



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

August 12, 2005
Sacramento, CA

LATC Members Present

Stephanie Landregan, Chair
Christine Anderson
Linda Gates
Dennis Otsuji

Staff Present

Doug McCauley, Executive Officer, California Architects Board (Board)
Mona Maggio, Program Manager, Landscape Architects Technical Committee (LATC)
Pat Fay, Licensing Coordinator
Justin Sotelo, Special Projects Analyst
Don Chang, Legal Counsel

Guests Present

Laurie Callaway, Legislative Officer, Association of Professional Landscape Designers (APLD)
Sandra Gonzalez, President, Council of Landscape Architectural Registration Boards (CLARB)
Cynthia Ong, Board Member / Liaison to LATC
Alexis Slafer, Program Director, University of California, Los Angeles (UCLA) Extension,
Landscape Architecture Program / LATC Education Subcommittee Member

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

LATC Chair Stephanie Landregan called the meeting to order at 10:05 a.m. Program Manager Mona Maggio called the roll. All LATC members were present and, thus, a quorum was established.

B. Chair's Remarks

Ms. Landregan indicated that Sandra Gonzalez, CLARB President and former LATC Chair/Member, and Alexis Slafer, UCLA Extension, Landscape Architecture Program Director and LATC Education Subcommittee Member were present at the meeting.

C. Public Comment Session

Ms. Gonzalez thanked the LATC for having her as a guest at the meeting. She indicated that she would be participating in the CLARB discussion item (Item F) and the discussion regarding the UC Extension Certificate Programs (Item J).

Ms. Slafer also thanked the LATC and indicated that she was looking forward to the 2006 review of the UCLA Extension, Landscape Architecture Program.

Laurie Calloway introduced herself as a representative of APLD and indicated that she had attended LATC meetings in the past. She also stated that her reason for attending the meeting was to observe the discussion pertaining to the letter to public agencies (Item I).

Ms. Landregan indicated that, if appropriate, she would allow for further public comment during the remaining agenda items.

D. Approve the May 6, 2005 LATC Summary Report

Christine Anderson asked if the announcement of former LATC member Anna Mendiola's last meeting (on May 6, 2005) needed to be included in the record. Ms. Maggio indicated that it could be added to the summary report. Ms. Anderson also indicated that a correction needed to be made on page nine, under Item K, where it mentioned that Dennis Otsuji performed a relicensure portfolio review for candidate Robert Parker; she indicated that the statement should be corrected to indicate that both she and Linda Gates performed the portfolio review.

- **Ms. Anderson moved to approve the May 6, 2005 LATC Summary Report with the indicated addition and correction.**
- **Ms. Gates seconded the motion.**
- **The motion carried (3-0) with one abstention.**

E. Program Manager's Report

Ms. Maggio reported that, effective July 1, 2005, Justin Sotelo was formally hired by the LATC to serve as Special Projects Analyst.

Ms. Maggio also announced that newsletter articles and/or ideas for articles for the Fall 2005 issue could be submitted to Mr. Sotelo by the end of August 2005.

Under the California Supplemental Examination (CSE) update, Ms. Maggio reported that the LATC did receive approval on its budget change proposal for funding to perform a task analysis for the CSE. She also indicated that she had received criteria for selecting subject matter experts (SME) and that the LATC would be utilizing the services of DCA's Office of Examination Resources to conduct the task analysis. She stated that an article would be included in the newsletter for recruitment of SME's and that quite a few SME's would be needed for the

process. A comparison between the CSE and the national examination would first need to occur. Also, LATC would be obtaining information from CLARB's recent task analysis for the national examination. Next, a determination would be made as to whether the CSE would need to be updated and, if so, whether the format of the examination should change. Item writing for the CSE would occur next. Ms. Maggio indicated that the aforementioned actions would likely occur during this fiscal year. For next fiscal year, she indicated that examination development would take place, including testing of the examination items, developing an appropriate format, and grading the examination. She stated that she requested findings from the LARE task analysis from "Buck" Chaffee, CLARB Examination Director. Mr. Chaffee indicated that for a fee of \$1,800, he would provide the survey means and standard deviations for tasks, knowledge, and skill statements, a table showing the national means and the California-only means for each statement, and an interpretation of the results of the California-only responses. Ms. Maggio indicated that she had corresponded with OER and they confirmed that the information from CLARB was needed in order to conduct the California task analysis.

