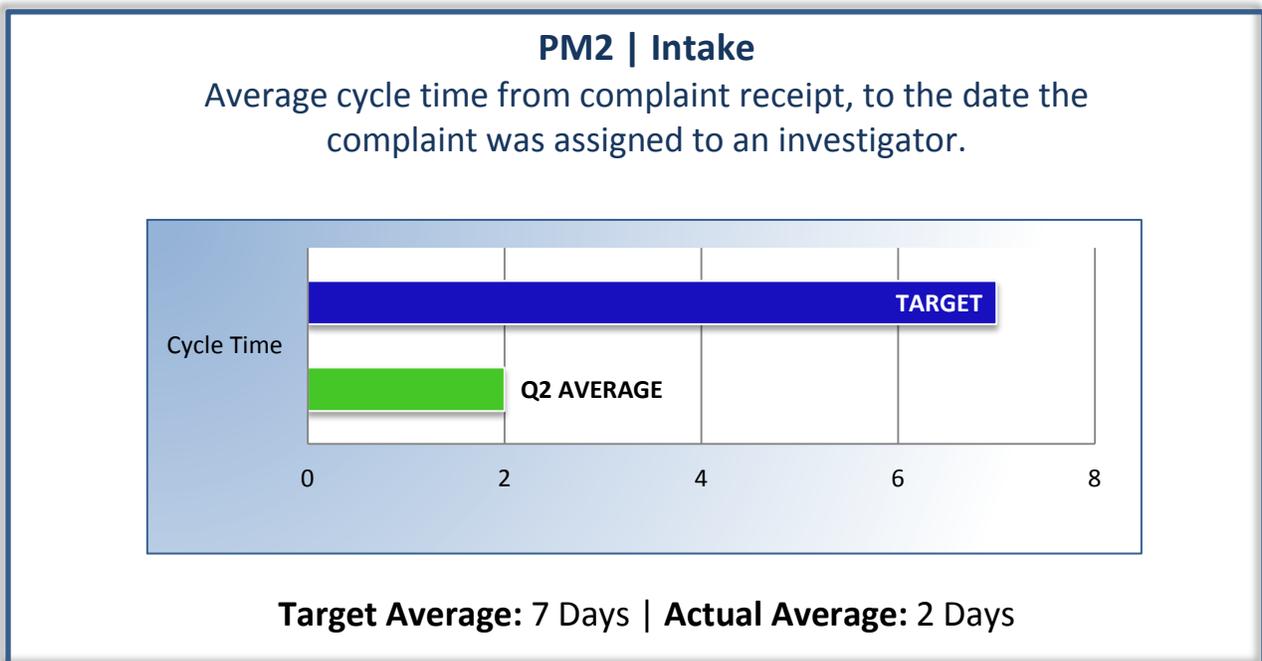
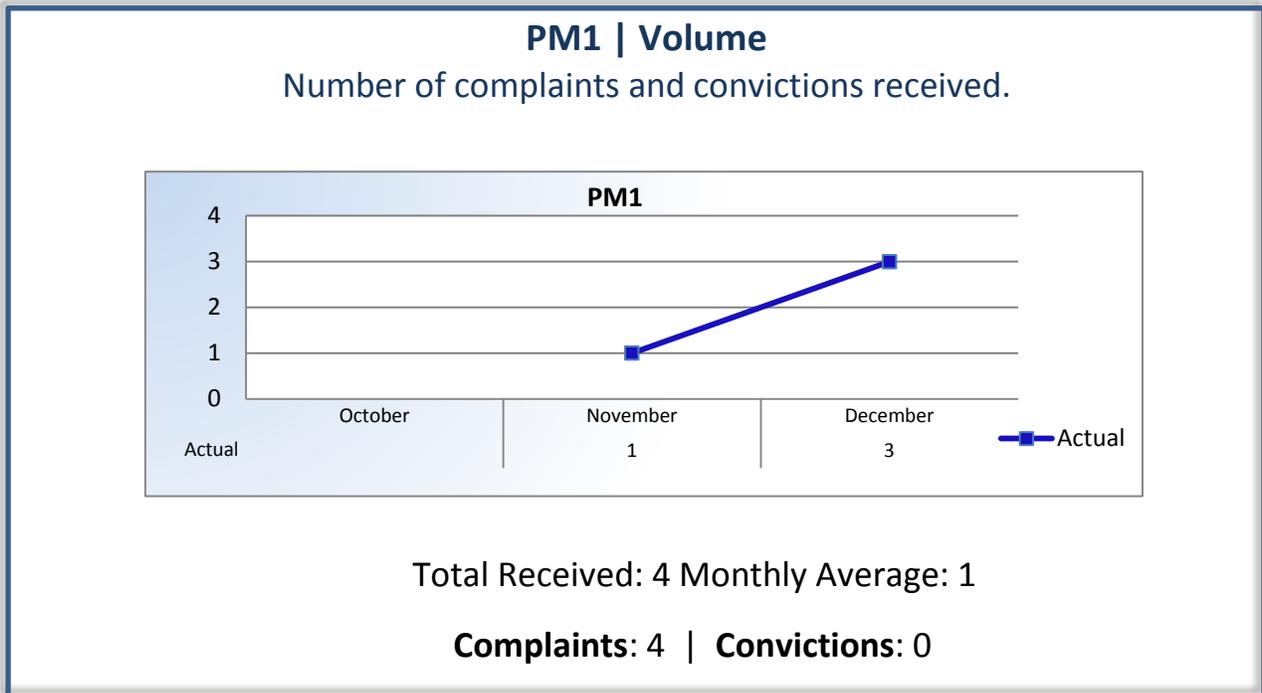
The Committee did report any probation violations this quarter.

Target Average: 15 Days | **Actual Average:** N/A

Performance Measures

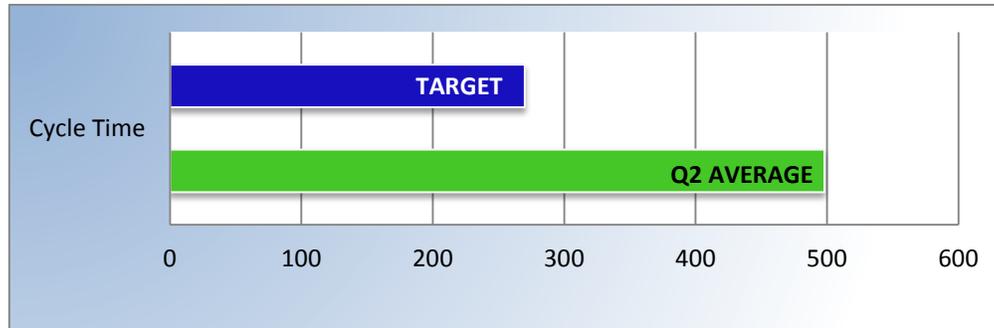
Q2 Report (October - December 2014)

To ensure stakeholders can review the Committee's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 270 Days | Actual Average: 498 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Committee and prosecution by the AG).

The Committee did not report any formal discipline this quarter.

Target Average: 540 Days | Actual Average: N/A

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Committee did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Committee did report any probation violations this quarter.

Target Average: 15 Days | **Actual Average:** N/A

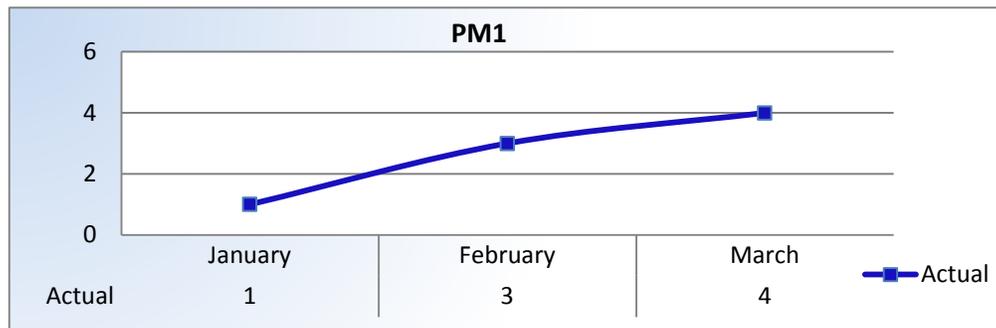
Performance Measures

Q3 Report (January - March 2015)

To ensure stakeholders can review the Committee's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

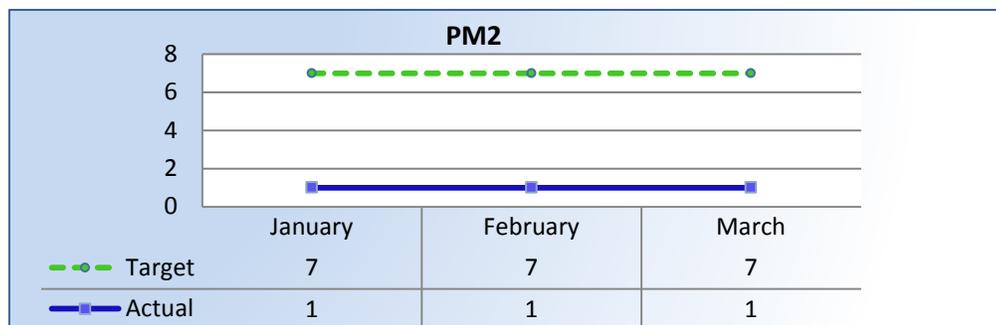


Total Received: 8 Monthly Average: 3

Complaints: 5 | Convictions: 3

PM2 | Intake

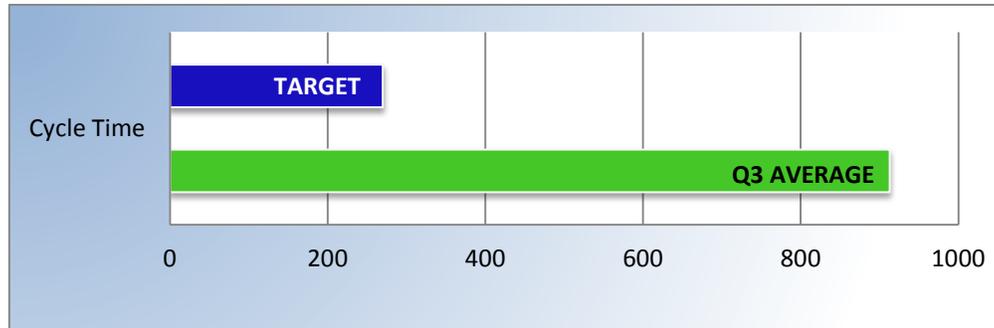
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 7 Days | Actual Average: 1 Days

PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 270 Days | Actual Average: 913 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Committee and prosecution by the AG).

The Committee did not have any cases resulting in formal discipline this quarter.

Target Average: 540 Days | Actual Average: N/A

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Committee did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Committee did not have any probation violations this quarter.

