

Meeting Minutes

CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee

November 17, 2015
Davis, California

Landscape Architects Technical Committee (LATC) Members Present

Andrew Bowden, Chair
David Allan Taylor, Jr., Vice Chair
Patricia Trauth
Marq Truscott

Tian Feng, LATC Liaison, California Architects Board (Board)

Staff Present

Doug McCauley, Executive Officer
Vickie Mayer, Assistant Executive Officer
Trish Rodriguez, Program Manager
Rebecca Bon, Legal Counsel, Department of Consumer Affairs (DCA)
Richie Barnard, Special Projects Analyst
Kourtney Nation, Examination Coordinator
Gretchen Kjose, Special Projects Analyst

Guests Present

Steve Greco, Chair, Landscape Architecture and Environmental Design (LAED), University of California (UC), Davis

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

LATC Chair Andrew Bowden called the meeting to order at approximately 11:03 a.m. and Vice Chair David Taylor called roll. Four members of LATC were present, thus a quorum was established.

B. Chair's Remarks and LATC Member Comments

Doug McCauley, Executive Officer (EO), administered the oath of office to Marq Truscott to the LATC. Mr. Bowden welcomed Tian Feng, the Board's LATC liaison, to the meeting.

C. Public Comment for Items Not on Agenda

No public comments were made.

D. Review and Approve August 6, 2015, LATC Meeting Minutes

- **David Taylor moved to approve the August 6, 2015, LATC Meeting Minutes.**
Patricia Trauth seconded the motion.
Members Trauth, Taylor, and Chair Bowden voted in favor of the motion.
Marq Truscott abstained. The motion passed 3-0-1.

E. Program Manager's Report

Trish Rodriguez presented the Program Manager's Report. She informed the Committee that staff continues to use the workaround system (WAS) to track candidate records until "BreEZe" is implemented.

Ms. Rodriguez noted that a recent regulatory change temporarily reduced license renewal fees from \$400 to \$220 for one renewal cycle. She explained that the temporary fee reduction was implemented in order to avoid exceeding the maximum allowable fund balance. She reported that in September staff submitted the fiscal year (FY) 2016-17 Workload & Revenue and Equipment Schedule and that in FY 2015 LATC collected roughly \$786,000. She explained that projected revenue for FY's 2016 and 2017 is approximately \$470,000 and that the reduction in revenue is due to the temporary reduction in biennial renewal fees.

Ms. Rodriguez updated the Committee on the Board's September 10, 2015 meeting. She noted that she presented a summary of LATC's August 6, 2015 meeting. She also reported that she presented the proposed updated *Disciplinary Guidelines* to the Board and that it was approved. She noted that following the meeting substantive changes, recommended by DCA legal counsel, were made to the *Disciplinary Guidelines* and that the guidelines would require approval by the Board. She explained that the revised *Disciplinary Guidelines* will be presented to the Board at their next meeting on December 10, 2015.

Ms. Rodriguez noted that outreach presentations are planned for the spring semester. She presented survey results that were taken from a student outreach presentation that was held at UC Berkeley Extension on August 13, 2015.

Ms. Rodriguez stated that staff continues to work on the extension certificate review procedures. She indicated that LATC received the updated Landscape Architectural Accreditation Board (LAAB) curriculum requirements in October 2015. She reported that staff is incorporating the modifications to develop a new regulatory proposal. She added that the working group will meet to review the suggested language and to ensure that Office of Administrative Law (OAL) standards are met prior to submission.

Ms. Rodriguez reported that an Occupational Analysis (OA) was last completed in 2014 and that since then one examination development workshop for the California Supplemental Examination

(CSE) has been completed. She noted that staff continues to recruit subject matter experts (SME) for future examination developmental workshops. She referred the Committee to the latest Intra-Agency Contract (IAC) Agreement with the Office of Professional Examination Services (OPES) under Agenda Item H, and stated that the Committee will be asked to review and take possible action on the agreement later in the meeting.

Mr. McCauley updated the Committee on a recent Supreme Court case involving the North Carolina State Board of Dental Examiners and the Federal Trade Commission (FTC). He noted that DCA held a meeting for executive officers and board presidents to discuss the implications of the court's decision.

Rebecca Bon, DCA Legal Counsel, added that additional information in response to the Supreme Court's ruling will be provided at the Board's next meeting in December. She stated that DCA's overall objective is to protect consumers using standards of licensure, and she included that DCA does not have an objective to hinder unlicensed individuals from practicing their trade in the market.

