

SUMMARY REPORT - FINAL

CALIFORNIA ARCHITECTS BOARD
Landscape Architects Technical Committee

January 20, 2010
Berkeley, California

LATC Members Present

Andy Bowden, Chair
Christine Anderson
Stephanie Landregan

LATC Member Absent

David Allen Taylor, Jr., Vice Chair

Liaisons Present

Iris Cochlan, Board Liaison (arrived at 10:00am)
Richard Zweifel, Chair, LATC Education Subcommittee (arrived at 10:12am)

Staff Present

Doug McCauley, Executive Officer, California Architects Board (Board)
Mary Ann Aguayo, Program Manager, LATC
Don Chang, Legal Counsel, Department of Consumer Affairs (DCA)
Terri Villareal, Enforcement Coordinator, LATC
Marcella Harrison, LATC
Marina Karzag, Special Projects Coordinator, LATC

Guests Present

J.C. Miller, Program Director, Department of Art and Design, UCB Extension
Pamela Brestler, Legislative Chair, CA Chapter, Association of Professional Landscape Design (APLD)
Maureen Decombe, Immediate Past President, CA Chapter, APLD
Laura Morton, Representative, Los Angeles District, APLD
Bhavani Peesapati, Center for Public Interest Law, USD

A. Call to Order – Roll Call – Establishment of a Quorum
Chair’s Remarks
Public Comment Session

The Landscape Architects Technical Committee (LATC) Chair Andy Bowden called the meeting to order at 9:45 a.m. LATC Program Manager Mary Ann Aguayo called roll. Three members of the LATC were present and thus a quorum was established.

Ms. Aguayo pointed out a correction to Agenda Item D.1, which deleted “Board of Directors” and added “Nominations Committee” to the agenda item title. Andy Bowden also announced changes to the Agenda, moving Item F to 2pm that day and Item G moved to 8am on January 21, 2010.

During the public comment section, Maureen Decombe from the APLD introduced herself and provided some background information on the APLD and its operations. Ms. Decombe stated that the reason for her organization’s attendance at the meeting was to address the issue of enforcement actions against APLD members. She would like to understand the nature of these enforcement actions and make a query into the specific details of the complaints, with the exception of confidential information. She is looking for clarity on the LATC’s rules and regulations. Ms. Decombe listed several specific questions she has for the LATC, including: 1) How many enforcement actions are taken against licensees?, 2) How many of the enforcement actions are the result of consumer complaints and how many are the result of non-consumer complaints?, 3) How many complaints are against the LATC body, 4) Has this number changed in the past year, and if so, why? Ms. Decombe stated that she would like to help APLD members comply with LATC’s regulations.

Mr. Bowden requested that the APLD submit their questions in writing to the LATC Office in order for them to provide a response. Ms. Decombe replied that they would follow up in writing.

Pamela Brestler stated that she would like to increase the dialogue between the LATC and APLD members and in the coming year she would like to find a path to licensure for landscape designers. Ms. Brestler added that another top priority for APLD is having a shared understanding of definitions and language.

Laura Morton identified several APLD goals: 1) protecting the public, 2) enhancing professionalism in the industry, and 3) clarifying the scope and definition of landscape design. Ms. Morton asked the LATC to consider establishing an ad hoc committee to work with the APLD.

Christine Anderson asked the APLD members if any states license landscape designers separate from landscape architects. Ms. Decombe responded that APLD will look into the issue and provide the LATC with more information on the subject in about 3 weeks. Ms. Anderson stated that it would be beneficial to work closely with other states on this issue.

Ms. Landregan informed the APLD members that it would be difficult for the LATC members to establish an ad hoc committee given the current workload, but they would accept an invitation to APLD meetings and would act as a liaison to the APLD. Ms. Decombe extended an invitation to all LATC members to attend any APLD district meeting. Mr. Bowden suggested that the APLD extend this offer to the American Society of Landscape Architects as well.

