



LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE  
CALIFORNIA ARCHITECTS BOARD  
PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Arnold Schwarzenegger  
GOVERNOR

SUMMARY REPORT

CALIFORNIA ARCHITECTS BOARD  
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

May 6, 2005  
Sacramento, California

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

Chair Linda Gates called the meeting to order at 10:05 a.m. and Program Manager Mona Maggio called the roll.

Committee Members Present

Christine Anderson  
Linda Gates  
Stephanie Landregan  
Anna Mendiola

Committee Member Absent

Dennis Otsuji

Staff Present

Doug McCauley, California Architects Board (Board) Executive Officer  
Mona Maggio, Landscape Architects Technical Committee (LATC) Program Manager  
Gary Duke, Legal Counsel  
Patricia Fay, Licensing Coordinator  
Justin Sotelo, Enforcement/Special Projects Analyst  
Terri Villareal, Enforcement Coordinator

Three members of the LATC present constitute a quorum. Four members being present, a quorum was established.

B. Chair's Remarks

Ms. Gates announced that the LATC would have a working lunch in order to cover all of the agenda items.

C. Public Comment Session

There were no public comments.

Stephanie Landregan asked that the issue of landscape architects using electronic signature stamps versus “wet” signature stamps be placed on the next LATC meeting agenda for discussion. Doug McCauley stated that this is not an issue for the Board, as the Architects Practice Act delegates oversight to the building departments as to what is acceptable. Mr. McCauley added that the National Council of Architectural Registration Boards (NCARB) recently developed a publication on the issue. He will obtain a copy for the LATC’s review. Ms. Landregan added that this issue was discussed at the Council of Landscape Architectural Registration Boards’ (CLARB’s) 2005 Spring Meeting. She noted that several states were very concerned about the use of an electronic stamp. Ms. Landregan asked the LATC to discuss this issue to determine if it is a concern for California. Gary Duke, Legal Counsel, stated that California law is somewhat more developed than other states and what may be an issue for other states may not be an issue for California. He stated that the Board for Professional Engineers and Land Surveyors recently modified its regulations to specifically define a seal/stamp requirement, which included electronic seals; it is very broad language. Ms. Gates added that the LATC should educate itself on this matter.

D. Approve the February 17, 2005 LATC Summary Report

- ♦ **Stephanie Landregan moved to approve the February 17, 2005 LATC Summary Report.**
- ♦ **Anna Mendiola seconded the motion.**
- ♦ **The motion carried unanimously.**

E. Election of Officers

Ms. Gates nominated Ms. Landregan to serve as LATC Chair and Christine Anderson to serve as LATC Vice-Chair.

- ♦ **Ann Mendiola moved to approve the nomination of officers.**
- ♦ **Linda Gates seconded the motion.**
- ♦ **The motion carried unanimously.**

F. Program Manager’s Report

Ms. Maggio thanked staff for their continued dedication and hard work during her leave of absence. Mr. McCauley amplified Ms. Maggio’s statements and added the LATC staff

is self-sufficient, took the initiative to get the work done, and maintained the professionalism of the office during Ms. Maggio's absence.

Ms. Maggio announced today would be Anna Mendiola's last meeting as an LATC member. Her term expired on June 30, 2004 and she had served her one-year grace period. The LATC members thanked Ms. Mendiola for her contributions throughout her tenure on the LATC and her dedication to the profession.

Ms. Maggio stated that on February 17, 2005, Governor Schwarzenegger announced that he was withdrawing the Governor's Reorganization Plan (GRP) (previously known as the California Performance Review [CPR]), but would re-examine it. Mr. McCauley reported that, essentially, the Board and LATC are two merged boards, a model that is a very efficient and effective structure. Reorganization in any way, shape, or form does not make sense when a very well structured and successful organization is already in place.