Under the enforcement update, Ms. Maggio indicated that there had been an increase in unlicensed activity cases. She stated that, although the sources of the complainants vary, a majority of them are residential home owners.

Mr. Sotelo reported that, effective January 1, 2005, a number of "clean-up" amendments to the practice exemptions/exceptions for related design professionals/practitioners were implemented under the Landscape Architects Practice Act. After implementation, however, it was noted by staff that an additional "clean-up" item needed to be made under the practice exemption for landscape contractors. He indicated that a proposal was therefore submitted by staff to the Senate Committee on Business, Professions and Economic Development (Committee); the proposal was then included in Senate Bill (SB) 1113, an urgency bill. He stated that the bill was signed by Governor on July 18, 2005.

Mr. Sotelo also reported that staff submitted two additional legislative "clean-up" items to the Committee in order to align Business and Professions Codes Sections (BPC) 5615 (Practice of Landscape Architecture) and 5640 (Unlicensed Person Engaging in the Practice) with comparable statutes under the Architects Practice Act. The two proposals were added to SB 1112, but were later dropped from the bill, as they were deemed to be substantive by Committee staff. He indicated that staff would again pursue the proposals during the next legislative cycle.

Mr. Sotelo reported that regulatory proposals to amend the LATC's complaint disclosure policy and its citation regulations had been noticed with the Office of Administrative Law (OAL). He stated that the intent of the proposals was to align the LATC's complaint disclosure policy with DCA's model policy (and the Board's proposed policy) and to pursue citation language comparable to that which the Board was pursuing. Finally, Mr. Sotelo indicated that the LATC would be pursuing amendments to its rules of professional conduct regulation; again, in an effort to align the LATC's language with the Board's proposed language. He stated that the Board was scheduled to grant preliminary approval of a proposal to amend its professional conduct regulation at its October 2005 meeting. The two proposals would then be submitted to OAL together for noticing.

With regard to settlement and arbitration award reporting, Doug McCauley reported that he recently participated in a conference call with the Center for Public Interest Law (CPIL) and the American Institute of Architects, California Council (AIACC). He stated that the Board did develop new language for its reporting statutes based on language under the Engineers Act. The language was approved by the Board's task force, the Regulatory and Enforcement Committee, and ultimately the Board; however, when the language went to the Board for approval, they were informed that CPIL had issues that they wanted resolved within the language – they wanted the terms “breach of contract” and “misrepresentation” added to the statutes. The Board, however, had concerns about adding the terms to the statute; “breach of contract,” they felt, was too broad of a term. The Board therefore opposed CPIL's recommendations. The conference call with Mr. McCauley, legal counsel Gary Duke, Mark Christian with AIACC was therefore scheduled with the Director of CPIL and they were able to persuade CPIL that the existing language sufficiently addressed the issues that had been presented. He reported that CPIL therefore agreed to back down on the issues. Additionally, he stated that the amended language was therefore being pursued through the legislative process and that a hearing was scheduled for the following week with the Senate Business and Professions Committee. He indicated that, if all goes well, the bill would soon make it the Governor for approval. The LATC would then be in a position to incorporate the same amendments under its Practice Act.

Finally, Ms. Maggio indicated that the packet included (behind the Program Manager's Report) a list of questions submitted by Ms. Gonzalez (as a representative of CLARB) for the LATC's review and to provide Ms. Gonzalez with feedback regarding her visit at the meeting.