B. Approve October 22, 2009 LATC Summary Report

- **Christine Anderson moved to approve the October 22, 2009 LATC Summary Report.**
- **Stephanie Landregan seconded the motion.**
- **The motion carried 3-0.**

C. Program Manager's Report

Ms. Aguayo reported that the Governor's Fiscal Year 2010-11 Budget has been published and the Governor also issued an Executive Order for an additional five percent staff reduction; the Governor's budget does not include furloughs. Doug McCauley clarified that the Governor's Budget includes a five percent salary reduction and an additional five percent retirement contribution. Ms. Aguayo pointed out that the furlough's impact on the LATC is over 1,500 hours for the fiscal year.

Ms. Aguayo reported that Steve Lang is no longer a member of the Committee so there is now a vacancy; David Allen Taylor's term expired January 1, 2010 and is now serving his grace period; the I-Licensing program has terminated and the department is moving to a new program; DCA will be setting up electronic payments, primarily for renewals; SB 189 was approved in committee yesterday; the LATC has finished reviewing the names of LAAB members that served on accreditation committees that could perform reviews of landscape architecture extension programs on a contractual basis and there are only two that reside in California.

Ms. Aguayo introduced two new LATC staff members: Marina Karzag, who replaced Ethan Mathes, and Marcella Harrison, a part-time Retired Annuitant who is working with Terri Villareal on enforcement.

Ms. Aguayo reported that the LATC is planning on working with the DCA Publications Unit to finalize the Consumer Guides; the LATC is no longer administering the LARE graphic sections and therefore is not using ATS as much; the LATC is working on a simple Access database to enter past candidate information and develop results data sooner for LATC action; the first graphics section of the examination was administered in December and it did not go as smoothly as anticipated due to less communication with the candidates as compared to the past; the LATC has asked for survey responses from CLARB but has not yet received them; initial exam eligibility is handled by the LATC, but once the candidate is eligible, the candidate must register with CLARB for each examination; the pass rates for all 223 candidates that have taken the California Supplemental Exam (CSE) as of January 13, 2010 is 80.72 percent and the pass rate for all first time candidates is 83.25 percent.

Mr. Bowden expressed concern regarding the data in Attachment C.2 of the Program Manager's Report, which shows a significant difference between the California pass rates and the national pass rates. Mr. Bowden said he hoped the system being developed could explain these differences and suggested that the issue be brought up in the Education Subcommittee. Ms. Landregan agreed with Mr. Bowden and also stated that she would like to know what Texas' pass rate is compared to California and asked whether or not the differences between Texas and California entry requirements would affect the pass rate.

Mr. Bowden stated that he believes there may be a correlation in how school administrators feel about licensure and how the practice is taught in these programs. Mr. Bowden commented that he does not think work experience is the problem; rather, the problem may be what is learned in schools. If the LATC can locate areas in California where instruction may be lacking, then the issue may be addressed.

Mr. Bowden pointed out that according to the chart on Attachment C.2 of the Program Manager's Report, California pass rates are not equal to the National pass rates. Ms. Landregan stated that California is more lenient with exam eligibility requirements. Committee members and Richard Zweifel agreed that the Committee needs meaningful data to analyze in order to address these types of issues. Ms. Anderson requested that the number of national exam candidates be included in the program manager's report in order to compare this number with California.

Ms. Landregan pointed out an error on page 2 of attachment C.3, "Update on Actions to the Final Recommendations of the Joint Sunset Review Committee", of the Program Manager's Report, which incorrectly states that the Education Subcommittee met in December 2010 and this should be changed to December 2009.

D. Report on Council of Landscape Architectural Registration Boards (CLARB)
1. Recommend Nominees to CLARB Nominations Committee

Mr. Bowden solicited nominees for the CLARB Nominating Committee and outlined the requirements for eligibility. Mr. Bowden listed three names under consideration for nomination: 1) Stephanie Landregan, 2) Linda Gates, 3) Richard Zweifel. After Mr. Zweifel said he would prefer not to be nominated, all Committee members agreed that it would be best to nominate Stephanie Landregan because of her current experience as the CLARB Region V Director.

- **Andy Bowden moved to approve Stephanie Landregan as the LATC's representative for the CLARB Nominations Committee.**
- **Christine Anderson seconded the motion.**
- **The motion carried 3-0.**

E. Update on July 1, 2009 through June 30, 2010 Strategic Action Plan

Ms. Aguayo provided an update on a request from the October 22, 2009 LATC Meeting, in which she was asked to contact CLARB regarding the task analysis. Ms. Aguayo informed CLARB that the LATC is interested in maximizing the Committee's participation in California licensees in the task analysis. The message she received from CLARB regarding this issue was that at the time, the LATC was not able to provide email addresses. CLARB indicated that they need this information so they can contact the licensees. Ms. Aguayo pointed out that the LATC has been collecting licensee email addresses over the last few years but would have to manually input this information into a form in order to provide CLARB with this information.