The American Institute of Architects California Council (AIACC) discussed GRP and the concept of reorganizing boards at its Day at the Legislature on March 30, 2005. Mr. McCauley said AIACC conveyed the message of the relationship between the Board and LATC. AIACC also worked to collect feedback from legislators. AIACC members completed a survey in response to their conversations with legislators. Mr. McCauley will share the survey results with the LATC once the data is tabulated. Mr. McCauley added that the Governor is addressing some of his campaign issues through this year and those issues: teacher tenure, budget reform, and reapportionment are being launched as ballot measures. Mr. McCauley added that he is also maintaining contact with the Consulting Engineers and Land Surveyors of California (CELSOC), California Building Officials (CALBO), the California Council of the American Society of Landscape Architects (CCASLA), and its lobbyist, Terri Thomas of Thomas Advocacy, Inc.

Under the LATC's Communication Plan, Ms. Maggio reported that on March 1 - 3, 2005, she, along with the Board's Architect Consultants Bob Carter and David Schwartz, attended CALBO's 43<sup>rd</sup> Annual Business Meeting in Yosemite. She said a number of building officials stopped by the exhibitor's table and inquired about the scope of practice and stamping requirements for landscape architects. She thanked Bob Carter for his assistance in answering questions posed by the building officials. Ms. Maggio said this was a positive outreach experience and suggested the LATC offer to hold a workshop at the 2006 CALBO Business Meeting to educate building officials on the practice of landscape architecture and the LATC's role as the regulatory agency over landscape architecture in California. Justin Sotelo recommended that the LATC also consider outreach presentations to the California Park and Recreation Society (CPRS). Mr. McCauley stated he is attempting to get the design and construction boards to work more collaboratively in their outreach endeavors. The Board includes a module on the practice and regulatory oversight of landscape architects in its Building Officials Presentation. His goal is to have the other design boards include a module in their presentations about the Board and LATC. This year, CALBO's Contractors State License Board Committee expanded to include the Board and the Board for Professional Engineers and Land Surveyors. Mr. McCauley will request that Ms. Maggio also be on this Committee to

represent landscape architects. The Committee directed staff to contact both CALBO and CPRS and offer to hold presentations regarding the LATC and the practice of landscape architecture at their respective annual meetings.

Ms. Maggio stated that on May 21, 2005, Mr. Sotelo and Ms. Landregan would represent the LATC and the Board at ArtsDay LA, hosted by the University of California, Los Angeles (UCLA) Extension Program, Department of the Arts.

She reported that CLARB's 2005 Annual Meeting would be held on September 8-10, 2005 at the Wilshire Hotel in Los Angeles.

Ms. Maggio asked if members had suggestions for articles for future issues of the LATC's newsletter. Christine Anderson said she was contacted by a representative from the Sacramento County Department of Water Resources regarding the best way to contact landscape architects in the realm of stormwater management and rain gardens. Ms. Landregan added there is new legislation regarding irrigation that would be of interest to our licensees. Both Ms. Anderson and Ms. Landregan will provide Mr. Sotelo with information for suggested articles.

Ms. Maggio reported that the Department of Consumer Affairs (DCA) is closely monitoring all out of state travel (OST). She recently submitted the OST request for three trips during FY 2005/06. Preliminary approval was received for only one trip and one representative to attend the 2006 CLARB Spring Meeting. Because the 2005 Annual Meeting will be held in Los Angeles this year, it was not included in the OST request.

Mr. Sotelo reported that the following regulatory amendments became effective on April 7, 2005: 1) amendments to California Code of Regulations (CCR) section 2624, *Expired License Three Years After Expiration*, and CCR section 2624.1, *Expired License – Five Years After Expiration*, that clarify the requirements for the re-licensure process; and 2) amendments to CCR section 2604 that clarify the address reporting requirements for licensees and align the language with BPC section 5657.

#### G. Council of Landscape Architectural Registration Boards (CLARB)

##### 1. Update on 2005 Spring Regional Meeting

Ms. Landregan provided a brief synopsis of the meeting. She noted that CLARB had resolved many of the problems associated with the computer-administered multiple-choice sections of the Landscape Architect Registration Examination (C/LARE) by terminating its contract with LaserGrade and contracting with Thomson Prometric. Thomson Prometric offers more testing sites with more computer stations, experienced proctors, and has the capability to allow CLARB to offer the C/LARE four times a year versus two administrations provided by LaserGrade.

