

SUMMARY REPORT

CALIFORNIA ARCHITECTS BOARD **Landscape Architects Technical Committee**

January 24-25, 2013
Sacramento, California

LATC Members Present

Stephanie Landregan, Chair
Andrew Bowden, Vice Chair
Nicki Johnson
Katherine Spitz
David A. Taylor, Jr.

Staff Present

Doug McCauley, Executive Officer, California Architects Board (Board)
Vickie Mayer, Assistant Executive Officer, Board
Don Chang, Assistant Chief Counsel, Department of Consumer Affairs (DCA)
Trish Rodriguez, Program Manager, Landscape Architects Technical Committee (LATC)
John Keidel, Special Projects Coordinator, LATC
Claire Chung, Examination Coordinator, LATC
Matthew McKinney, Enforcement Officer, LATC
Ken Miller, Licensing Coordinator, LATC
Mel Knox, Administration Analyst, Board

Guests Present

Christine Anderson, Chair, University of California (UC) Extension Certificate Program Task Force
Pamela Berstler, President, California Chapter, Association of Professional Landscape Designers (APLD)
Jerry Hastings, Secretary, California Council/American Society of Landscape Architects (CC/ASLA)
Amelia B. Lima, APLD
Marti Meyer, APLD
John Nicolaus, CC/ASLA
Robert de los Reyes, Budget Analyst, DCA
Raul Villanueva, Personnel Selection Consultant, DCA Office of Professional Examination Services (OPES)
Jeannie Wong, DCA Board Relations

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

Chair Stephanie Landregan called the meeting to order on January 24, 2013 at 9:35 a.m. and Trish Rodriguez called the roll. Five members of LATC were present, thus a quorum was established.

Ms. Rodriguez stated that LATC recently received a letter from Jon Pride regarding reciprocity and the letter was included in the meeting packet as a public comment. She explained that Mr. Pride does not currently meet California educational requirements for the Landscape Architect Registration Examination (LARE) and has asked LATC to consider his reciprocity eligibility since he has experience as a licensed landscape architect outside of California. Ms. Landregan stated that the reciprocity issue will be discussed during the strategic planning session.

B. Approve November 14, 2012 LATC Summary Report

Ms. Landregan presented the November 14, 2012 LATC Meeting Summary Report for approval. Katherine Spitz noted that on page three of the Summary Report under Agenda Item E, the phrase “attempting to specifically define a construction drawing makes the term ‘construction drawing’ less accurate,” should instead read, “attempting to specifically define a construction drawing might make the term ‘construction drawing’ less accurate.” Ms. Landregan concurred with this revision.

Ms. Rodriguez stated that at the November 14, 2012 LATC meeting, Andrew Bowden asked whether the term “graduate” applies to a certificate holder from an extension certificate program. She explained that staff researched his question and found that the UC Los Angeles Extension Certificate Program uses the term “graduate” to describe a person who receives an extension certificate. She stated that the UC Berkeley Extension Certificate Program formally uses the term “certificate completion” to describe someone who completes the program, but informally identifies that person as a “graduate” of the program.

- **Katherine Spitz moved to approve the November 14, 2012 LATC Summary Report with the modification on page three as noted.**

Andrew Bowden seconded the motion.

The motion carried 5-0.

C. Program Manager’s Report

Ms. Rodriguez presented the Program Manager’s Report. She stated that there are no updates for the BreZE Project since the November 14, 2012 LATC meeting.

Ms. Rodriguez stated that LATC was disconnected from DCA’s examination and licensing functions of the Applicant Tracking System (ATS) on October 26, 2012. She explained that LATC started use of a new workaround system (WAS) to supplement the lost functions of ATS, and has been successfully implemented with minimal issues. She explained that the new manual

processes seem to be working properly; however, manual processes have an inherent increased potential for human error.

Ms. Rodriguez informed the members that Christine Anderson will provide an outreach presentation at UC Davis on February 26, 2013.

Ms. Rodriguez stated that the regulatory package for California Code of Regulations (CCR) sections 2615, Form of Examinations, and 2620, Education and Training Credits, was approved by the Office of Administrative Law and became effective on December 13, 2012. She also stated that the regulatory package for CCR section 2620.5, Requirements for an Approved Extension Certificate Program, will be discussed later in the meeting.

Ms. Rodriguez informed the members the LATC website was recently updated with the upcoming administration dates for the LARE and the current list of active licensees. She noted that the website needs further updating in several areas, and that she would like to discuss this during the strategic planning session.