Mr. Bowden pointed out that two actions will have a completion date of January 2010 as a result of today's meeting: 1) Explore Partnering with the Contractors State License Board in Sting Operations, and 2) Act on Education Subcommittee recommendations regarding LA education and experience requirements.

Ms. Aguayo pointed out that the Action Plan follows the budget cycle, which is June 30, 2010, and the new Action Plan being discussed at tomorrow's meeting begins July 1, 2010. The new Action Plan first goes to the LATC for approval and then to the Board for final approval. Currently, the Committee is at the midpoint of their planning year.

Mr. Bowden stated that tomorrow the Committee will go over the outstanding items, which are provided on the yellow sheets in Section E of the agenda packet, "Update Strategic Action Plan".

Ms. Aguayo pointed out that the blue underlined text on the yellow sheets in Section E of the agenda packet, "Update Strategic Action Plan", highlight the activities that took place between October 2009 and January 2010.

H. Education Subcommittee

- 1. Approve Education Subcommittee Draft Report: The Evaluation of Education and Experience Requirements to Examine for Licensure**
- 2. Preliminary Approval of California Code of Regulations, Title 16, Division 26, Section 2610. Education and Training Credits**

Mr. Zweifel commented that the draft report was a team effort to summarize three years of investigation, responding to the sunset questions regarding eligibility for licensure. The draft report summarizes the recommendations approved by the Committee and the recommendations from the Board.

Mr. Zweifel summarized some of the Subcommittee's findings. The Subcommittee looked for data that tracked the success to licensure and the evidence showed a variety of educational background. Mr. Zweifel posed the question of whether or not you can substantiate the outcome based on a model and make transparent the education and experience a candidate needs to be licensed. He commented that there is great value in having and setting up a process to gather data for performance and outcome measurements. Mr. Zweifel also pointed out that some of the information cited in the appendices may not be up-to-date.

Ms. Landregan had questions regarding the content on pages 9 through 11 of the Education Subcommittee Draft Report, specifically, in reference to the term "accredited", which she said may be misleading in its context. Committee members ultimately decided to leave the term "accredited" and instead add wording in reference to "an approved certificate" to the language on page 9.

Mr. Bowden and Mr. Chang discussed the definition of "partial completion" on page 10 and the use of the term "accredited" in the description of experience and decided to change this term to "approved", as specified.

Mr. Bowden raised an issue regarding the education credit granted to candidates under (a)(4) and (a)(7) of the experience descriptions. Mr. Bowden wanted to clarify that the number of education credits given to candidates with an Associate Degree in Landscape Architecture under (a)(4), which requires 2 years, is the same number given to candidates with partial completion of an accredited degree in landscape architecture under (a)(7), which requires 3 years. Ms. Anderson explained that these two levels of experience equate to the same number of education credits because there was no way to quantify the number of landscape architecture courses taken in 3

years under (a)(7) compared to the required coursework under (a)(4). Mr. Zweifel further explained that when deciding the equivalency of education credits, it was a matter of access first, so that individuals without access to a four-year institution still received credit for formal landscape architecture training. Ms. Anderson also pointed out that LATC's partial completion definition was based on the Board's partial completion standards.

Ms. Aguayo also pointed out that the language in the partial completion definition on page 10 might not be sufficient. She expressed concern regarding the LATC staff's ability to verify the 80% requirement under this language. Mr. Zweifel stated that the verification would come from the school in the form of an official transcript and verification of the program curriculum. Ms. Anderson stressed that the goal is to reduce the burden on staff to verify completion of this requirement and to put this burden on the candidate. Mr. Chang explained that the Committee will have to eventually specify how a candidate can "demonstrate" partial completion. Ms. Aguayo pointed out that this would have to be addressed in regulation.