Ms. Maggio noted the Keynote Speaker, Merle Runion, presented *Communication Keys to Conquer Conflict*. Her presentation focused on conflict resolution.

Another topic discussed at the Spring meeting was the designation “ASLA” after an unlicensed individual’s name and how this designation is misleading to the general public. This issue will be discussed further at the CLARB 2005 Annual Meeting and at the American Society of Landscape Architects’ (ASLA) 2005 Annual Meeting and Expo. At this time, ASLA is not considering a different designation for unlicensed individuals.

Ms. Maggio stated that CLARB is conducting Board Member Visits, visiting 5-8 boards a year to offer support and education on CLARB services, examination development, examination registration, and examination administration.

Congratulations were given to Ian Wasson and Ms. Landregan who were elected as Director and Alternate Director, respectively, for Region V at the Spring Meeting. They were elected to these positions at the 2004 CLARB Annual Meeting, but they were completing a partial term left vacant when the former Director of Region V was elected to the CLARB Board of Directors.

Region V discussed a proposed Resolution being circulated by Region IV to change CLARB’s Bylaws Article VII – Officers, Section 3. Nomination of Officers. Region IV believes that Officers of CLARB should be elected by the membership and not by acclamation of a slate forwarded by the Nominations Committee. The proposed changes to the Bylaws would require the Nominations Committee to try and identify two candidates for each open position. Region V recommended that “identify two candidates” be changed to read “identify candidates” to allow for two or more nominees for each position.

Ms. Landregan noted that due to budgetary constraints, many member boards were unable to send a representative to the Spring Regional Meeting.

## 2. Review and Discuss CLARB’s Annual Financial Report

The Consolidated Statements of Financial Position Years Ended September 30, 2004 and 2003 (complete financial report) was included in the packet for the LATC members review. Ms. Landregan stated that typically CLARB provides this financial report at its Annual Meeting in September and provides a budget update summary sheet at the Spring Meeting. She reported that one concern of CLARB member boards was that membership fees and other sources of CLARB revenue were being funneled into C<sup>2</sup>ED. CLARB has restructured C<sup>2</sup>ED from a separate entity to a program of CLARB’s. C<sup>2</sup>ED is capitalizing on services, such as teleconferencing and public service announcements, in addition to continuing education courses to generate revenue.

## 3. Update on Landscape Architect Registration Examination (LARE)

Ms. Maggio reported that on March 7, 2005, CLARB notified member boards that the administration of the C/LARE Sections A, B and D had changed from two times per year to four times per year in order to accommodate candidates. The C/LARE will now be administered in January, April, July, and October.

Ms. Landregan stated that she had received a telephone call from Alexis Slafer, Landscape Architecture Program Director for the UCLA Extension Program. Ms. Slafer has observed that examination candidates are not studying landscape architecture in a holistic manner but are focusing only on the section(s) of the examination the candidate is to take. Prior to the recent change in the LARE administration a candidate could not take only one section of the LARE and would have to study and prepare for the entire examination. Ms. Slafer believes that allowing candidates to take only one or two sections of the examination is detrimental to the profession as a whole in understanding the profession holistically and putting things together as landscape architects would in a real work setting. Ms. Slafer has asked Ms. Landregan if the LATC would ask CLARB to conduct a psychometric evaluation on this issue as Ms. Slafer thinks this is a hindrance to the profession. Mr. McCauley stated that one reason the Board has a supplemental examination is due to its concern about the distinct divisions of the Architect Registration Examination (ARE). Integrated questions, such as those given in the Board's oral examination, cause a candidate to think of all the phases of a project.

Ms. Landregan asked Ms. Slafer to put her request in writing to ensure the LATC understood her concerns and to determine if it is the LATC's role to present this issue to CLARB.