Ms. Rodriguez stated that, on December 4, 2012, a LARE candidate who encountered issues while taking the first administration of section 4 of the LARE contacted LATC. She explained that the candidate had several issues with the functionality of the testing software, and the Council of Landscape Architectural Registration Boards (CLARB) concluded that this was not an isolated incident, but a global issue. Ms. Rodriguez also noted that CLARB offered a free re-exam for candidates who encountered this glitch during their examination. She said the candidate contacted CLARB on site the day of the exam and wrote a letter to CLARB the following day. Ms. Landregan inquired if CLARB has a method of recourse at the LARE testing sites that allows a candidate to notify CLARB of any testing issues. David Taylor noted that although the candidate who complained is able to take the free re-exam from CLARB, other candidates affected by the problem may not be able to if CLARB is unaware they had an issue. Jerry Hastings explained that the candidate was given the option to either accept the score she received or forfeit the test without knowing her score. Ms. Spitz asked about the percentage of the test questions affected by the error. Mr. Bowden asked if CLARB should contact each candidate who took section 4 in December 2012 to notify them of the problem. Mr. Taylor's response was that CLARB should contact the software vendor to research the issue, rather than attempting to contact each candidate to determine if they had an issue with the test administration. Ms. Landregan stated that LATC should contact CLARB in protest, and to determine how the problem was resolved. She also asked staff to compile a list of questions asked by the LATC members regarding the testing issue so that either she or Ms. Anderson could address them at the upcoming CLARB annual meeting.

Ms. Rodriguez said that intra-agency contracts for ongoing examination development and an occupational analysis with OPES will be addressed later in the meeting.

Ms. Rodriguez stated that LATC recently contacted the UC Extension Certificate Programs to determine site review dates, and noted that staff is working to finalize the Self-Evaluation Report Format and Visiting Team Report Template documents in preparation for the site reviews.

Ms. Rodriguez noted that an update will be provided later in the meeting on the legal opinion letter for the exempt area of practice and the annual enforcement statistics.

D. Presentation by Department of Consumer Affairs (DCA) Staff Regarding New Online Program (BreEZe)

Ms. Rodriguez stated that DCA BreEZe staff was unable to attend the meeting to provide an update due to staffing issues, and a presentation will be rescheduled for a future meeting.

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

Ms. Landregan provided an update on the upcoming CLARB meeting on March 1-2, 2013. She summarized the LARE pass rates for the December 2012 administration of sections 3 and 4 and stated that she recently submitted a nomination to CLARB for Christine Anderson to continue as CLARB Region V Director. She also noted that all sections of the new LARE will be administered three times annually.

Ms. Rodriguez said that the new LARE registration process seems unclear based on feedback from candidates. She suggested that information could be added to the LATC website to provide clarification for new LARE registrants, and that candidates should be informed that they do not need to establish a council record until they are ready to take the examination. Ms. Landregan concurred that the cost of starting a council record is not necessary until a candidate is ready to take the LARE.

F. Annual Enforcement Report

Matthew McKinney provided an update on the enforcement statistics for the 2011/2012 fiscal year. He said that LATC strives to reduce the average age of pending cases while seeking greater efficiencies in the enforcement process. Mr. McKinney noted that the amount of complaints closed was nearly twice the amount of complaints opened over the past two fiscal years. He said that, at the November 14, 2012 LATC meeting, LATC received a request to research how many compliance actions taken during the past three fiscal years were against licensed persons versus unlicensed persons. He reported that all cease and desist notices issued during the past three fiscal years were against unlicensed persons, as such notices are only issued against unlicensed persons, by definition. Mr. McKinney also noted that half of the citations issued in the prior three fiscal years were against licensees, while the other half were issued against unlicensed persons.

G. Budget Update

Robert de los Reyes provided an update on the LATC fund condition and budget. Ms. Landregan asked if LATC is restricted from spending any surplus funds. Mr. Reyes explained that LATC is not restricted from spending any surplus, as long as LATC has the budget authority to spend the funds. He stated that, LATC discontinued the administration of particular sections of the LARE because CLARB began administering all sections of the examination, and this has contributed to the surplus of funds. He noted that there is approximately \$400,000 appropriated in the LATC budget for examination administration that has not been spent. Ms. Landregan asked if any of the funds allotted for examinations could be redirected to endeavors such as proactive enforcement efforts. Mr. Reyes stated it is possible to redirect funds, however, it must be used for other line-items in the LATC's budget. Vickie Mayer added that, although funds could potentially be redirected, all travel by LATC members and staff must be mission-critical and undergo an approval process through DCA. Mr. Bowden

asked if the surplus funds could potentially be transferred to another board if they are not spent within a certain period of time. Doug McCauley explained that the funds would not be transferred to another board under these conditions and that the goal for all DCA boards is to have expenditures match revenue as closely as possible.