Mr. Zweifel and Ms. Anderson further discussed the definition of partial completion and the education requirements. Mr. Zweifel pointed out that due to a lack of data to justify the combination of education and experience that results in success through licensure, the partial completion standard must first address the issue of access. He stressed that the six year requirement addresses this issue, rather than focusing on the exact combination of education and experience credits. Mary Ann also stressed the issue of access and the focus on attracting those candidates with more experience but who lacked an official degree. Ms. Anderson pointed out the need for additional data to determine the appropriate level of education and experience required.

Ms. Aguayo commented that after listening to the Committee's discussion, it appears that the members feel that the 80% benchmark used in the partial completion definition is an adequate percentage. Ms. Aguayo agreed that the initial issue regarding partial completion was access, which also applies to the justification surrounding the experience under (a)(8), since currently a degree in architecture does not qualify an individual for licensure in California.

Mr. Chang suggested moving paragraphs 1 and 2 under California Code of Regulations (CCR) Section 2620, located on page 9 of the draft report, to CCR Section 2615 and label these paragraphs (a)(1) and (a)(2) of CCR Section 2615. Mr. Chang also suggested changing the reference to the "national licensing examination" on page 9 to the "Landscape Architect Registration Examination" and adding "2620" to the language. Mr. Zweifel asked Mr. Chang to also include a paragraph in CCR Section 2615 regarding the general eligibility requirements for taking the Landscape Architect Registration Examination.

Ms. Landregan raised a question regarding the last paragraph on page 13, which states that CLARB accepts applicants, however, Ms. Landregan pointed out that CLARB does not accept applicants and this is only in reference to a model requirement. Ms. Landregan suggested that the paragraph should reference CLARB eligibility requirements as "model requirements" and state that CLARB accepts each state's requirements. Ms. Landregan pointed out that this revision is also necessary on page 16, paragraph 2.

Ms. Landregan pointed out that page 10 of the Education Subcommittee report references LAAB's accreditation standards from 1990 but she believes that the LAAB now has new

standards. Ms. Anderson and Ms. Aguayo explained that the Committee has not yet received notification of the new standards being approved.

Mr. McCauley noted that the LATC should share its findings with the Sunset Review Committee prior to initiating the rulemaking process.

Motion 1:

- **Christine Anderson moved to approve the Education Subcommittee Draft Report and Recommendations with the comments and changes made.**
- **Stephanie Landregan seconded the motion.**
- **The motion carried 3-0.**

Motion 2:

- **Stephanie Landregan moved to preliminarily approve the proposed changes to 2620 and 2615, with the changes as noted.**
- **Christine Anderson seconded the motion.**
- **The motion carried 3-0.**

I. Review Nominations and Approve Candidate for the 2010 Volunteer Recognition Award

Mr. Bowden asked for recommendations from the LATC staff and Ms. Aguayo stated that the staff has no recommendations. She noted that the staff has not had many volunteer opportunities but Linda Gates has always actively volunteered when possible, however, she is exempt from the candidate criteria since she recently served as a member of the LATC.

Ms. Landregan asked to change the criteria in order to make Ms. Gates eligible for the award and Ms. Anderson agreed.

- **Ms. Landregan moved to put forth Linda Gates as the recipient of the Volunteer Recognition Award and waive the existing criteria due to Linda's outstanding service and availability to the LATC.**
- **Ms. Anderson seconded the motion.**
- **The motion carried 3-0.**

Mr. Bowden awarded Steve Lang, who was not present due to medical reasons, a plaque for his role, dedication and volunteerism on the LATC and serving as its Chair from June 2008 to June 2009.

C. Review Tentative Schedule and Confirm and Confirm Future LATC Meeting Dates

LATC meetings tentatively scheduled:

April 23, 2010, Los Angeles, CA

July 23, 2010, Sacramento, CA

October 22, 2010, location to be determined

F. Presentation Regarding Contractors State Licensing Board Sting Operations

Jane Flint, the supervisor of the Northern California Statewide Fraud Team, discussed the sting operations conducted by the Contractors State License Board's Statewide Investigative Fraud Team (SWIFT). Ms. Flint explained the typical pre-operation and sting operation processes. She stated that her staff consists of 9 investigators and 2 support staff and in order for her staff to write tickets to unlicensed professionals other than contractors, they would need legislative authority.