On May 10, 2005, CLARB will offer a live Internet presentation via C<sup>2</sup>ED regarding the C/LARE. Member boards are encouraged to dial in to see how this works.

#### 4. Update on LARE Task Analysis

Ms. Mendiola reported that the Task Analysis Survey was sent to 6,000 landscape architects in March 2005. Because the survey is being conducted over the Internet, a test survey was sent to the Subject Matter Experts Committee in late Winter 2004. Ms. Mendiola participated in the test survey and stated the process worked very well.

She noted that May 8, 2005 is the last day for licensees to return the completed surveys to CLARB. Survey results will be discussed at a Task Analysis Expert Panel Meeting to be held in Philadelphia, PA on May 20-21, 2005.

#### 5. Discuss September 8-10, 2005 Annual Meeting

Ms. Maggio reported CLARB is in the process of finalizing the 2005 Annual Meeting Agenda. The agenda will be available for the LATC's review at its August 12, 2005 meeting.

The Committee reviewed the Proposed Revision to CLARB Bylaws drafted by Gil Berry, New Mexico Board Representative (Region IV). Ms. Landregan stated that at the Spring Meeting, Region V discussed the proposed revision and recommended changing "two nominees" to "nominees." Ms. Gates asked staff to contact Mr. Wasson, Director of

Region V, and ask him if the resolution, as amended, reflects the Region's thoughts or should "two nominees" be changed to read "nominees."

As host state for this year's Annual Meeting, Ms. Gates will give the Welcome Address on behalf of the LATC on Friday, September 9, 2005 to open the General Session.

CLARB asked member boards for suggested workshop topics for the Annual Meeting. The LATC and staff suggested: 1) developing a supplemental examination; 2) communication with building officials; 3) differences/similarities of collateral organizations ASLA, Landscape Architecture Accreditation Board (LAAB) and the Council of Educators in Landscape Architecture (CELA); 4) trends identified from the task analysis; and 5) internship/guidelines for candidates.

H. Update on March 4, 2005 Education Subcommittee Meeting

Ms. Maggio reported that at the March 4, 2005 meeting, the Subcommittee: 1) discussed the current examination and licensure eligibility requirements in California; 2) compared eligibility requirements of other states to those of California; 3) reviewed and evaluated California landscape architect associate degree programs' curricula to determine if the programs were comparable and appropriate for the one year of educational credit that is currently granted; 4) and reviewed an outline of a proposed landscape architect program at Reedley College.

The next Subcommittee meeting will be held on June 17, 2005 in Sacramento.

I. Update on March 24, 2005 California Architects Board (CAB) Business and Professions Code Sections 5588/5589 Task Force Meeting and Possible Action

Mr. Sotelo stated the Task Force was charged with reviewing new statutory language under the Professional Engineers Practice Act that pertains to settlement and arbitration award reporting requirements for engineers. He noted that this new language provides greater specificity than language currently found in the Board's and LATC's Practice Acts.

Using the Engineer's statutes as a model, the Task Force developed proposed language to amend Business and Professions Code (BPC) 5588 and 5589 at its meeting on March 24, 2005 and voted unanimously to recommend the proposed amendments to the REC and to the Board. The REC approved the language at its meeting on May 3, 2005. The proposed language will be presented to the Board for approval at its meeting on June 10, 2005.

Mr. McCauley added that The American Institute of Architects (AIA) is working to put this language in a "clean-up" bill.

Ms. Landregan directed staff to use the REC's proposed amendments as a model, and draft proposed language, to amend BPC sections 5678.5, Board Receipt of Report on

Insurer's Settlement or Arbitration Award, and 5679.5 Report to Board on Settlement or Arbitration Award; Compliance with Section by Counsel, for the LATC's review and approval at its August 12, 2005 meeting.