F. Council of Landscape Architectural Registration Boards (CLARB)

Ms. Gonzalez stated that her term as CLARB President would be up in September and that she would be serving as Past President for one year. She stated that, in the last year, her focus had really been on “getting back to basics” with the way business is conducted at CLARB. One issue that was brought up by many of the member boards was to improve communication between CLARB and member boards. As a result, CLARB agreed to have its Board of Directors members attend approximately 10 member board meetings a year, in an effort to improve communication. Therefore, over a four to five year period, CLARB will have publicly visited all member boards.

1. Review CLARB 2005 Annual Meeting Agenda, Policies, and Procedures

Ms. Gonzalez mentioned that the CLARB Board looked forward to Ms. Gates' Welcome Address. She also indicated that, due to budget restrictions on the part of many member boards, CLARB would be holding a live web cast which would allow those who were unable to attend to participate in discussions regarding the examination updates, etc.

Ms. Maggio indicated that hotel reservations needed to be made by August 18 and that she therefore needed to know who would be attending the Annual Meeting.

Ms. Landregan indicated that she would provide information to Ms. Gates for her Welcome Address.

2. Review Letter of Delegate Credentials and Select Delegate

Ms. Gates volunteered to be the voting delegate for the LATC at the Annual Meeting.

3. Review Report of the Nominations Committee and Recommend Slate of Officers

- **Linda Gates moved to support CLARB's recommended slate of officers for the next terms of office.**
- **Ms. Anderson seconded the motion.**
- **The motion carried unanimously.**

4. Review and Approve Recommended Positions on Resolutions

Regarding Resolution One, Ms. Landregan indicated that there was a staff recommendation before the LATC to support a proposed revision to CLARB's bylaws (proposed by Region IV) regarding the nominations process.

Ms. Gonzalez indicated that the CLARB Board of Directors sees that there are problems with the current nominations process and realizes that the system needs to be revamped. She stated that CLARB would therefore be holding a member workshop session at the Annual Meeting that would specifically address improving the nominations process. However, she indicated that Resolution One, if passed, would address some of the problems.

- **Ms. Gates moved to support Resolution One with the caveat that the LATC Delegate be delegated authority to modify the LATC's position on this resolution, if necessary.**
- **Ms. Anderson seconded the motion.**
- **The motion carried unanimously.**

Regarding Resolution Two, Ms. Landregan announced that the proposal would eliminate transition credit towards CLARB certification for examinations administered prior to the Landscape Architect Registration Examination (LARE).

Specifically, candidates not licensed by June 2006 would not be granted credit for any sections of the examination completed prior to 1992.

Ms. Gates asked how many California candidates this resolution would affect; Ms. Maggio indicated that it would affect very few.

- **Ms. Gates moved to support Resolution Two and to notify California candidates who may be affected by this resolution, if approved.**
- **Mr. Otsuji seconded the motion.**
- **The motion carried unanimously.**

5. Update on LARE Task Analysis

Ms. Gonzalez reported that CLARB had the results from the licensee survey associated with the recent task analysis. She stated that for the previous task analysis, surveys were sent out by regular mail and close to 30% responded; however, the recent survey was sent out via email and less than 10% responded. She indicated The Chauncey Group has indicated that the response rate is defensible.

Ms. Gonzalez pointed out that the structure of the LARE would not change. There would still be five sections of the LARE; two of them would still be graphic performance sections and three of them would still be multiple-choice sections. She indicated that it appeared that there would be some content changes with respect to pipe sizing – this topic would instead be addressed under the multiple-choice section(s). That appeared to be the biggest change to the examination. She indicated that CLARB would have the final examination specifications available by the end of the year.

Ms. Maggio reported that Rick Ciardella was a subject matter expert for the LARE and was serving as a California representative on the Task Analysis Committee. She indicated that he forwarded her an update on the task analysis, which she shared with the LATC. His update indicated that the 2005 survey of the profession of landscape architecture was completed in May 2005. The task analysis survey is used to define the content of the LARE. Although the survey results indicated slight changes to the profession, the content of the examination would not be significantly altered. Beginning with the administration of the April 2006 C/LARE and the June 2006 LARE, minor content changes would be implemented.