Target Average: 15 Days | **Actual Average:** N/A

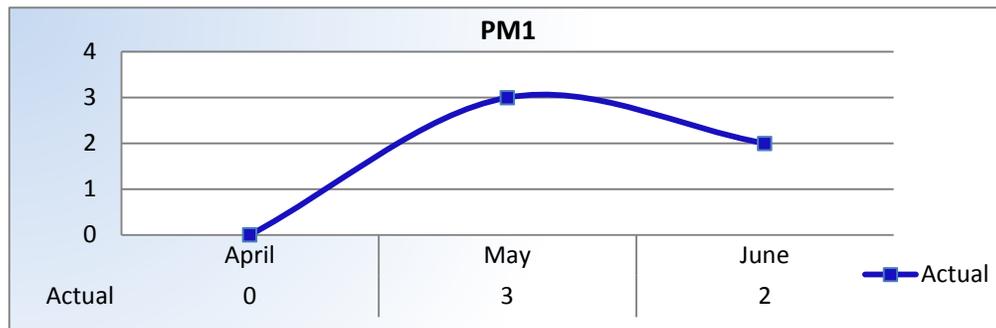
Performance Measures

Q4 Report (April - June 2015)

To ensure stakeholders can review the Committee's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

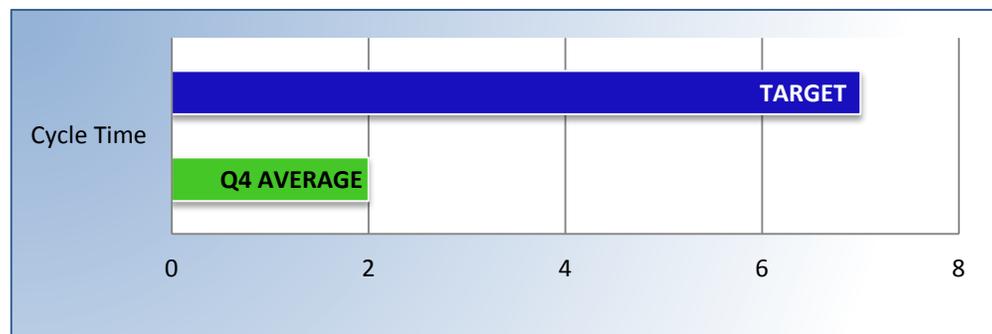


Total Received: 5 Monthly Average: 2

Complaints: 5 | Convictions: 0

PM2 | Intake

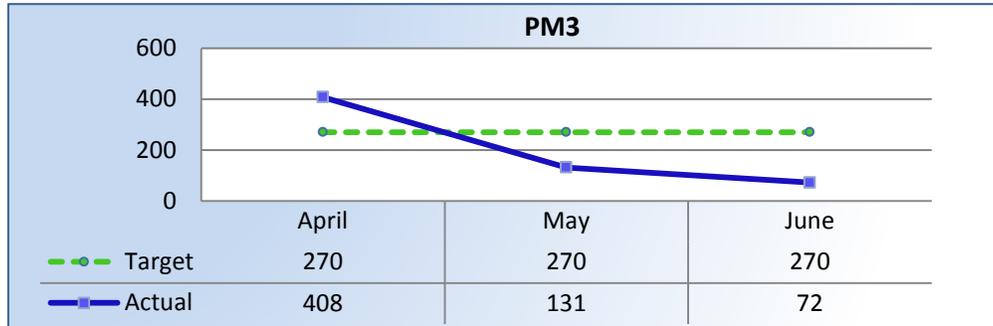
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 7 Days | Actual Average: 2 Days

PM3 | Intake & Investigation

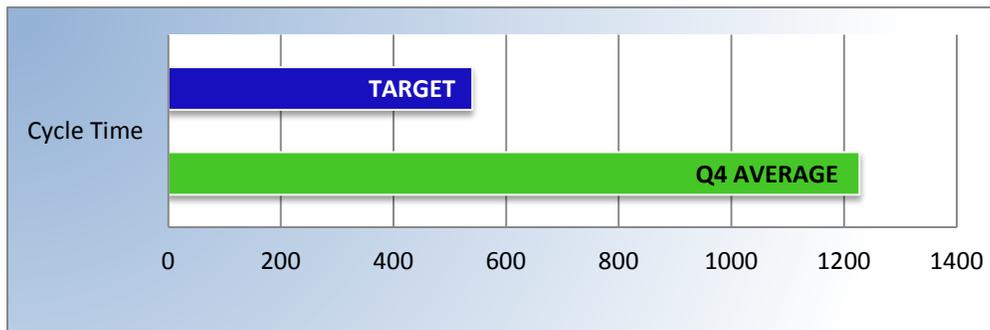
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 270 Days | Actual Average: 220 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | Actual Average: 1,228 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Committee did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

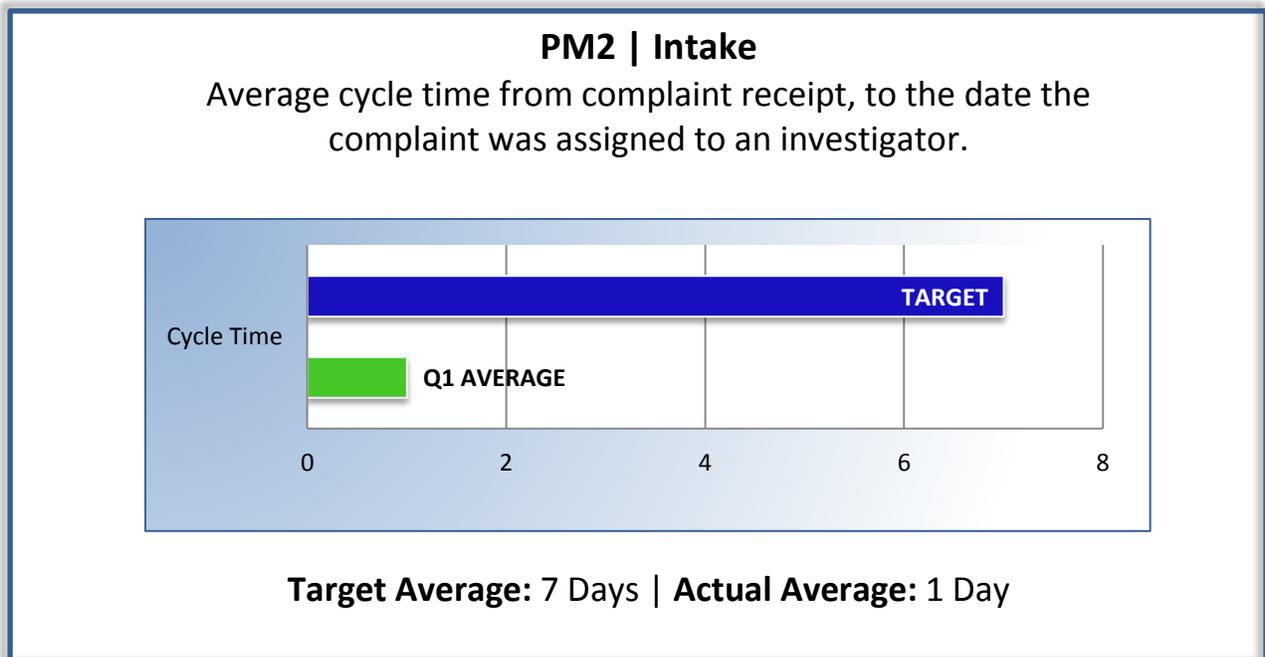
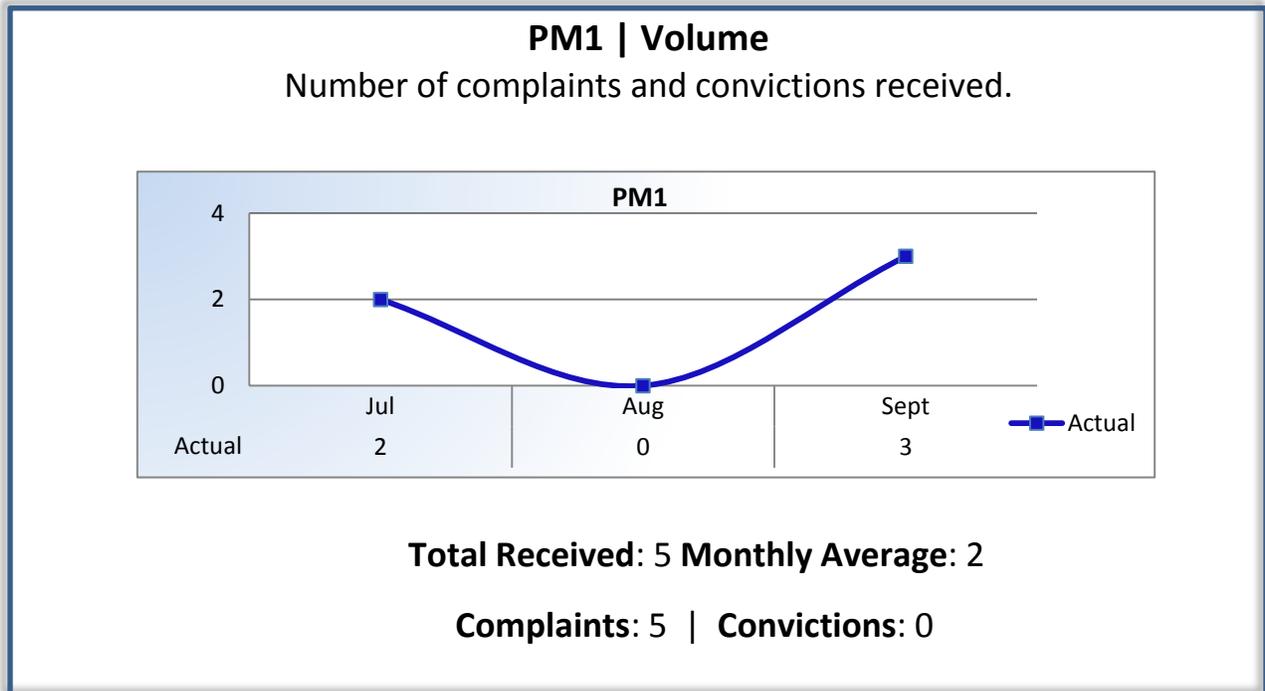
The Committee did not have any probation violations this quarter.

Target Average: 15 Days | **Actual Average:** N/A

Performance Measures

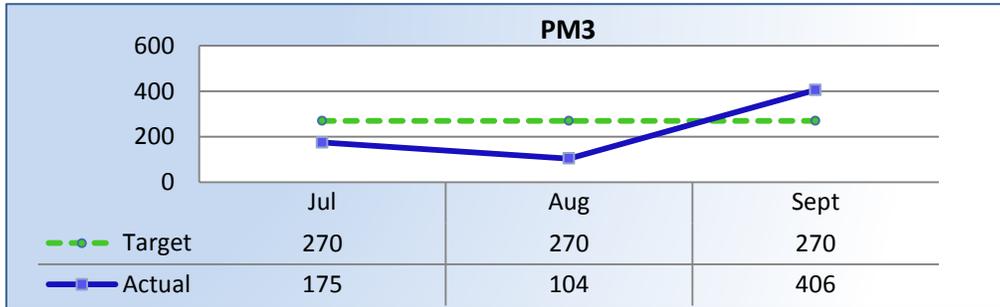
Q1 Report (July - September 2015)

To ensure stakeholders can review the Committee's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



PM3 | Intake & Investigation

Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 270 Days | Actual Average: 286 Days

PM4 | Formal Discipline

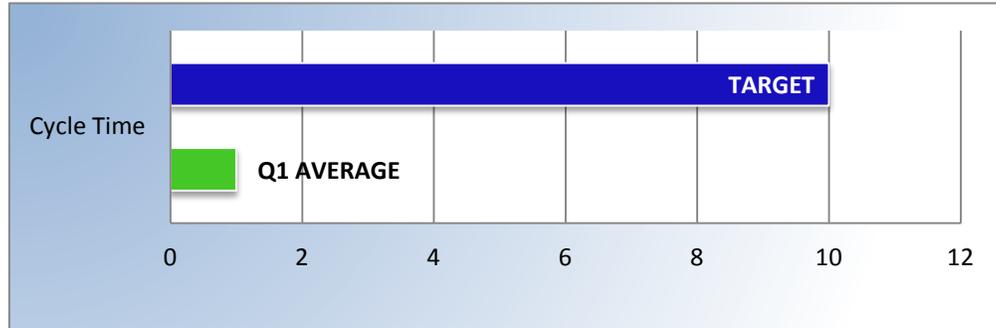
Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)

The Committee did not have any cases closed in formal discipline this quarter.