J. Update on May 3, 2005 CAB Regulatory and Enforcement Committee Meeting

Mr. Sotelo reported that Mr. Otsuji was appointed to the Board's Regulatory and Enforcement Committee (REC) on February 9, 2005. However, because Mr. Otsuji and Ms. Maggio were unable to attend the REC's May 3, 2005 meeting in Hawthorne, California, Mr. Sotelo attended on their behalf. Mr. Sotelo indicated that the REC addressed many issues that the LATC is pursuing concurrently and that Board and LATC staff have been coordinating efforts on these issues.

First, Board staff had previously prepared proposed amendments to its Rules of Professional Conduct regulation, California Code of Regulations, Title 16, (CCR) Section 160, as the Board's 2003 and 2004 Strategic Plans had directed the REC to review the regulation and propose modifications, if necessary. However, the proposal was brought back to the REC for review as two rules were added to the language in order to bring it into alignment with the LATC's regulation. The REC approved the additional rules and recommended that the language go back to the Board for preliminary approval. Proposed amendments to the LATC's Rules of Professional Conduct regulation were given preliminary approval by the LATC in January 2005; however, Mr. Sotelo indicated that staff will wait to submit regulatory documents with the Board (to the Office of Administrative Law and the DCA), as the two proposals would essentially make the two regulations identical.

Second, an update on the proposed changes to the Board's Citation regulation, CCR Section 152, was provided to the REC. The proposed changes would: 1) change the definition of a Class "A" violation (to pertain only to unlicensed persons who are found to be in violation); 2) increase the administrative fine ranges and maximum fine amount; and 3) add additional criteria for administrative fines that range from \$2,501 to \$5,000. Mr. Sotelo indicated that the LATC had also given preliminary approval to a proposal to amend its citation regulations at its January 2005 meeting. Again, due to the similarities in the proposals, Mr. Sotelo indicated that the LATC's regulatory documents would be submitted with the Board's.

Mr. Sotelo also stated that an update was provided on the proposed adoption of the Board's complaint disclosure policy in regulation. The LATC, on the other hand, is one of a few agencies under DCA that already had its policy in regulation for a number of years. At its January 2005 meeting, the LATC also gave preliminary approval of a proposal to amend its complaint disclosure policy. Again, the two proposals will essentially bring the Board's and LATC's policies/regulations into alignment and will be submitted together.

Finally, Mr. Sotelo indicated that the REC was asked to review and approve the BPC Section 5588/5589 Task Force recommendation regarding modifications to the statutes

that address the reporting of settlements and arbitration awards. Using the new language under the Engineers Act as a model, the Task Force developed proposed language to amend BPC Sections 5588 and 5589 which was approved by the REC on May 3.

The LATC will monitor the proposal and consider amendments to its statutes.

K. Review and Consider Requests for Re-Licensure

The LATC reviewed a request for re-licensure from Robert E. Parker, former license number LA 3573. Ms. Gates reported that Mr. Parker was originally licensed in California on October 25, 1991 and his licensed expired on August 31, 2001.

Ms. Gates stated that she and Ms. Anderson performed a thorough portfolio review of the work samples and supporting documents submitted by Mr. Parker. Their review identified that Mr. Parker submitted two work examples that were primarily planting plans. The reviewers recommended that Mr. Parker's request for re-licensure without examination be denied and that he be required to take and pass LARE section E - Grading, Drainage, and Stormwater Management and the California Supplemental Examination (CSE). Upon successful completion of both LARE Section E and the CSE, Mr. Parker would be eligible to submit an application for a new landscape architect license.

- ◆ **Linda Gates moved to deny Robert E. Parker's request for waiver of the LARE. For the purpose of re-licensure, Mr. Parker shall take and pass LARE Section E - Grading, Drainage, and Stormwater Management and the CSE. Upon successful completion of these requirements, he will be eligible to submit an application for licensure.**
- ◆ **Christine Anderson seconded the motion.**
- ◆ **The motion carried unanimously.**

The LATC reviewed a request for re-licensure from Daniel Shaul Zarnstorff, former license number LA 2856. Ms. Gates reported Mr. Zarnstorff was originally licensed in California on March 22, 1988 and his licensed expired on January 31, 2000.