Ms. Gonzalez reported that the administration of the C/LARE had recently been changed to four administrations a year; however, with the July 2005 administration, CLARB noted the candidate numbers were down. She speculated that this may be due to how candidates now approach the examination or how they study for the examination; between all sections, candidates now have

six attempts a year. She indicated that CLARB would need to examine this further and determine if it makes sense, fiscally, to offer the C/LARE four times a year.

Ms. Slafer noted that, through LARE review courses offered at UCLA Extension, she speaks to many candidates and has found that many of them focus on specific sections of the examination at a time, which might impact candidate numbers overall.

G. Update on June 17, 2005 Education Subcommittee Meeting

Mr. Sotelo reported that, since October 2004, the Education Subcommittee had met three times under its charge to evaluate California's examination eligibility requirements. He reported that, in doing so, it had reviewed the requirements of CLARB, other landscape architectural licensing jurisdictions, and other design profession boards. He pointed out that some of the items under consideration were: 1) the acceptance of degrees related to landscape architecture; 2) the acceptance of partial completion of an accredited landscape architecture degree program; 3) the amount of credit for each educational and work experience item listed under California Code of Regulations Section (CCR) 2620; and 4) permitting candidates to sit for the multiple-choice sections of the LARE with an accredited landscape architecture degree (and no work experience credit). Another items considered, but not recommended by the Subcommittee, were: 1) implementation of a time limit to complete all sections of the LARE; and 2) modifying California's current reciprocity requirements. Mr. Sotelo indicated that there was another meeting tentatively set for September 2005; however, due to schedule conflicts, Examination Analyst Mary Anderson would be re-scheduling the meeting date. He indicated that staff believed that one additional meeting would allow the Subcommittee to complete its work on this issue. Finally, he indicated that the Subcommittee's final recommendations would most likely be presented to the LATC in January 2006.

H. Review and Approve Draft Outreach Letter to Collateral Organizations

Mr. Sotelo indicated that the 2005 Strategic Plan directed the LATC "to identify and contact collateral organizations to initiate circulation of information on key issues being discussed." As a result of that, he stated that staff drafted a letter for the LATC's review and was asking for the LATC's input on what collateral organizations should be contacted. He added that the letter basically provided an update on various LATC programs and activities.

Ms. Gates recommended that the letter be shortened and that it state up front that the intent of the LATC was to proactively collaborate with the collateral organizations on an ongoing basis. In addition, she suggested that the letter briefly state what the LATC was working on and asking whether the collateral organizations had any special interest in any of the items.

Ms. Landregan volunteered to re-write the letter, incorporating the recommended revisions noted above, and forward a new draft to staff.

I. Review and Approve Draft Letter to Public Agencies Regarding Design Limitations and the LATC's Regulatory Oversight

Mr. Sotelo stated that the 2005 Strategic Plan also directed the LATC to distribute a letter clarifying the scope of practice for landscape architects and identify target recipients. He indicated that staff felt that there was still a need to communicate with public agencies on an ongoing basis and therefore drafted the attached letter.

Ms. Gates recommended that the letter be one page in length.

Mr. Sotelo added that a LATC background information sheet, as well as a landscape design limitations chart would be enclosed with the letter. However, it was recommended by the LATC that the term “limitations” be struck from the title of the second document.

The LATC offered other minor edits to the letter and attachments that staff agreed to incorporate prior to distributing to public agencies.

J. Review and Approve Draft Reporting Format of the University of California Extension Certificate Programs

Ms. Maggio indicated that CCR 2620.5 outlines the requirements for approved extension certificate programs in landscape architecture and that there are currently two such programs in California; one at UCLA Extension and one at UC Berkeley Extension. She stated that the last review of the programs took place in 2001 and that the next reviews were scheduled to take place in 2006. She indicated that the 2005 Strategic Plan directed the LATC to create a standard format for preparing the review reports. She added that during the last review, the two site team reports were formatted somewhat differently, therefore it was recommended that a standard reporting format be developed. She stated that, at the time of the last reviews, Ms. Gonzalez was the chair of the LATC and had identified a number of areas with respect to the review process that she felt the LATC should re-evaluate.