Target Average: 540 Days | Actual Average: N/A

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | Actual Average: 1 Day

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

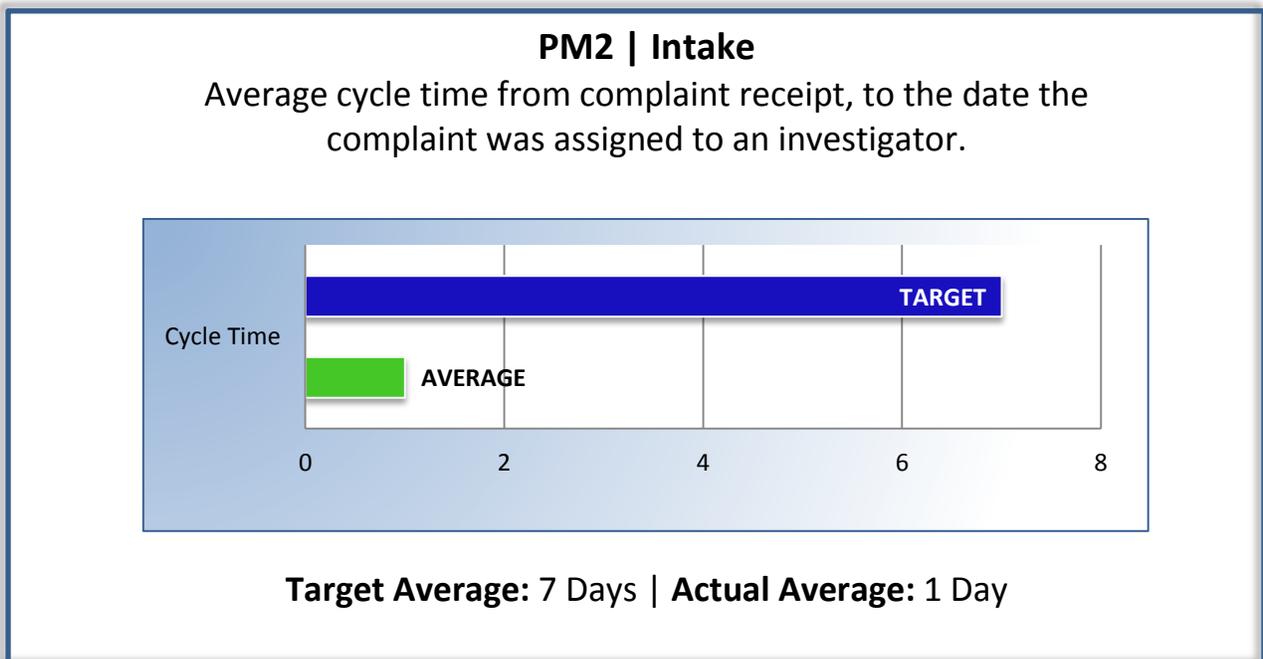
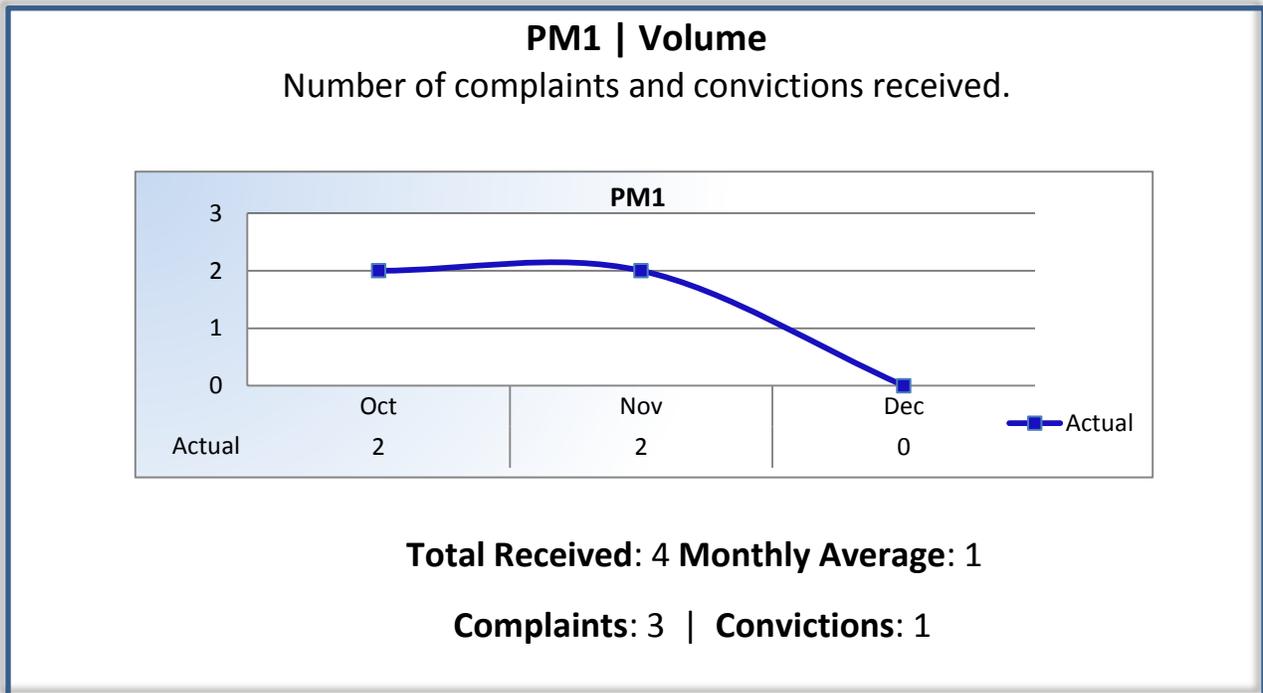
The Committee did not have any probation violations this quarter.

Target Average: 15 Days | Actual Average: N/A

Performance Measures

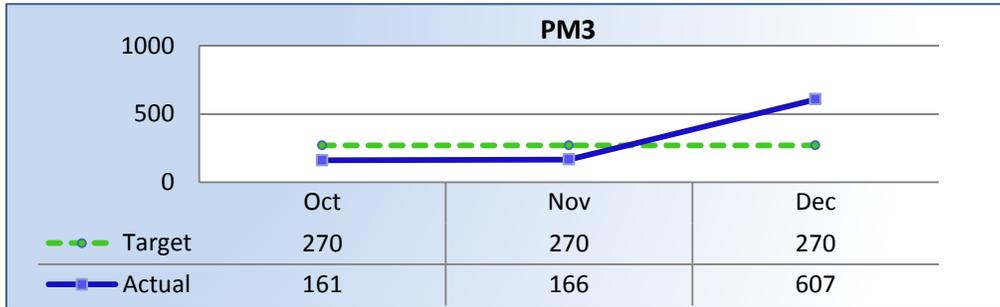
Q2 Report (October - December 2015)

To ensure stakeholders can review the Committee's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



PM3 | Intake & Investigation

Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 270 Days | Actual Average: 329 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)

The Committee did not have any cases closed in formal discipline this quarter.

Target Average: 540 Days | Actual Average: N/A

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Committee did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

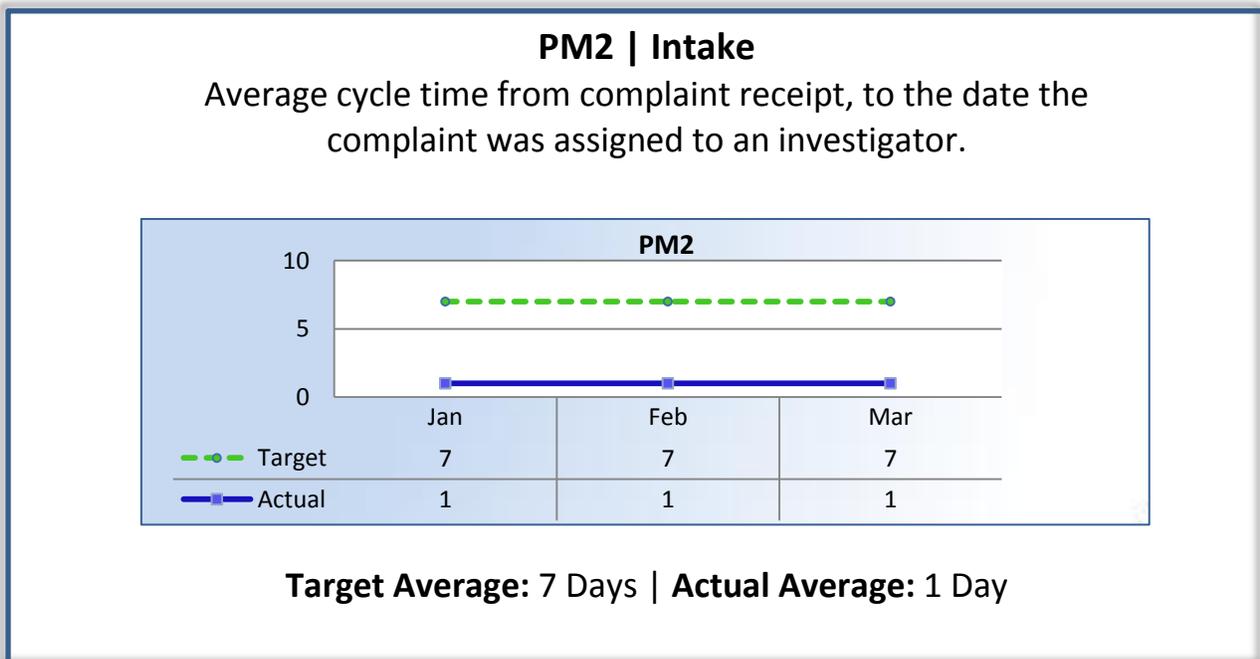
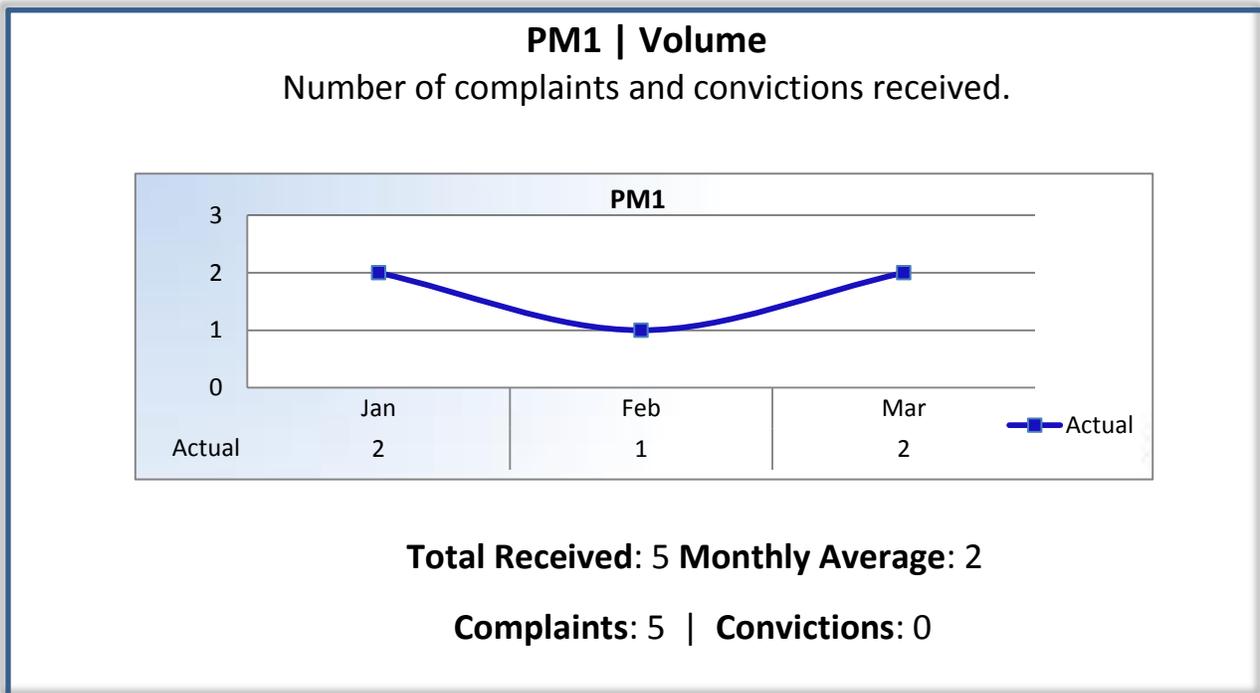
The Committee did not have any probation violations this quarter.