Mr. Taylor inquired if any Committee members have recently been involved in the student outreach presentations. Ms. Rodriguez indicated that no Committee members have recently been involved but stated that staff may request that any licensed staff members in the landscape architect program at the schools participate in the presentations.

Mr. Taylor directed staff to ensure that the material provided at the outreach presentations is up to date. Mr. Bowden added that staff needs to include the total number of students enrolled in the landscape architecture programs where the presentations are being held to highlight the number of students that attend relative to the total number of students in the program. Messrs. Taylor and Bowden recommended that staff plan outreach presentations during applicable landscape architecture classes to ensure a captive audience.

G. *Report on Council of Landscape Architectural Registration Boards (CLARB)

Ms. Rodriguez reported that CLARB held its Annual Meeting in September 2015. She referred the Committee to Attachment G.1, which shows the 2015-2016 CLARB Board of Directors. She added that on November 12, 2015 LATC received an invitation to nominate individuals to serve on the 2016 CLARB Board of Directors and Committee on Nominations. She noted that the nomination form is due to CLARB by January 8, 2016. She added that because of the timing of the invitation, it is recommended that the Committee consider delegation of completion of the nomination form.

The Committee agreed to delegate staff the task of completing the nomination form.

H. Review and Approve Intra-Agency Contract Agreement with Department of Consumer Affairs Office of Professional Examination Services for California Supplemental Examination Development

Ms. Rodriguez pointed the Committee to the IAC with OPES in the meeting packet under Agenda Item H. She stated that the Committee is asked to review and approve the new IAC with

OPES for CSE development for FY 2015/16. She indicated that the first examination development workshop would be held in January 2016, and directed the Committee to the table in the agreement that outlines dates and major project events. She added that the agreement would conclude in June 2016.

Ms. Rodriguez explained that one of the challenges in examination development is obtaining a sufficient number of SMEs to volunteer for the two-day workshops. She noted that future workshops are scheduled on a Friday and Saturday to reduce workweek-scheduling conflicts. Ms. Trauth inquired how many SMEs are generally involved in the workshops. Ms. Rodriguez stated that the target number is eight participants. Ms. Trauth asked how SMEs are selected for the workshops. Ms. Rodriguez explained that staff administer ad hoc reports on all licensees and then uses parameters such as years of experience, education, and geographic location to select licensees to invite to participate in the workshops.

- **Marq Truscott moved to approve the IAC with OPES for CSE development for FY 2015/2016.**

Patricia Trauth seconded the motion.

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

I. Discuss and Possible Action on Strategic Plan Objective to Establish Equitable Reciprocity Guidelines, Without Altering the Entry Standards of the Profession, to Widen Path to Licensure

Ms. Rodriguez reported that LATC has been discussing possible issues regarding equitable reciprocity requirements since 2013. She noted that LATC most recently assessed the Strategic Plan objective to establish equitable reciprocity guidelines at its February 10, 2015 meeting and suggested a regulation amendment to specifically state that California may allow reciprocity to those who are licensed in another jurisdiction, have ten years of practice experience, and have passed the CSE. She added that the Committee directed staff to review the reciprocity requirements from Arizona and New York and draft proposed regulatory language for the Committee's consideration. She continued that at today's meeting staff will present the findings and request the Committee to review the proposed regulatory language for California Code of Regulations (CCR) section 2615 (Form of Examinations) and take possible action.

Kourtney Nation, LATC Examination Coordinator, informed the Committee that Arizona and New York accept ten years of licensed practice to qualify for reciprocity in lieu of the degree and experience requirements. She detailed that the proposed amendment to CCR 2615 includes provisions that require a candidate to either submit verifiable documentation of education and experience equivalent to that required of California applicants at the time of application or submit verifiable documentation that the candidate has been actively engaged as a licensed landscape architect in another jurisdiction for at least ten years.

Ms. Trauth inquired on the number of states who do not require education for licensure. Ms. Nation explained that there are 31 states that allow candidates to apply to take the Landscape Architect Registration Examination (LARE) based only on experience. Mr. Bowden added that California previously allowed candidates to take the LARE based on experience alone, but the

pathway was closed because it was deemed not in the best interest of protecting the health, safety, and welfare of consumers.

Mr. Truscott asked for clarification of the word “verifiable,” in regards to candidates submitting documentation illustrating the practice of professional services for at least 10 of the last 15 years. Ms. Nation explained that candidates are required to complete and submit a Certification of Experience application for staff to review.

Mr. McCauley explained that the Board does not require post-secondary education in order to qualify for licensure. He added that the national examination, as an objective measurement of competence, verifies whether one meets the entry-level requirements and standards.