Ms. Landregan asked Ms. Flint how many consumer complaints her Unit receives compared to self-regulating complaints. Ms. Flint explained that her Unit only receives complaints against contractors through a specific complaint form and the CSLB processes all other complaints. Ms. Landregan then asked Ms. Flint whether or not licensed contractors are fined for first time violations and Ms. Flint responded that this determination depends on the severity of the case, but first time violators are usually issued a warning.

Ms. Aguayo asked if staff actually creates the designs and then the suspect quotes the installations or complicated services at the sting operation. Ms. Flint explained that her staff does not actually create landscape designs, but outlines general plans and asks the suspect for help with the installation. The suspect will then usually draw up his/her own plans, rather than landscape designs.

Mr. Bowden inquired about the cases of licensed contractors using unlicensed subcontractors and Ms. Flint explained that these cases are usually handled in sweeps or from filed complaints rather than sting operations.

Ms. Flint discussed the typical cause for unlicensed activity, which mainly results when consumers that were seeking cheaper services file a complaint with the Board to report a problem with the services. Once a consumer files a complaint, he/she is put on a watch list so that the SWIFT team can monitor the consumer's frequency of soliciting services from unlicensed contractors. The SWIFT team uses this list to provide the consumer with information regarding contractor laws.

Ms. Anderson asked Ms. Flint if she had any suggestions for the Board that would help decrease unlicensed activity and Ms. Flint suggested providing homeowners with informational notices regarding the use of unlicensed professionals and the liabilities these services entail.

Ms. Brestler asked Ms. Flint whether or not her unit handles landscape maintenance complaints and Ms. Flint responded that the CSLB does not handle these types of cases nor swimming pool maintenance, unless the maintenance entails repairs.

Andy Bowden asked whether it was appropriate for pool contractors to design an entire yard as part of a pool project. Don Chang indicated that for specialty contractors, there is authority to do related work that is necessary and incidental to the specialty work for which they are licensed. As to this standard's applicability to pool contractors, Mr. Chang indicated that he would have to research the law.

Mr. Bowden also asked about landscape contractors using independent landscape designers to

design non-exempt projects. Mr. Chang indicated that such a model might not be consistent with the law but that he would need to verify in the Contractors State License Board statutes.

Adjourn

- **Christine Anderson moved to adjourn.**
- **Stephanie Landregan seconded the motion.**
- **The motion carried 3-0**

The meeting adjourned at 3:30 p.m.

January 21, 2010
University of California Davis
Berkeley, California

LATC Members Present

Andy Bowden, Chair
Christine Anderson
Stephanie Landregan

LATC Member Absent

David Allen Taylor, Jr., Vice Chair

Liaisons Present

Iris Cochlan, Board Liaison
Richard Zweifel, Chair, LATC Education Subcommittee

Staff Present

Doug McCauley, Executive Officer, California Architects Board (Board)
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Guests Present

JC Miller, Program Director, Department of Art and Design, UCB Extension
Pamela Brestler, Legislative Chair, CA Chapter, Association of Professional Landscape Design (APLD)
Maureen Decombe, Immediate Past President, CA Chapter, APLD
Laura Morton, Representative, Los Angeles District, APLD
Louise Mozingo, Associate Professor, UC Berkley
Linda Jewell, Faculty, UC Berkeley
Matt Kondolf, Faculty, UC Berkeley
Ray Furman, Interested Party, UC Berkeley
Bhavani Peesapati, Center for Public Interest Law, USD

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

Chair's Remarks

Public Comment Session

LATC Chair Mr. Bowden called the meeting to order at 8:23 a.m. LATC Program Manager Mary Ann Aguayo called roll. Three members of the LATC were present and thus a quorum was established.

The public comment session was postponed to after the UC Berkeley faculty discussion.

G. Discussion with University of California Berkeley Faculty on Current Activities

Ms. Mozingo provided a brief description of UC Berkeley's landscape architecture graduate program and the Bachelor of Environmental Design with a Major in Landscape Architecture program, which is part of a large Architecture Undergraduate program.

Ms. Landregan asked the UC Berkeley faculty whether or not City Planning is a separate program offered at UC Berkeley. Ms. Jewell responded that UC Berkeley does have a separate City and Regional Planning program. She also pointed out that their Department offers an Environmental Planning degree and many of these students decide to pursue joint degrees, which consists of a Masters in City and Regional Planning and a Masters in Environmental Planning.