Target Average: 15 Days | **Actual Average:** N/A

Performance Measures

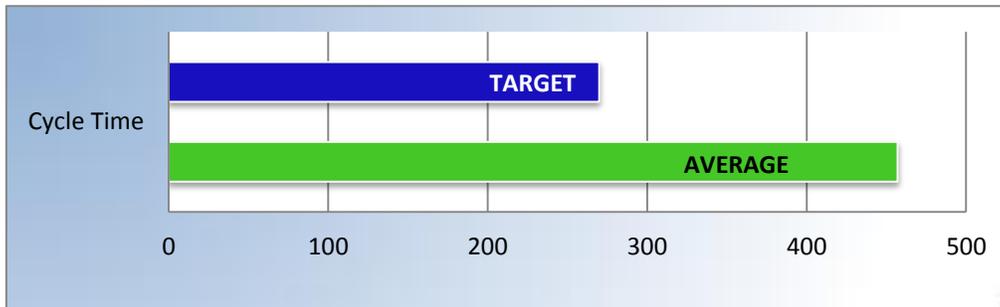
Q3 Report (January – March 2016)

To ensure stakeholders can review the Committee’s progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



PM3 | Intake & Investigation

Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 270 Days | Actual Average: 457 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)

The Committee did not have any cases closed in formal discipline this quarter.

Target Average: 540 Days | Actual Average: N/A

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Committee did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Committee did not have any probation violations this quarter.

Target Average: 15 Days | **Actual Average:** N/A

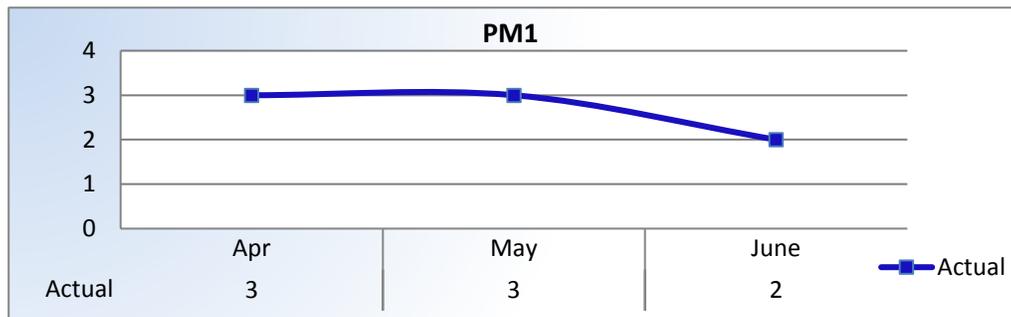
Performance Measures

Q4 Report (April - June 2016)

To ensure stakeholders can review the Committee's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

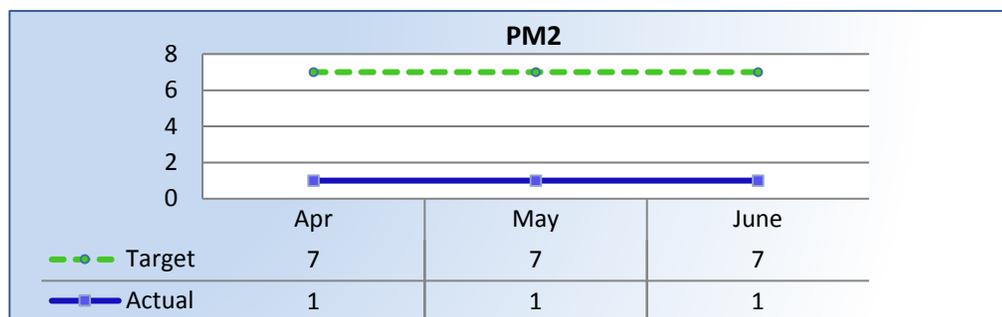


Total Received: 8 Monthly Average: 3

Complaints: 6 | Convictions: 2

PM2 | Intake

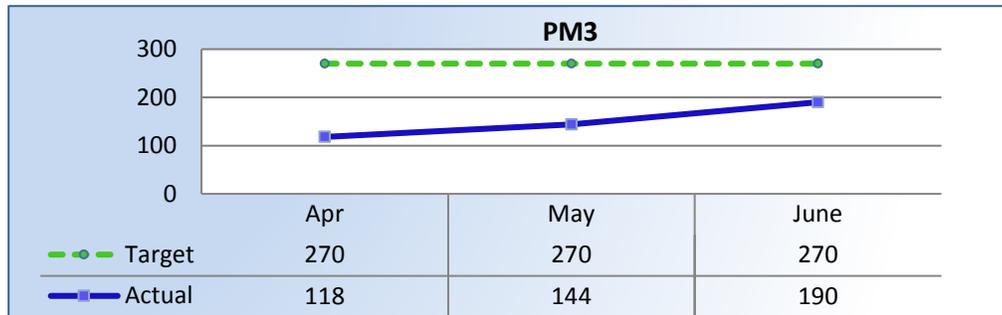
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 7 Days | Actual Average: 1 Day

PM3 | Intake & Investigation

Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 270 Days | Actual Average: 162 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)

The Committee did not have any cases closed in formal discipline this quarter.

Target Average: 540 Days | Actual Average: n/a

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Committee did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** n/a

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

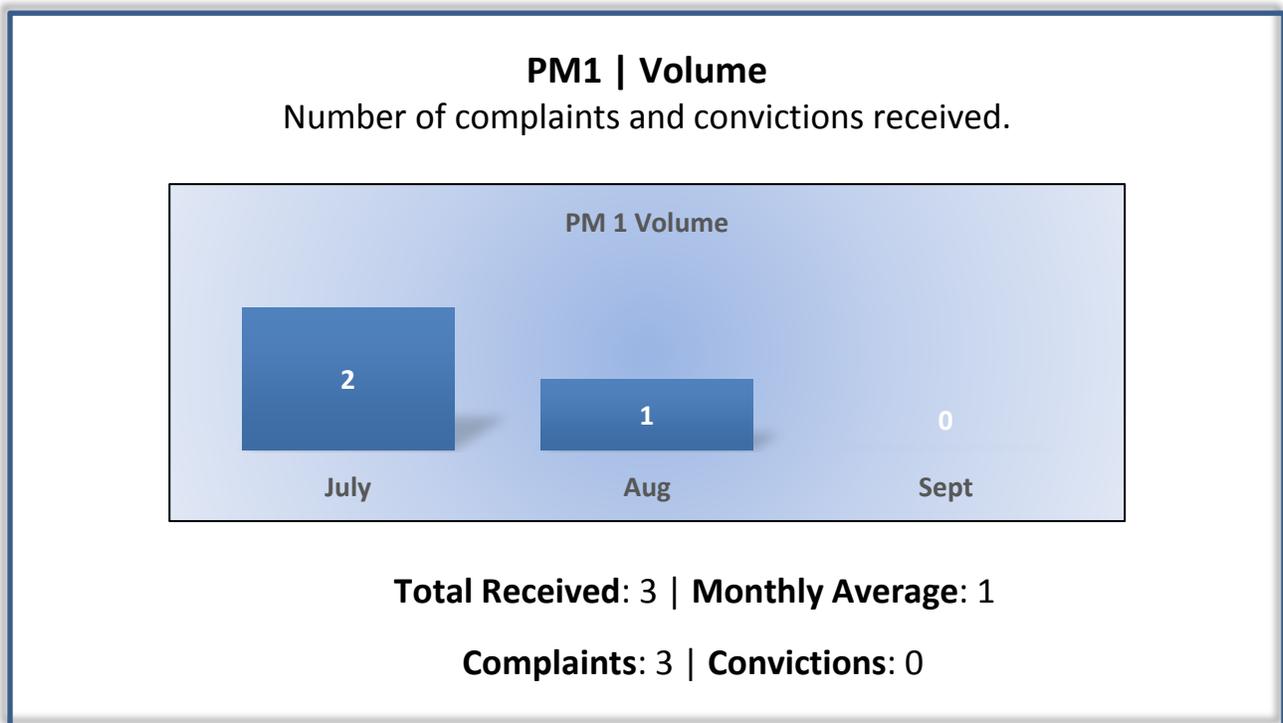
The Committee did not have any probation violations this quarter.

Target Average: 15 Days | **Actual Average:** n/a

Enforcement Performance Measures

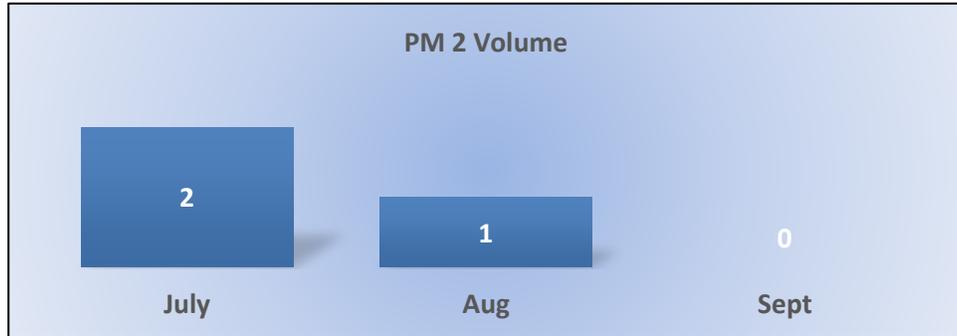
Q1 Report (July - September 2016)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



PM2 | Intake – Volume

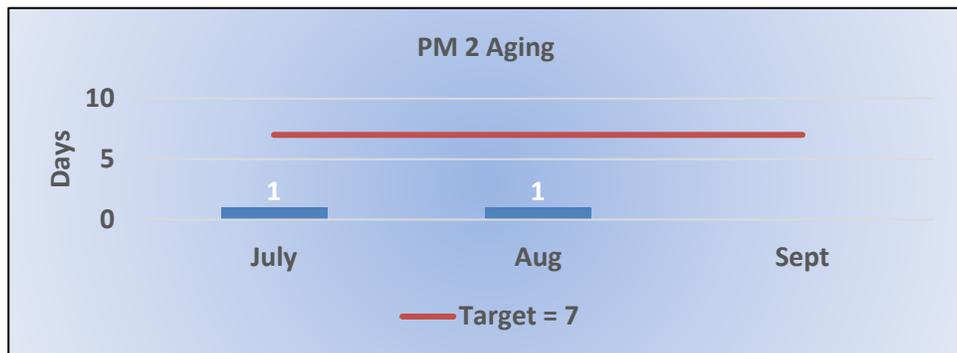
Number of complaints closed or assigned to an investigator.



Total: 3

PM2 | Intake – Cycle Time

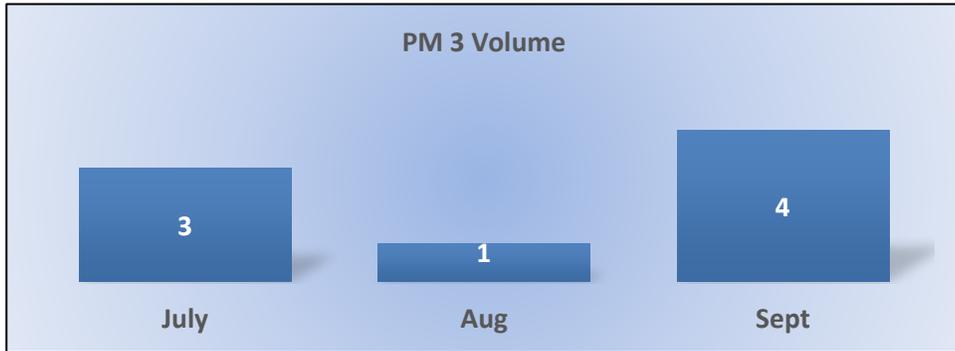
Average number of days from complaint receipt, to the date the complaint was closed or assigned to an investigator.