Ms. Gates stated that she and Mr. Otsuji performed a thorough portfolio review of the work samples and supporting documents submitted by Mr. Zarnstorff. She noted that this was the first time a re-licensure applicant submitted a work sample portfolio via a compact disk (CD). She found it less cumbersome than transporting the large binders with work samples that are typically submitted by re-licensure applicants. Ms. Gates acknowledged that she did print out the work samples from the CD to conduct her review.

Ms. Gates stated Mr. Zarnstorff did not submit sufficient work samples to show his competency in Structural Considerations and Materials and Methods of Construction.

However, because this was the first time that the LATC accepted a work sample portfolio in a CD format, Ms. Gates recommended that the LATC delay making a decision on Mr. Zarnstorff's re-licensure application and allow him to submit additional documentation for review.

Ms. Maggio reminded the LATC that the instructions provided to re-license applicants state: "Your application packet must be complete when submitted. Submission of additional or omitted material will not be accepted." Ms. Maggio added if we allow Mr. Zarnstorff to submit additional information that we should allow Mr. Parker the same opportunity.

Mr. Duke stated that the format used to submit the work sample portfolio should not matter. If both applicants were given the same instructions then they both need to be held to the same standards. Mr. Duke also stated that the review of the work sample should be done collectively. If the reviewer finds the applicant did not submit work samples for a specific category yet the reviewer can make a determination by collectively looking at the portfolio that the applicant is competent, the applicant should be given consideration for meeting that criteria.

Based on legal counsel's clarification, Ms. Gates asked to contact the second reviewer, Mr. Otsuji and seek his opinion on whether to reconsider Mr. Zarnstorff's application and portfolio collectively or make a decision based on their first review.

It was agreed this matter would be carried over to the August 12, 2005 meeting.

Ms. Gates stated that in her opinion, re-evaluating Mr. Parker's file collectively would result in the same recommendation.

*(For additional information see agenda item L)*

L. Discuss Portfolio Submittal Options for Re-Licensure Applicants

Mr. Sotelo reported that over the past several years, the LATC has reviewed approximately one to two re-licensure portfolio packets per meeting. The portfolio packets are received in various sizes, most commonly, applications, resumes, letters of reference are received on 8½ x 11 papers; however, actual plans are received on a much larger scale. Mr. Sotelo stated that the last three portfolio packets have each been received in a different format; one in various shapes and sizes; one in a binder with all information inside individual plastic sleeves and one with the application and letters of reference on 8 ½ x 11 sheets along with a compact disk (CD). This is the first time that the Committee has reviewed the portfolio packet on CD.

Ms. Gates stated that she liked the CD format as an option. It is easy to use and to mail to the next reviewer.

The Committee discussed standardizing the format re-licensure applicants can use to submit work sample portfolios. Mr. Duke added that if the LATC sets a standard format, the regulation (CCR 2624), would have to be amended to include the format requirements, otherwise it could be considered an underground regulation.

The LATC discussed the current re-licensure procedures, reviewed the re-licensure application and the reviewer's guidelines, and recommendation form. The LATC agreed that: 1) there shall be two independent reviews of each re-licensure application/work samples portfolio; 2) incomplete applications/work sample portfolio will not be reviewed; 3) candidates shall provide a summary of his/her role for each project submitted; and 4) "current" work samples were defined as within the last three years.

M. Review LATC Consumer Guides for Selecting a Landscape Architect and Discuss Potential Updates

Mr. Sotelo stated that as an action item under the Communications Plan, the LATC identified the need to review the guides for currency and continued distribution.

He reported that the LATC's three consumer guides (Selecting a Landscape Architect for Private Development Projects, Selecting a Landscape architect for Public Sector Projects, and Selecting a Landscape Architect for Residential Projects) were originally printed in March 2000. Since then, the guides have been available on the LATC Web site, have been distributed to a number of constituency groups, and have been available at all LATC outreach events.

Mr. Sotelo noted that minor updates were made to the guides in July 2004 and, since then, they have been reprinted for continued distribution.