Ms. Gonzalez indicated that the biggest problem during the last reviews was that the information submitted in the SER did not match the regulatory requirements under CCR 2620.5. Secondly, she pointed out that, within the SER narrative response, it was difficult to find the LATC’s criteria and regulatory requirements. Additionally, Ms. Gonzalez pointed out that, during the last review, there were some non-compliance issues; however, there really wasn’t anything in place for follow-up action that should be taken to ensure compliance. She felt that there needed to be something in writing. Ms. Gonzalez also stated that it should be noted in the regulation that the site visits are required. Finally, she stated that with regard to the site visit team guidelines, there should be changes with how it’s formatted because there is so much to see and do in such a short amount of time; she recommended that fill-in-the-blank guidelines be developed to make it as easy as possible on the site team members.

Ms. Gonzalez led the LATC through a detailed discussion and comparison between the previous reporting format and the proposed format included in the meeting packet. She provided many comments and suggestions to the LATC regarding differences between the two formats and possible changes to the new format. Changes that the LATC agreed to were noted by staff to be incorporated into the new reporting format. The LATC asked that the revised reporting documents be presented at the next meeting for approval.

Ms. Slafer stated that, within the documents reviewed, it was stated that the site visits would be scheduled one month prior to the visits; however, she felt that one month was not an adequate amount of time for the schools or for the site teams to prepare for the visits. Instead, she felt that, if possible, several months would be appropriate. Ms. Maggio indicated that the LATC could possibly hold the site visits in October 2006 which would give the schools and the site teams more time for preparation.

K. Review and Approve Volunteer Recognition Program

Ms. Maggio reported that the 2005 Strategic Plan directed the LATC to develop and implement a LATC Volunteer Recognition Program. She stated that the Board, at its September 2000 meeting, voted to establish an annual award for recognizing distinguished individuals who contribute to the Board; the award is named after Octavius Morgan, who was the Board's first president.

Ms. Maggio added that the names and bio information for three individuals were included in the meeting packet for the LATC's consideration; however, staff had also discussed the possibility of naming the award after an individual who had recently contributed to the LATC or the possibility of just having a general name for the award (i.e., the LATC Distinguished Service Award).

Ms. Gates recommended that the LATC postpone making a decision on this item and that more research be done with respect to the history of licensure in California and the people who were instrumental in putting licensure into place in California to determine if another name for the award would be more appropriate.

Ms. Slafer added that she believed that Joe Linesch and Courtland Paul were instrumental with respect to licensure in California.

Mr. McCauley also added that staff could visit the State Archives office and review the bill (and file) that established licensure in California and determine if there were other names that the LATC could consider.

Mr. McCauley also recommended that the LATC limit itself to awarding no more than two awards per year, in an effort to not deplete its pool of potential recipients.

Ms. Maggio indicated that staff would incorporate minor revisions to the award criteria based on the LATC's suggestions, research other names for the LATC's consideration, and present this item again at the LATC's next meeting.

L. Review and Consider Requests for Re-Licensure

With respect to the first applicant:

The LATC reviewed a request for re-licensure from Alan Michael Bernstein, former license number LA 1981. Mr. Otsuji reported Mr. Bernstein was originally licensed in California on December 4, 1980 and his license expired March 31, 2000.

Mr. Otsuji stated that he performed a thorough portfolio review of the work samples and supporting documents submitted by Mr. Bernstein, which demonstrated his current knowledge and minimal competency for entry-level practice. The reviewers recommended that upon successful completion of the CSE, Mr. Bernstein be granted a new license.

- Mr. Otsuji moved to approve Michael Alan Bernstein's request for waiver of the LARE. For the purpose of re-licensure Mr. Bernstein shall take and pass the CSE prior to being eligible to apply for licensure.
- Ms. Gates seconded the motion.
- The motion carried unanimously.