Target Average: 7 Days | Actual Average: 1 Day

PM3 | Investigations – Volume

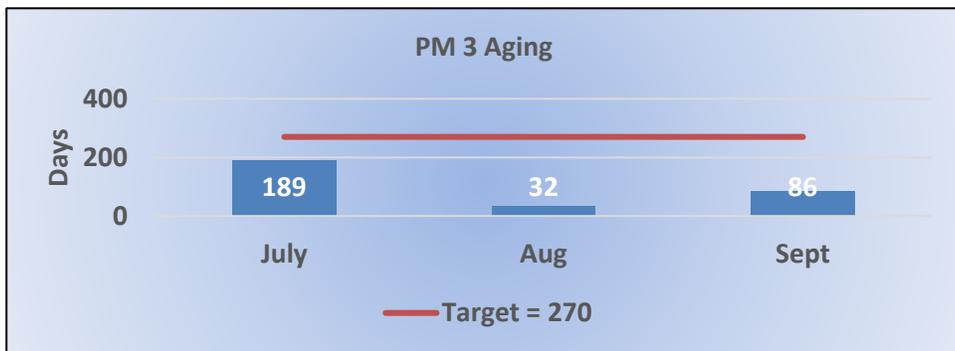
Number of investigations closed (not including cases transmitted to the Attorney General).



Total: 8 | Monthly Average: 3

PM3 | Investigations – Cycle Time

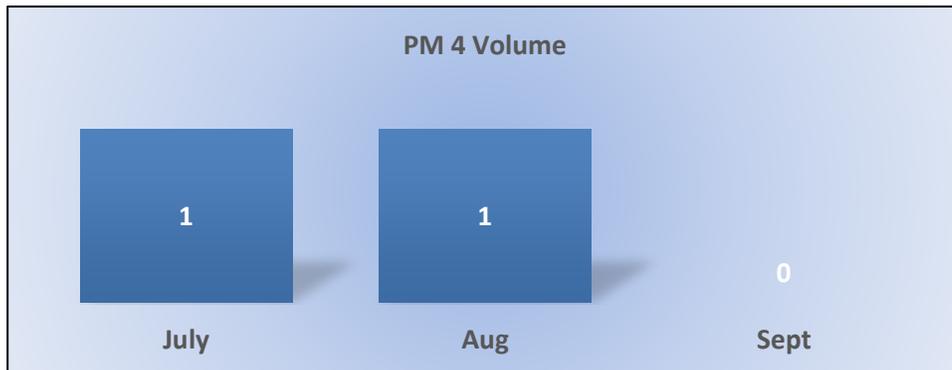
Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General.
(Includes intake and investigation)



Target Average: 270 Days | Actual Average: 118 Days

PM4 | Formal Discipline – Volume

Cases closed, of those transmitted to the Attorney General.

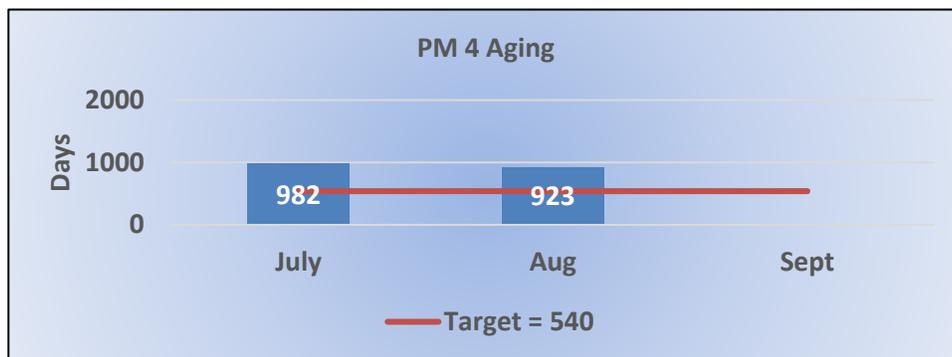


Total: 2

PM4 | Formal Discipline – Cycle Time

Average number of days to complete the entire enforcement process for cases transmitted to the Attorney General.

(Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | Actual Average: 953 Days

PM7 | Probation Intake – Volume

Number of new probation cases.

*No new probationers were assigned
for monitoring this quarter.*

PM7 | Probation Intake – Cycle Time

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

*No new probationers were assigned
for monitoring this quarter.*

PM8 | Probation Violation Response – Volume

Number of probation violation cases.

The Committee did not have any probation violations this quarter.

PM8 | Probation Violation Response – Cycle Time

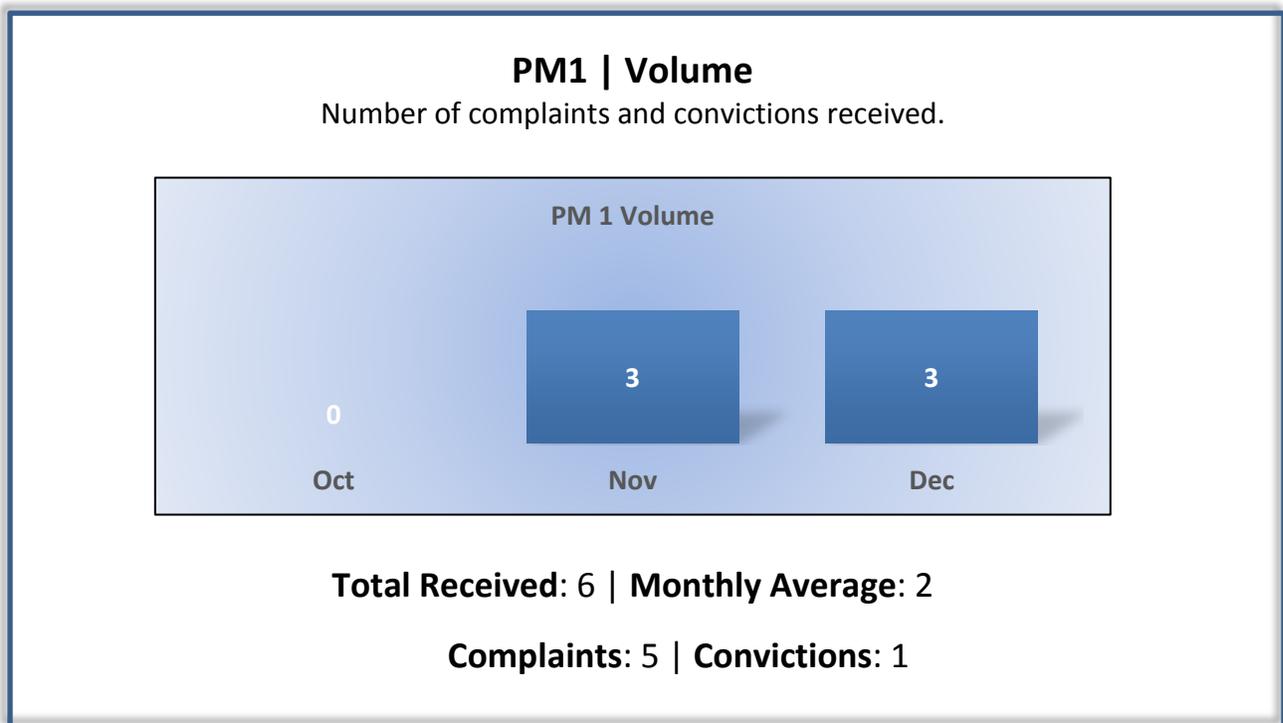
Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Committee did not have any probation violations this quarter.

Enforcement Performance Measures

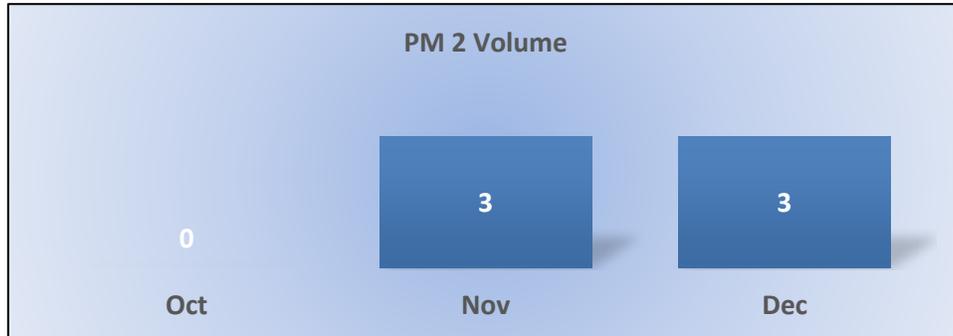
Q2 Report (October - December 2016)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



PM2 | Intake – Volume

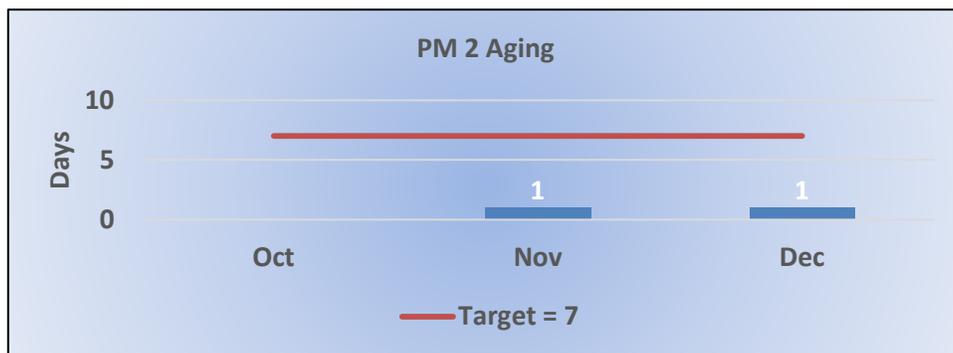
Number of complaints closed or assigned to an investigator.



Total: 6

PM2 | Intake – Cycle Time

Average number of days from complaint receipt, to the date the complaint was closed or assigned to an investigator.



Target Average: 7 Days | Actual Average: 1 Day

PM3 | Investigations – Volume

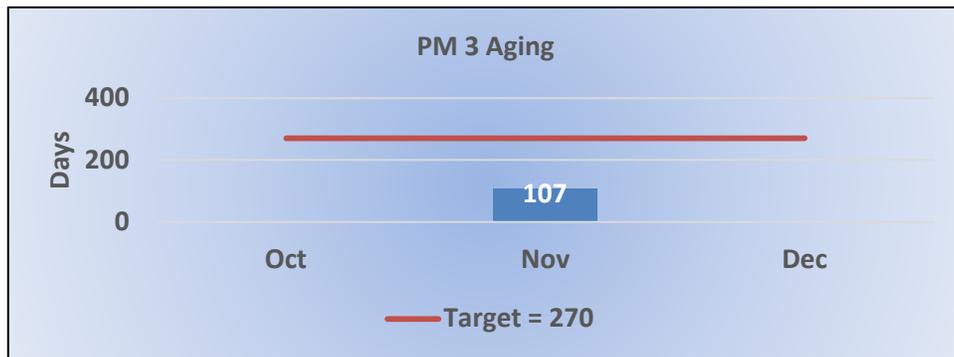
Number of investigations closed (not including cases transmitted to the Attorney General).



Total: 1

PM3 | Investigations – Cycle Time

Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General.
(Includes intake and investigation.)



Target Average: 270 Days | Actual Average: 107 Days

PM4 | Formal Discipline – Volume

Cases closed after transmission to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).

The Committee did not have any cases closed in formal discipline this quarter.

PM4 | Formal Discipline – Cycle Time

Average number of days to complete the entire enforcement process for cases transmitted to the Attorney General. (Includes intake, investigation, and transmittal outcome.)

The Committee did not have any cases closed in formal discipline this quarter.

PM7 | Probation Intake – Volume

Number of new probation cases.

*No new probationers were assigned
for monitoring this quarter.*

PM7 | Probation Intake – Cycle Time

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

*No new probationers were assigned
for monitoring this quarter.*

PM8 | Probation Violation Response – Volume

Number of probation violation cases.

The Committee did not have any probation violations this quarter.