- **Marq Truscott moved to approve the proposed regulations to amend CCR 2615 (Form of Examinations), authorize staff to proceed with the rulemaking process, and delegate authority to the EO to make minor technical or non-substantive changes to the language, if needed.**

David Taylor seconded the motion.

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

J. Discuss and Possible Action on Strategic Plan Objective to Review California Code of Regulations, Sections 2624 and 2624.1 and Assess Whether any Revisions are Needed to Regulations, Procedures, and Instructions for Expired License Requirements

Ms. Nation reported that LATC’s Strategic Plan contains an objective to “assess whether any revisions are needed to the regulations, procedures, and instructions for expired license requirements.” She stated that the Committee, at its August 6, 2015 meeting, directed staff to assess whether the Board’s procedures for reviewing a request for re-licensure should be considered for use by the LATC. She noted that the Board’s and the LATC’s re-licensure requirements are in the meeting packet.

Ms. Nation continued that, currently, an individual whose license has lapsed for more than three years but less than five years may submit a request for re-licensure without retaking the LARE. She explained that as part of their request they must submit a portfolio for the LATC’s review to demonstrate their knowledge and skills in landscape architecture. She stated that if the review demonstrates to the LATC’s satisfaction that the applicant is qualified to practice landscape architecture, then the LARE or portions thereof may be waived.

Ms. Nation explained that the Board’s current re-licensure procedures require that the holder of a license that has been expired for more than five years pay all of the required fees and meet all of the requirements one needs to obtain an original license. She stated that an applicant becomes eligible for re-licensure once they have submitted all the required documentation, fees, and passes the CSE. She added that re-licensure applicants to the Board are not required to retake the national Architect Registration Examination (ARE).

Ms. Nation directed the Committee to the chart in the meeting packet that outlines the re-licensure requirements for a selection of other state licensing boards and three DCA licensing

boards. She stated that of the six landscape architect boards researched, Arizona is the only state that requires applicants to retake the LARE in order to become re-licensed. She added that, however, Arizona waives the examination requirement if the applicant has been practicing in a professional capacity in another state within the last five years.

Vickie Mayer, Assistant Executive Officer, added some clarification regarding the Board's re-licensure process. She explained that the Board does not require applicants to submit a portfolio demonstrating knowledge and skills. She added that architects whose license has expired for less than five years are only required to pay all accrued renewal fees in order to regain licensure. She continued that individuals whose license has been expired for more than five years must reapply for a new license and pass the CSE, but are not required to retake the ARE.

Mr. Truscott stated that to remain objective in the pursuit of protecting the health, safety, and welfare of consumers it would be best to align the LATC's re-licensure procedures with the Board's. Ms. Trauth stated that the portfolio process is not a good method to re-licensure, and agreed with Mr. Truscott that it would be best to align the procedures with the Board's. Mr. Taylor stressed that there are issues with the LATC's re-licensure process regarding the subjectivity in determining an individual's knowledge and skills submitted within a portfolio. Mr. Taylor stated he is inclined to align the re-licensure process with that of the Board's.

Mr. Bowden stated that he does not agree with aligning the LATC's re-licensure procedures with the Board's. He added, however, that he does agree the portfolio process is flawed. He continued that an individual whose license has been expired for more than three years but less than five years should be required to take and pass the CSE. He added that he thinks when a license has expired for more than five years the individual should start the application process over, which would include retaking the LARE.

Ms. Trauth queried if there is a difference in experience between those who have and have not stayed current with licensure requirements when both individuals have continued to practice landscape architecture. Mr. Bowden pointed out that the individual that has not stayed current with licensure requirements has been practicing unlawfully. Ms. Mayer noted that a licensee could maintain licensure by paying fees without actually practicing landscape architecture. Mr. Bowden continued that if a licensee has paid their licensure fees then they have shown an invested interest in maintaining their licensure. Mr. Truscott questioned whether maintaining licensure by paying fees demonstrates or qualifies an understanding of current practices.

Mr. Truscott stated that reciprocity applicants are required to take the CSE, but are not required to retake the LARE. Ms. Trauth added that when an applicant passes the CSE they demonstrate an understanding of current competencies. Mr. Bowden agreed that the CSE demonstrates an understanding of competencies. He added that, in addition to an applicant having to take the CSE after three years, an applicant should be required to retake the LARE after five years. Ms. Bon provided the Committee with examples of non-punitive requirements to consider. Mr. McCauley suggested an alignment with the Board by requiring an applicant to retake the CSE if his or her license has been expired for more than five years.