Ms. Landregan inquired about the possibility of implementing a temporary fee reduction in order to reduce the fund balance. Mr. McCauley said it would be possible to reduce licensing fees for one renewal cycle to bring the fund balance to an appropriate level. Ms. Landregan asked if staffing shortages have contributed to the fund balance and if it would be possible to add a new staff member to implement goals in the LATC communications plan. Mr. McCauley explained that staffing shortages have indeed contributed to the fund balance and it is not possible to add a new staff member without an approved Budget Change Proposal. Don Chang suggested that LATC explore the possibility of entering into intra-agency contracts with other state agencies to implement the goals in the communication plan.

H. Review Public Comments on Proposed Regulation to Amend California Code of Regulations (CCR) Section 2620.5, Requirements for an Approved Extension Certificate Program, and Possible Action

As the Program Administrator for the UC Los Angeles Extension Certificate Program, Ms. Landregan recused herself from participation in discussion and voting on agenda items H and I due to a conflict of interest. Mr. Bowden temporarily assumed the Chair's duties. Ms. Rodriguez explained that, as a result of the November 14, 2012 LATC meeting, on November 30, 2012, staff submitted a 40-day Notice of Availability of Modified Language to incorporate the proposed changes to CCR section 2620.5. She stated that one public comment was received during the 40-day public comment period and two other comments were received after the comment period ended on January 9, 2013. Mr. Chang explained that the only comment LATC should consider is the comment received during the 40-day public comment period. He explained that the comments received after January 9, 2013 should be considered within the context of public comment on the current agenda item.

Mr. Bowden explained that, at the November 14, 2012 LATC meeting, LATC approved modifications to CCR section 2620.5 as recommended by the UC Extension Certificate Program Task Force. He also said that at the November 14, 2012 LATC meeting, LATC approved an additional modification to CCR section 2620.5, subsection (q), that, effective September 2015, requires students to have a Bachelor's degree as a prerequisite for entry into the extension certificate programs. Mr. Bowden noted that, in the public comments, opposition to the proposed subsection (q) was expressed, and LATC must respond to the comments. He said that opposition was also expressed in the public comments to the proposed approval requirement in subsection (n)(5), which would require the extension certificate programs to have three full-time equivalence (FTE) faculty with a degree in landscape architecture, and that LATC must also respond to these comments.

Nicki Johnson said that she does not want to restrict entry into the landscape architecture profession and thinks that requiring an Associate degree as a prerequisite for entry would be a better option than requiring a Bachelor's degree. Ms. Anderson argued that requiring a Bachelor's degree as a prerequisite for entry into the extension certificate programs creates an additional barrier for entry into the profession. She said that it is appropriate for LATC to create its own standard for entry into the programs, rather than align entry requirements with Landscape

Architectural Accreditation Board (LAAB) standards. Mr. Hastings opined that extension certificate program administrators should retain their discretion to establish admission requirements, noting that LAAB was established to accredit degree-granting programs and extension certificate programs do not grant degrees.

Ms. Spitz explained that the initial reason for proposing a Bachelor's degree as a prerequisite to entry was to raise the standard for entry into the programs. She stated that she would ideally prefer to have a Bachelor's degree as a prerequisite for entry; however, she shares the concerns mentioned over this proposed requirement. Ms. Spitz also explained her concern that students with foreign degrees may have difficulty receiving proper credit for their education. Mr. Taylor stated that he was a strong proponent of the Bachelor's degree requirement at the previous LATC meeting; however, he did not consider the perspective provided by the public comment when he formed his opinion. He said that he would support the suggested edits to CCR section 2620.5 as mentioned in the public comment.

Mr. Bowden stated that LAAB has indicated they will not consider accrediting extension certificate programs that do not have a Bachelor's degree component as a prerequisite for entry. Ms. Mayer noted that as part of the regulatory change process, the LATC must justify the necessity for a new requirement in order to impose it. She explained that LAAB's unwillingness to accredit the extension certificate programs without the programs' requirement of a Bachelor's degree as a prerequisite for entry is not a sufficient justification, in her opinion. Mr. Bowden stated that one of the functions of the LATC is to protect the health, safety, and welfare of the public. He also noted that one of the long-term goals of the LATC is to remove barriers to entry into the profession. Mr. Bowden stated that he supports the suggested edit to CCR section 2620.5 to remove the proposed requirement that, effective September 2015, a Bachelor's degree will be required as a prerequisite to entry into the extension certificate programs. Ms. Mayer suggested that LATC eliminate the proposed subsection (q) to effectively address the concerns raised over imposing the requirement.

Mr. Chang stated that LATC must also address the portion of the comment expressing opposition to requiring the extension certificate programs to have three FTE faculty with a degree in landscape architecture in subsection (n)(5) of the proposed regulatory language. Ms. Anderson stated that the Task Force intended to include extension certificate holders in the three FTE calculation, and that it was an oversight from the Task Force for it not to be included. Mr. Hastings noted that almost every instructor on the extension campus at UC Los Angeles is part-time and it is not practical to impose a three FTE requirement. He urged LATC to reconsider and modify the proposed regulatory language.