PM8 | Probation Violation Response – Cycle Time

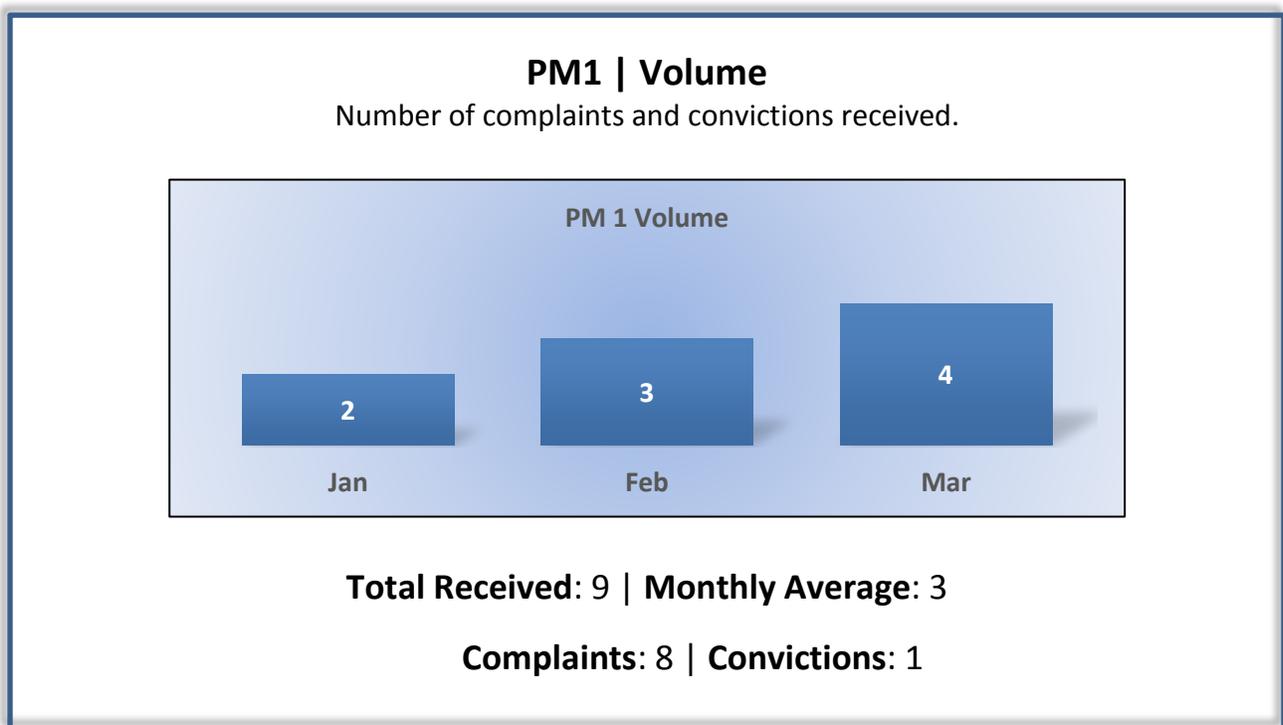
Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Committee did not have any probation violations this quarter.

Enforcement Performance Measures

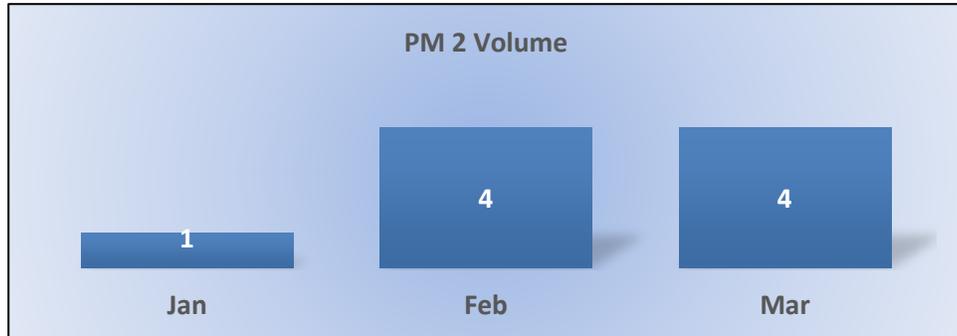
Q3 Report (January – March 2017)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



PM2 | Intake – Volume

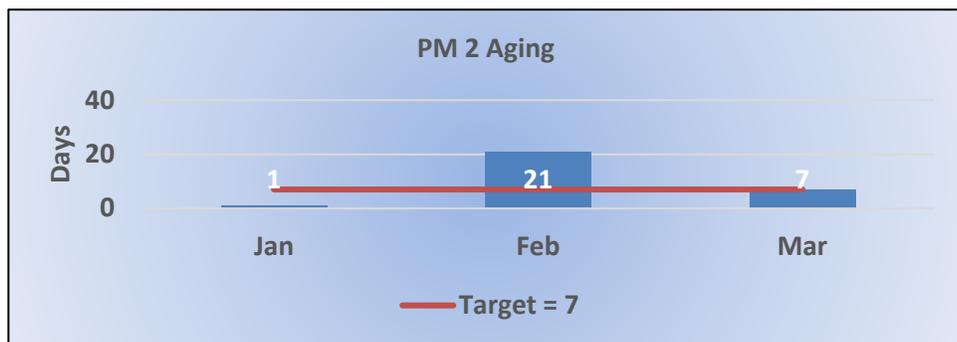
Number of complaints closed or assigned to an investigator.



Total: 9

PM2 | Intake – Cycle Time

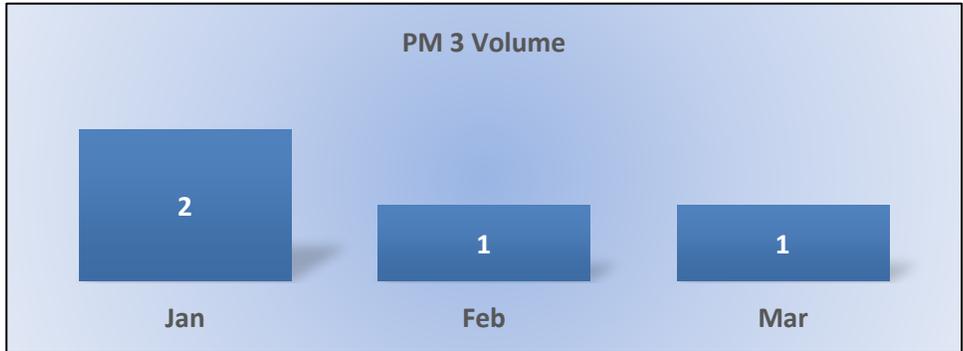
Average number of days from complaint receipt, to the date the complaint was closed or assigned to an investigator.



Target Average: 7 Days | Actual Average: 12 Days

PM3 | Investigations – Volume

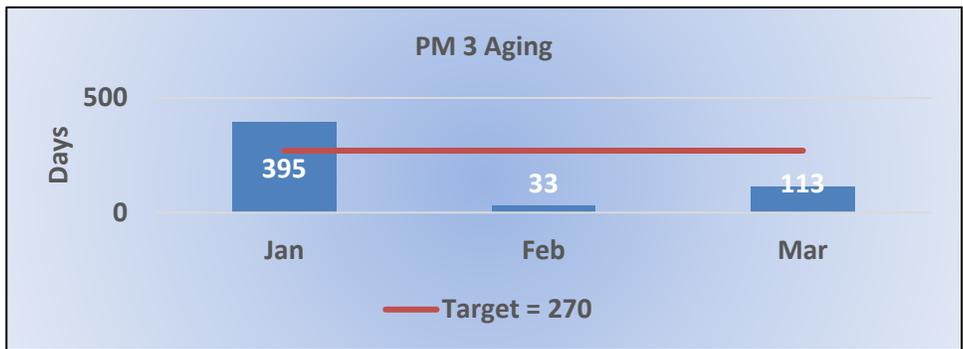
Number of investigations closed (not including cases transmitted to the Attorney General).



Total: 4

PM3 | Investigations – Cycle Time

Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General. (Includes intake and investigation.)



Target Average: 270 Days | Actual Average: 234 Days

PM4 | Formal Discipline – Volume

Cases closed after transmission to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).

The Committee did not have any cases closed in formal discipline this quarter.

PM4 | Formal Discipline – Cycle Time

Average number of days to complete the entire enforcement process for cases transmitted to the Attorney General. (Includes intake, investigation, and transmittal outcome.)

The Committee did not have any cases closed in formal discipline this quarter.

PM7 | Probation Intake – Volume

Number of new probation cases.

*No new probationers were assigned
for monitoring this quarter.*

PM7 | Probation Intake – Cycle Time

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

*No new probationers were assigned
for monitoring this quarter.*

PM8 | Probation Violation Response – Volume

Number of probation violation cases.

The Committee did not have any probation violations this quarter.

PM8 | Probation Violation Response – Cycle Time

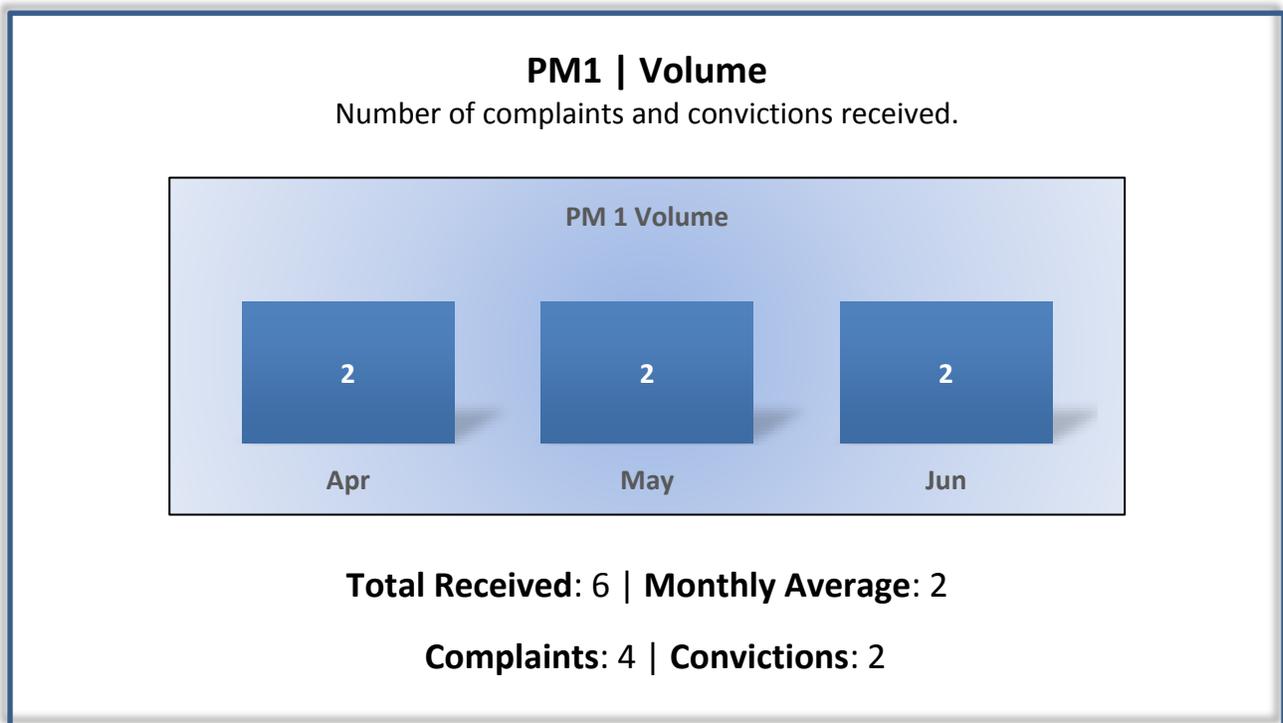
Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Committee did not have any probation violations this quarter.