Mr. Taylor noted that the LARE is designed to test candidates on entry-level competencies and proficiencies and that the material on the examination does not change much over time. He

added that the CSE is continually updated with current trends and technological data provided by the OA's, which are performed every five-seven years.

Mr. Bowden inquired if there was a motion to revise the current re-licensure procedures. Mr. Truscott stated he would like to table the item until the next meeting. Ms. Mayer recommended that staff research additional states' re-licensure requirements and present the findings at the next meeting. Mr. Bowden agreed it would be good to identify re-licensure procedures in additional states.

- **Marq Truscott moved to table Agenda Item J (Discuss and Possible Action on Strategic Plan Objective to Review California Code of Regulations, Procedures, and Instructions for Expired License Requirement) until the next meeting.**

Patricia Trauth seconded the motion.

Ms. Trauth added that the Committee should consider directing staff to do additional research regarding re-licensure in other states.

- **Marq Truscott amended his motion to direct staff to research other states regarding the renewal process for those whose license has been expired for more than five years and present the findings at the next meeting.**

Patricia Trauth seconded the motion.

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

F. *Presentation of the University of California, Davis Landscape Architecture Program

Steve Greco, Chair of LAED and Vice Chair of the Human Ecology Department at UC, Davis, presented the Committee with a historical background and a detailed outline of the LAED program. Mr. Greco explained that the university is working to integrate Human Development and Community Development with the Landscape Architecture program.

Mr. Greco discussed a new degree being offered by UC, Davis called Sustainable Environmental Design (SED), which is not an accredited landscape architecture program. He explained that SED is for students who are not looking for an in depth landscape architectural experience, but who still want to be in the field. He clarified that SED degree curriculum includes some landscape architecture studio design, but that it is not the focus of the degree. He added that, however, one of the options available to SED degree holders is to pursue a graduate degree in landscape architecture to continue on the professional landscape architectural track. He stated that SED core classes largely consist of green building instruction, and the classes are offered as electives to landscape architecture majors.

Mr. Bowden inquired on the number of faculty in the program that are licensed landscape architects. Mr. Greco stated that not all faculty members in the program are licensed. He pointed out, however, that the program maintains and relies heavily on roughly six part time lecturers, which are generally all licensed landscape architects. He also pointed out that, LATC member, Mr. Truscott is currently a part-time lecturer in the program at UC, Davis. Mr. Truscott

stated that one of the benefits of the program is that faculty members have diverse backgrounds. Mr. Truscott added that, while the number of licensed faculty members is limited, the program does promote licensure.

K. Discuss and Possible Action on Strategic Plan Objective to Create and Disseminate Printed Document(s) to Educate Public on Differences Between Landscape Architects, Landscape Contractors, and Landscape Designers

Ms. Rodriguez explained that LATC currently has a guide to selecting a landscape architect that was last updated in 2008. She added that the Board released an updated *Consumer's Guide to Hiring an Architect* in 2011. She continued that as part of LATC's ongoing strategy of sharing best practices, and based on requests to release additional information on the differences of licensed and unlicensed practice, LATC staff drafted the *Consumer's Guide to Hiring a Landscape Architect* modeled after the Board's guide.

Mr. Truscott expressed that it is best to follow the example of the Board's guide while preparing the LATC's. He added that information conveyed through the Department of Water Resources (DWR) Independent Technical Panel (ITP) regarding water conservation measures and techniques should be included in the guide.

Ms. Trauth stated that the guide is an extremely important document and that it would be beneficial to form a subcommittee to review and provide suggested edits. Mr. Taylor added that information on the LATC website regarding hiring a landscape architect should coincide with information provided in the guide.

Mr. Bowden stated that it would be useful to include in the guide a table or chart that illustrates and breaks down the differences between and requirements for landscape architects, designers, and contractors. Mr. Taylor explained that a critical aspect of protecting the health, safety, and welfare of the consumer is by providing sufficient information to consumers so they can make an informed decision on whether they may or may not need a landscape architect to attain their desired results. Mr. Taylor suggested adding a preface to the guide with information concerning the question of what projects may or may not need a landscape architect.

- **Marq Truscott moved to form a subcommittee of two LATC members to work with staff to complete the proposed *Consumer's Guide to Hiring a Landscape Architect* and to present the revised guide at the next LATC meeting.**

Patricia Trauth seconded the motion.

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

L. Review Tentative Schedule and Confirm Future LATC Meeting Dates

The next LATC meeting is tentatively scheduled for February 10, 2016 in Southern California.

M. Adjourn

The meeting adjourned at 2:12 p.m.

**Agenda Items were taken out of order to accommodate a guest speaker. The order of business conducted herein follows the transaction of business.*