Mr. Sotelo stated that if updates or a redesign is required or requested, staff would work with the LATC's contracted graphic designer, University Media Services of California State University, Sacramento to implement any changes.

Ms. Anderson stated that the LATC's guides are helpful to those considering the services of a landscape architect. Ms. Gates suggested that the revision include a clear definition of what services an unlicensed designer can provide. Ms. Landregan suggested that possibly the three guides could be merged into one guide.

Ms. Anderson and Ms. Landregan volunteered to assist Mr. Sotelo with reviewing and drafting proposed revisions to the guides for the LATC's review at a future meeting.

N. Review and Approve LATC Outreach Materials and Identify Target Recipients

Mr. Sotelo reported that the 2005 Strategic Plan and the Communications Plan direct the LATC and staff to take many actions that require the use and/or distribution of updated outreach materials. The LATC was asked to review an updated (draft) landscape design limitations chart, the Board's Building Official presentation outline, and the LATC's

Powerpoint presentation. The LATC reviewed these items and provided staff with suggested changes and/or edits. Upon incorporating these changes and edits, staff will bring the materials back to the LATC at a future meeting for final approval.

In addition, it was noted that the Strategic Plan directs the LATC to: 1) distribute a letter clarifying the scope of practice of landscape architects and identify target recipients; and 2) contact collateral organizations to initiate circulation of information on key issues. Staff will present draft letters to the LATC for review and approval at its next meeting.

O. Discuss Enforcement-Related Issues

Terri Villareal reported that she has received an increase in complaints against unlicensed persons. In review of these complaints, some questions have arisen with respect to the new statutory language under BPC section 5641, Chapter Exceptions, Exemptions, and the actual services that some of these unlicensed persons appear to be providing.

She stated that in an effort to better serve the public with inquires regarding the scope of practice and design limitations of licensed and unlicensed individuals, as well as assist in complaint handling, she asked the LATC to provide clarification of the terms “Master Plan” compared to the term “Conceptual Plan” as well as other terms unlicensed designers are using to circumvent the exceptions allowed in the Practice Act.

The Committee reviewed a set of plans prepared by an unlicensed designer in response to a complaint received at the LATC. The Committee provided information to staff as to what constitutes a conceptual plan (the plan provides no specifications, details, or footings) versus a construction plan.

Mr. Sotelo reported that in reviewing the definitions of practice under the Architects Practice Act (BPC 5500.1), the Professional Engineers Act (BPC 6702-6702.2), and the Professional Land Surveyors Act (BPC 8701), it has been noted that the definition of the practice under the Landscape Architects Practice Act differs in that it does not include the act of offering professional services; it only includes the act of performing (or engaging) professional services. The absence of this language has presented problems with enforcement cases against unlicensed individuals, as there have been many instances where it has been difficult to prove that an unlicensed individual actually performed professional services, yet the individual may have clearly offered the services in some manner. If an unlicensed individual offers services that require a professional license, it is misleading and a potential risk to consumers and the public. In addition, if an unlicensed individual takes the time to offer and/or advertise services that require a professional license, it is very likely that the individual is actually performing the services as well and, thus, is putting consumers and the public at risk.

Ms. Landregan asked staff to draft proposed language, to amend BPC section 5615, Landscape Architect – Practice of Landscape Architecture to include “offering” for the LATC’s review at its August 12, 2005 meeting. Mr. McCauley added that he will contact

the Senate Business, Professions and Economic Development (BP&ED) Committee to see if the proposed language can be included in the BP&ED clean up bill.

P. Review Action Plan and Master Calendar of Action Items

The LATC discussed and updated its Action Plan in accordance with the goals and objectives identified in the 2005 LATC Strategic Plan. The LATC reviewed its Master Calendar that reflects the goals and objectives of the Strategic Plan in target date order.

Q. Select Future LATC Meetings

The LATC will hold its next meeting on August 12, 2005, in Sacramento. The LATC will consider scheduling a meeting in November 2005.

R. Adjournment

The meeting adjourned at 3:50 p.m.