Enforcement Performance Measures

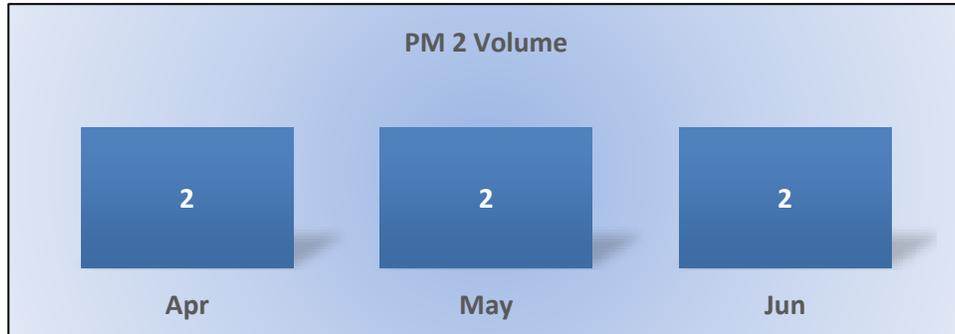
Q4 Report (April - June 2017)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



PM2 | Intake – Volume

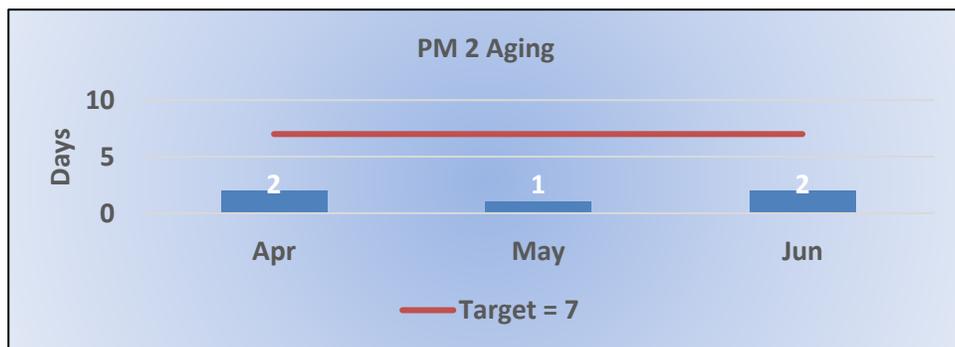
Number of complaints closed or assigned to an investigator.



Total: 6

PM2 | Intake – Cycle Time

Average number of days from complaint receipt, to the date the complaint was closed or assigned to an investigator.



Target Average: 7 Days | Actual Average: 2 Days

PM3 | Investigations – Volume

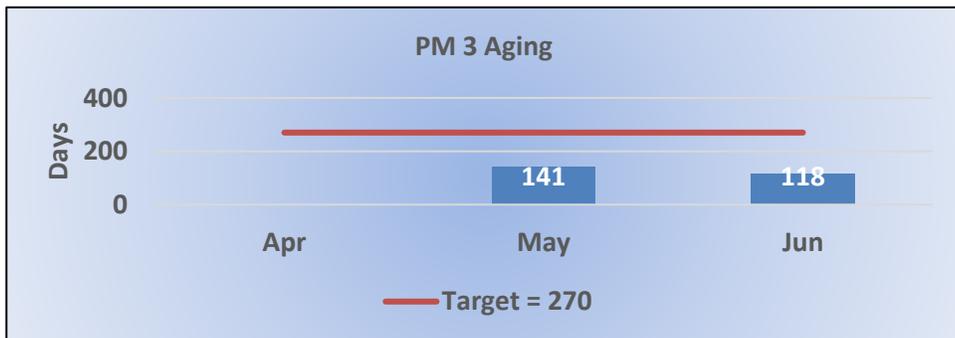
Number of investigations closed (not including cases transmitted to the Attorney General).



Total: 5

PM3 | Investigations – Cycle Time

Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General. (Includes intake and investigation.)



Target Average: 270 Days | Actual Average: 132 Days

PM4 | Formal Discipline – Volume

Cases closed after transmission to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).

The Committee did not have any cases closed in formal discipline this quarter.

PM4 | Formal Discipline – Cycle Time

Average number of days to complete the entire enforcement process for cases transmitted to the Attorney General.
(Includes intake, investigation, and transmittal outcome.)

The Committee did not have any cases closed in formal discipline this quarter.

PM7 | Probation Intake – Volume

Number of new probation cases.

*No new probationers were assigned
for monitoring this quarter.*

PM7 | Probation Intake – Cycle Time

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

*No new probationers were assigned
for monitoring this quarter.*

PM8 | Probation Violation Response – Volume

Number of probation violation cases.

The Committee did not have any probation violations this quarter.

PM8 | Probation Violation Response – Cycle Time

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

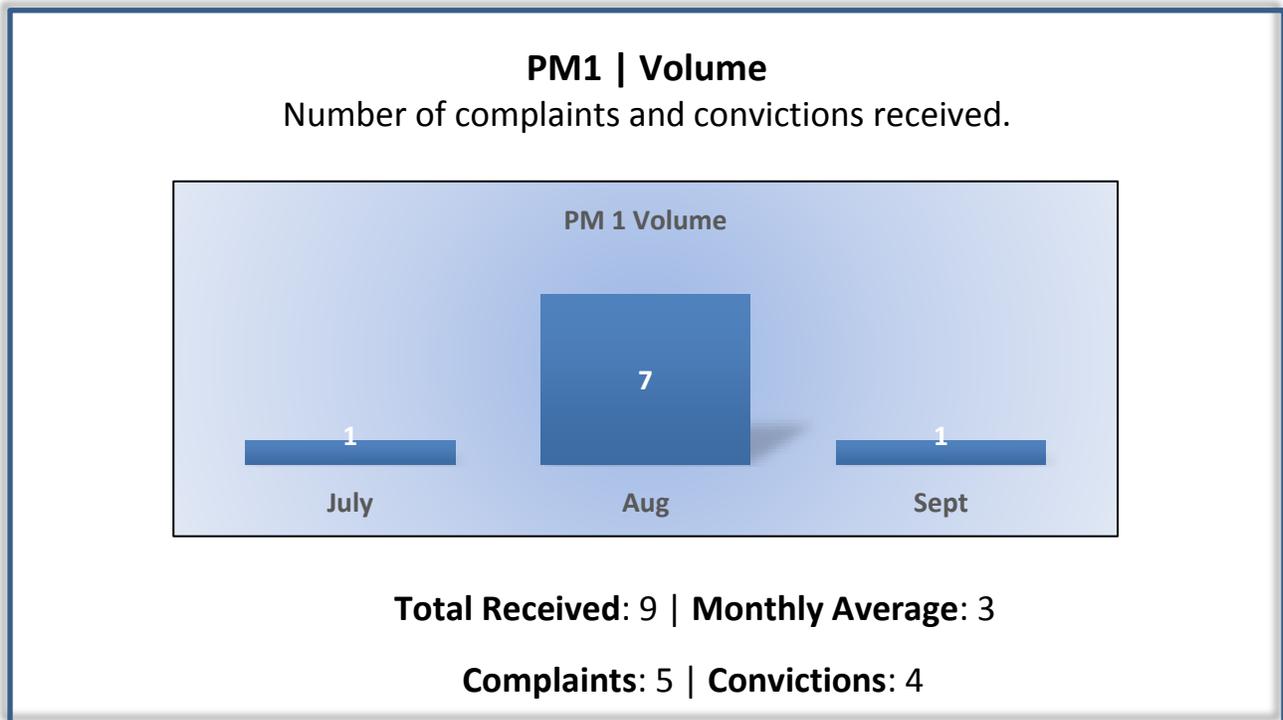
The Committee did not have any probation violations this quarter.

Department of Consumer Affairs
California Landscape
Architect Technical
Committee

Enforcement Performance Measures

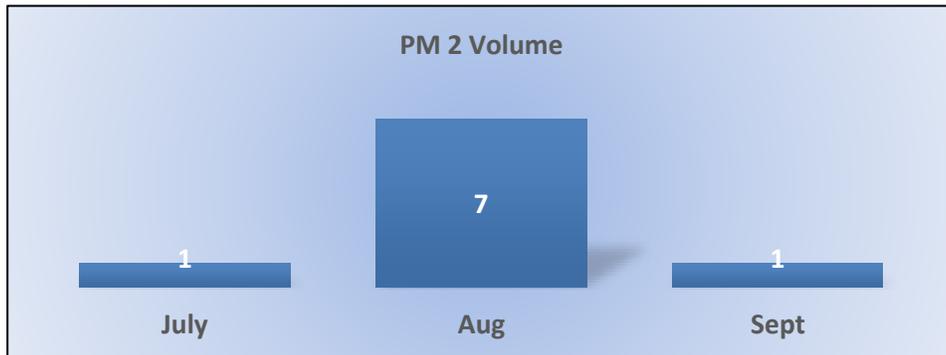
Q1 Report (July - September 2017)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



PM2 | Intake – Volume

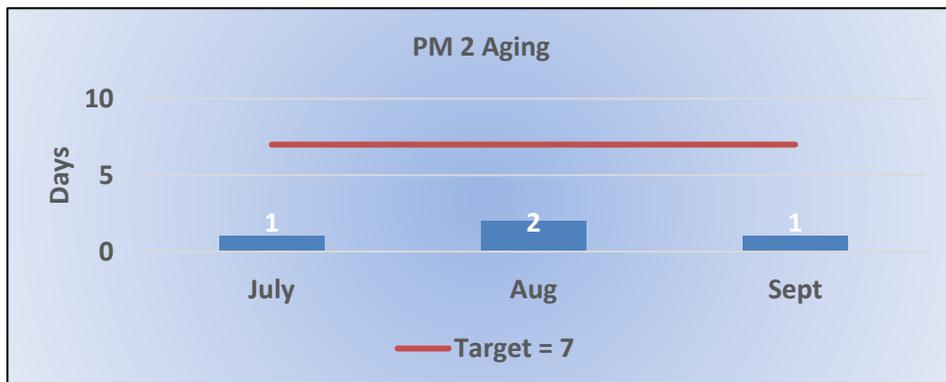
Number of complaints closed or assigned to an investigator.



Total: 9 | Monthly Average: 3

PM2 | Intake – Cycle Time

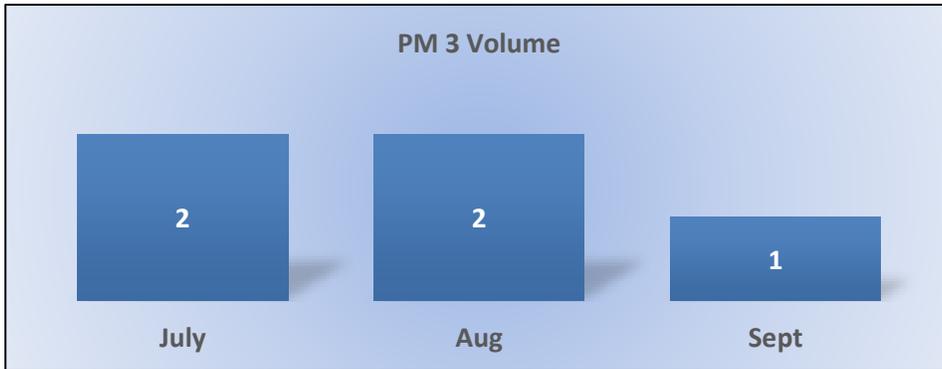
Average number of days from complaint receipt, to the date the complaint was closed or assigned to an investigator.