With respect to the second applicant:

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

Ms. Gates and Mr. Otsuji stated that they both performed a thorough portfolio review of the work samples and supporting documents submitted by Mr. Zarnstorff, which demonstrated his current knowledge and minimal competency for entry-level practice. The reviewers recommended that upon successful completion of the CSE, Mr. Zarnstorff be granted a new license.

- Ms. Gates moved to approve Daniel Shaul Zarnstorff's request for waiver of the LARE. For the purpose of re-licensure Mr. Zarnstorff shall take and pass the CSE prior to being eligible to apply for licensure.
- Mr. Otsuji seconded the motion.
- The motion carried unanimously.

With respect to the third applicant:

- Ms. Gates moved to reconsider the LATC's previous decision to deny Robert Parker's request for re-licensure based on the application of the wrong standard for reviewing his request (the proper standard should have been a holistic standard).
- Mr. Otsuji seconded the motion.

- **The motion carried unanimously.**
- **Mr. Otsuji moved to authorize the Executive Officer of the Board to notify Mr. Parker of the LATC’s decision regarding his request for re-licensure if Ms. Gates and Ms. Anderson concur in their recommendations regarding the request.**
- **Ms. Anderson seconded the motion.**
- **The motion carried unanimously.**

M. Review and Approve Revised Request for Re-Licensure Procedures and Re-Licensure Review Forms

Ms. Maggio stated that, at the last meeting, the LATC reviewed the re-licensure process, which included the application for re-licensure, the re-licensure procedures, and the re-licensure review form. She indicated that the LATC also discussed the different formats in which re-licensure candidates could submit their portfolios in. Edits to the forms were recommended by the LATC, which were incorporated by Examination Analyst Mary Anderson. Ms. Maggio stated that the revised forms were included in the packet for the LATC’s review and approval.

Ms. Landregan asked whether the applicant’s signature was needed on each page of the submitted work samples, as indicated in the procedures document. The LATC determined that it was not needed, as the candidate already signs the application, declaring his/her involvement in the work samples submitted.

Ms. Anderson recommended that a statement be added to the procedures document indicating that the LATC prefers receiving submittals that are bound and/or in CD format.

Ms. Gates recommended that a bullet on page three of the procedures document, which reads “post-construction evaluation for compliance with contract documents,” be replaced with “documentation related to construction administration and/or project close out.”

Lastly, the LATC recommended that a statement be added to the procedures document, instructing candidates to verify that their portfolio, if submitted in CD format, is compatible with the LATC’s software.

- **Ms. Gates moved to approve the re-licensure documents, as revised.**
- **Ms. Anderson seconded the motion.**
- **The motion carried 3-0 (Mr. Otsuji was not present for this vote).**

N. Review Action Plan and Master Calendar of Action Items

Ms. Maggio indicated that the information within the attached Action Plan and Master Calendar of Action Items was, for the most part, identical; however, at the request of the LATC, the Master Calendar was developed to give an overview of all strategic planning objectives, organized in target date order.

Mr. Sotelo indicated that much of the content had been addressed in the Program Manager's Report and/or under the previous agenda items. In addition, he pointed out that many of the objectives were in the process of being completed and that those with approaching target dates were identified as needing to be placed on the next meeting agenda.

Ms. Landregan stated that the use of the ASLA designation (addressed under Regulation and Enforcement, Objective 6) would be discussed at the ASLA Annual Meeting and Exposition in October 2005 and that she could take note of the issues pertaining to this topic and/or objective.

Finally, Mr. Sotelo indicated that the review of the LATC's written contract requirements under BPC 5616 would most likely be moved up to the next meeting agenda.

O. Select Future LATC Meeting Dates

Ms. Landregan stated that November 4, 2005 had been selected as the next meeting date.

Ms. Maggio stated that the following meeting (including the strategic planning session) would be held on January 19-20, 2006.

P. Adjournment

The meeting adjourned at 4:00 p.m.