Ms. Landregan asked when their professional-practice class is taught in the course of the curriculum. Ms. Jewell responded that this class is typically taught in the last year of the undergraduate or graduate program.

Committee members and APLD members discussed the decreasing number of landscape architecture applicants and the reasons for this trend. Ms. Jewell commented that she believed the numbers are higher than 10 years ago. Ms. Mozinger said she believed that graduate students are more interested in pursuing licensure when they are working for a large firm that promotes licensure and assists with exam fees. Ms. Mozinger also suggested surveying firms to see if they encourage employees to pursue a license or assist with examination and education fees.

Mr. Bowden asked whether or not licensure is promoted in their program and Ms. Mozinger responded that it is not, rather, landscape architecture is promoted as a practice. Ms. Jewell clarified that the program reinforces in classes the material that is covered on the license examinations and they teach students that licensure may not be the appropriate path for everyone.

Mr. Zweifel wanted to know what kind of information the LATC could share with faculty that would be valuable in the classes and Ms. Jewell said having someone speak to the class about the examination and licensure process is a good start, but encouraging firms to offer financial assistance to employees for examination and licensure costs would also be valuable.

Mr. Zweifel asked Ms. Jewell whether or not faculty would be interested in participating in a summit or having a dialogue with practitioners regarding the pathway to licensure and Ms. Jewell replied that faculty would be interested, however, the faculty and staff already have a burdening workload. She suggested inviting landscape architect employers to participate in that kind of dialogue, such as city administrators or any other employers that would utilize the services of landscape architects.

Ms. Anderson inquired about the other pathways that exist for landscape architecture students other than licensure. Ms. Mozinger replied that some students pursue careers with non-profit advocacy groups, which does not require a landscape architect license.

Ms. Landregan commented that the LATC will soon be changing regulations to allow students to immediately take the multiple choice portion of the landscape architect examination, which will create a broader road to licensure than most other states. She believes allowing students to begin the licensure process early on will encourage their decision to continue on the licensure path rather than choosing a career with non-profits and advocacy groups. Ms. Jewell stated that

students who choose careers with non-profits often maintain a connection with the profession as clients and are paving new avenues for the profession.

Ms. Landregan and Ms. Jewell further discussed possible barriers to licensure, such as firms willing to hire non-licensed individuals but not non-LEAD certified individuals.

Ms. Landregan pointed out that the LATC would like to know the combination of experience and education that leads to successful examination results and Ms. Jewell commented that students seem more passionate about younger fields of study and less passionate about the conventional practices.

Mr. Bowden stated that one goal for reaching out to schools is to convey the LATC's concerns regarding California's examination pass rates. In an effort to understand why California's pass rates are lower than the national pass rates, the LATC is asking whether or not schools are teaching the material covered on the exams.

Mr. Zweifel asked whether or not education programs are informed about the material that is being tested and Ms. Jewell replied that she thinks all sections are covered by the programs. Mr. Bowden pointed out that many school programs are different, but students may not be getting the experience in field work that they need for the exam. Ms. Landregan suggested surveying schools and firms to get their perspectives on the type of knowledge students gain in the educational programs and work field.

Mr. Bowden thanked the faculty members from UC Berkeley for their presentation to the Committee and encouraged an ongoing dialogue, especially for the LATC to present to the students and inform them about the landscape architecture practice regulations.

Public Comment Session

Ms. Brestler informed the Committee that the APLD will work on putting together the analysis requested in yesterday's meeting that would provide information on the status of landscape designers in other states. She said she hopes to gather more data about education and APLD's members' background, such as the reasons for choosing the profession.

B. Strategic and Communications Planning Review Session

The LATC commenced its annual strategic planning session, facilitated by Daniel Iacofano of Moore Iacofano Goltsman, Inc.. Discussion focused on the review of the LATC's mission, vision, and values, review of goals and objectives, and a review of the communication plan. The discussion will be incorporated into the July 1, 2010 – June 30, 2011 Strategic Plan.

Adjourn

- **Andrew Bowden adjourned the Committee meeting.**

The meeting adjourned at 3:00 p.m.