Target Average: 7 Days | Actual Average: 2 Days

PM3 | Investigations – Volume

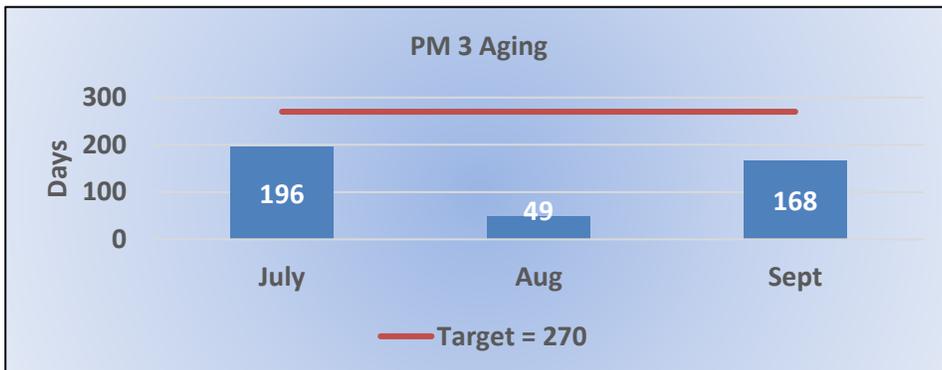
Number of investigations closed (not including cases transmitted to the Attorney General).



Total: 5 | Monthly Average: 2

PM3 | Investigations – Cycle Time

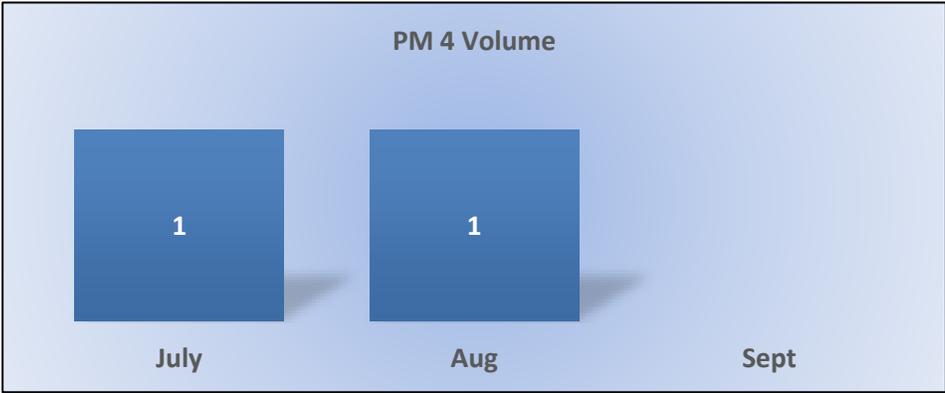
Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General.
(Includes intake and investigation)



Target Average: 270 Days | Actual Average: 131 Days

PM4 | Formal Discipline -- Volume

Cases closed, of those transmitted to the Attorney General.

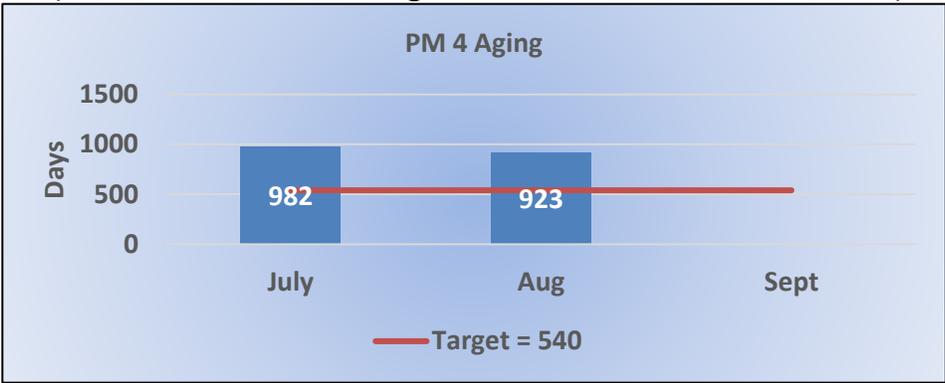


Total: 2 | Monthly Average: 1

PM4 | Formal Discipline – Cycle Time

Average number of days to complete the entire enforcement process for cases transmitted to the Attorney General.

(Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | Actual Average: 953 Days

PM7 | Probation Intake – Volume

Number of new probation cases.

No new probationers were assigned for monitoring this quarter.

PM7 | Probation Intake – Cycle Time

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

No new probationers were assigned for monitoring this quarter.

PM8 | Probation Violation Response – Volume

Number of probation violation cases.

The Committee did not have any probation violations this quarter.

PM8 | Probation Violation Response – Cycle Time

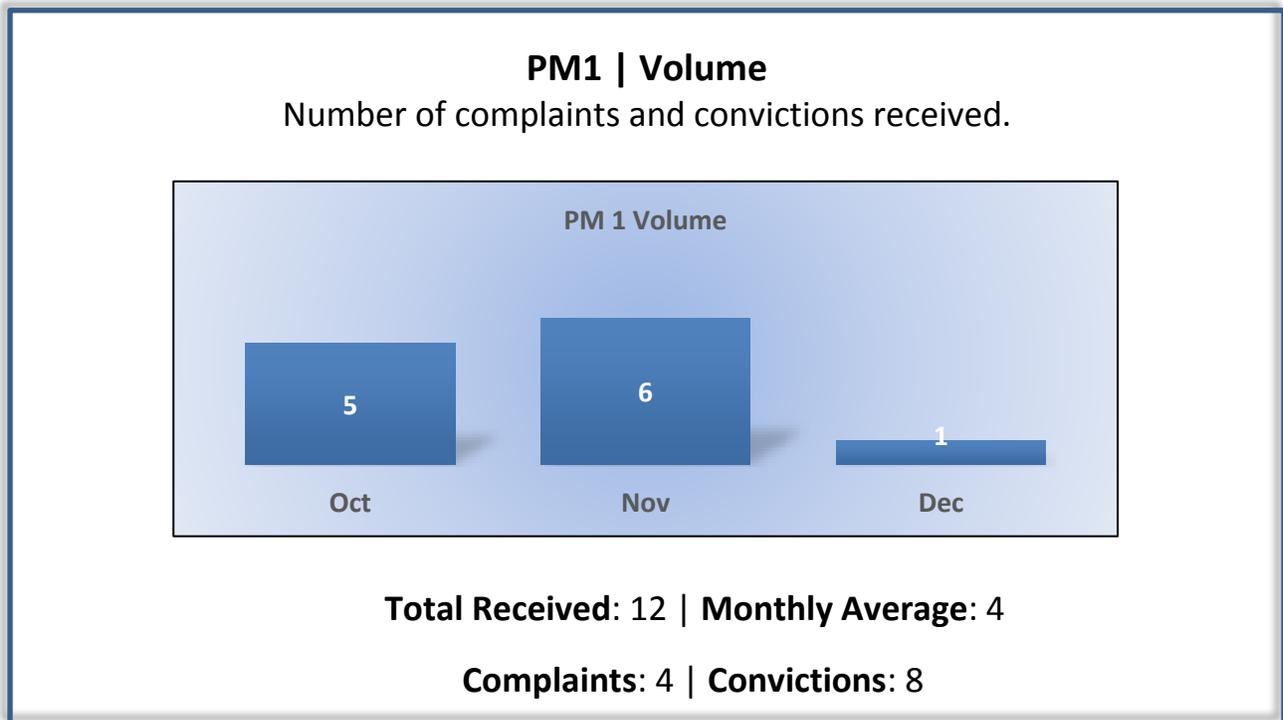
Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Committee did not have any probation violations this quarter.

Enforcement Performance Measures

Q2 Report (October - December 2017)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



PM2 | Intake – Volume

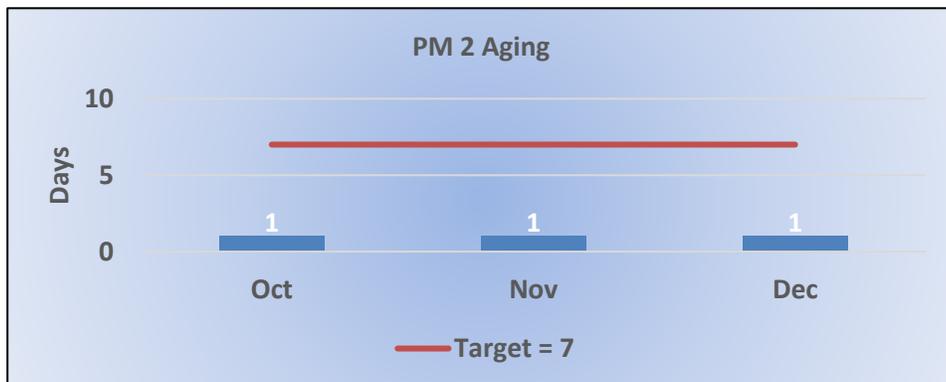
Number of complaints closed or assigned to an investigator.



Total: 12 | Monthly Average: 4

PM2 | Intake – Cycle Time

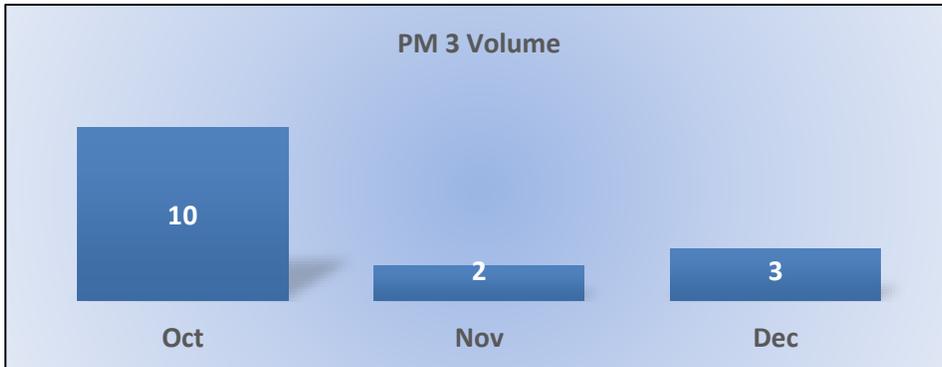
Average number of days from complaint receipt, to the date the complaint was closed or assigned to an investigator.



Target Average: 7 Days | Actual Average: 1 Days

PM3 | Investigations – Volume

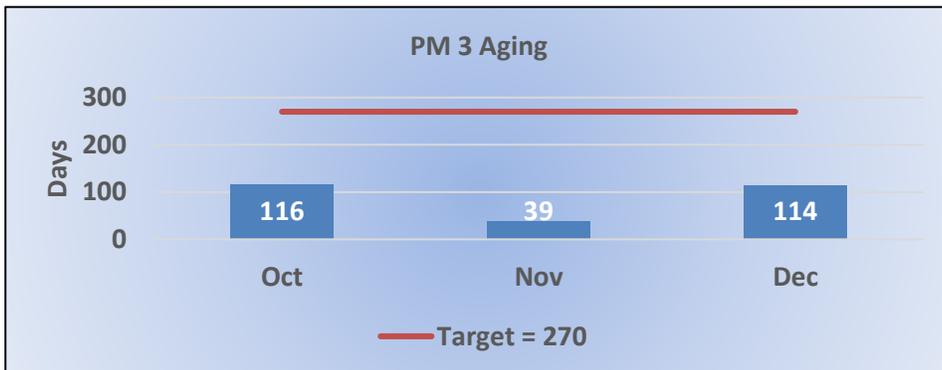
Number of investigations closed (not including cases transmitted to the Attorney General).



Total: 15 | Monthly Average: 5

PM3 | Investigations – Cycle Time

Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General.
(Includes intake and investigation)



Target Average: 270 Days | Actual Average: 107 Days

PM4 | Formal Discipline -- Volume

Cases closed, of those transmitted to the Attorney General.

The Board did not have any cases closed in formal discipline this quarter.

PM4 | Formal Discipline – Cycle Time

Average number of days to complete the entire enforcement process
for cases transmitted to the Attorney General.

(Includes intake, investigation, and transmittal outcome)

The Board did not have any cases closed in formal discipline this quarter.

PM7 | Probation Intake – Volume

Number of new probation cases.

No new probationers were assigned for monitoring this quarter.

PM7 | Probation Intake – Cycle Time

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

No new probationers were assigned for monitoring this quarter.

PM8 | Probation Violation Response – Volume
Number of probation violation cases.

The Committee did not have any probation violations this quarter.

PM8 | Probation Violation Response – Cycle Time

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Committee did not have any probation violations this quarter.