Ms. Anderson suggested that LATC remove the proposed subsection (n)(5), rather than modify it, so that the extension certificate programs are not immediately out of compliance with LATC requirements once they become effective.

- **David A. Taylor, Jr. made a motion to recommend that the Board adopt the proposed modifications to CCR section 2620.5 as presented in the meeting packet with the removal of the proposed subsections (n)(5) and (q).**

Katherine Spitz seconded the motion.

The motion carried 4-0. Stephanie Landregan recused herself.

I. Review Proposed Amendments to CCR Section 2649, Fees, and Possible Action

Ms. Rodriguez explained that at the August 14, 2012 LATC meeting, LATC approved staff to begin processing a regulatory package to specify a \$600 biennial fee for the application for the approval of a school of landscape architecture in CCR section 2649. She added that LATC is required by Business and Professions Code (BPC) section 128.5, Reduction of License Fees in Event of Surplus Funds, to reduce fees if there are 24 months of funds in reserve. She said that LATC already has 19.5 months of funds in reserve, as mentioned during the budget update. She explained that LATC may not be able to charge the new \$600 biennial application fee since LATC is required by BPC section 128.5 to reduce fees in the event of surplus funds.

Mr. McCauley stated that LATC cannot justify a fee increase if the LATC cannot demonstrate a need for the funds. He suggested that LATC should reconsider requiring this fee after the fund condition has returned to a normal level. Ms. Mayer said that staff will consult with the DCA Budget Office to determine the best course of action regarding which fees should be reduced on a temporary basis.

- **Katherine Spitz made a motion to withdraw the proposed amendments to CCR section 2649, Fees.**

Nicki Johnson seconded the motion.

The motion carried 4-0. Stephanie Landregan recused herself.

J. Review and Consider Request for Re-Licensure

Mr. Bowden returned Chair duties to Ms. Landregan. Ms. Rodriguez stated that the LATC recently received a re-licensure request from Craig Hutchinson, a former licensee whose license expired in 2009. She explained that the LATC re-licensure procedures were updated to include current fees and the instruction forms for the re-licensure reviewer were updated to reflect recent changes to the LARE. She noted that after the forms were updated, the re-licensure request packet for Mr. Hutchinson was sent to Ms. Landregan and Ms. Spitz for review.

Ms. Spitz summarized her evaluation of Mr. Hutchinson's re-licensure request packet. She said that Mr. Hutchinson submitted three drawings from 1997, 2004, and 2006, that included a grading plan, an irrigation plan, and a planting plan that did not have a legend. She noted that the drawings were roughly drafted and Mr. Hutchinson did not submit documentation indicating project management skills, evidence of bidding and construction skills, or evidence of inventory and analysis skills. She stated he initially did not submit references, but later sent a reference that he had used in 1993 to apply for the licensure examination. She said this was not an appropriate reference for a professional landscape architect. She said that he also submitted a letter explaining why he let his license lapse. She continued that the letter included a reasonable explanation of why he allowed his license to lapse. Ms. Spitz stated that she thought Mr. Hutchinson did not submit anything indicating that he should receive credit for sections 1 and 2 of the LARE. Ms. Spitz recommended that Mr. Hutchinson be required to take sections 1 and 2 of the LARE, and pass the California Supplemental Examination (CSE) to qualify for re-licensure.

Ms. Landregan stated that she also evaluated Mr. Hutchinson's application and recommended that the LATC deny his re-licensure request. She also recommended that LATC waive the

requirement for him to take sections 3 and 4 of the LARE, and that he pass sections 1 and 2 of the LARE, and pass the CSE to qualify for re-licensure.

- **Katherine Spitz made a motion to deny Craig Hutchinson’s request for re-licensure without examination; however, LATC waives the requirement for him to take LARE sections 3 and 4, and he must pass LARE sections 1 and 2, and the CSE in order to qualify for re-licensure.**

Nicki Johnson seconded the motion.

The motion carried 5-0.

K. Review and Approval of Intra-Agency Contracts with the DCA Office of Professional Examination Services for California Supplemental Examination Occupational Analysis and Exam Development

Ms. Rodriguez stated that Raul Villanueva of OPES provided a presentation at the November 14, 2012 LATC meeting outlining the occupational analysis process. She noted that LATC agreed to enter into an intra-agency contract with OPES and the draft contract is included in the meeting packet for review and approval. She said that, upon further discussion with OPES, LATC agreed to continue ongoing examination development. She noted that the draft intra-agency contract for ongoing examination development is also included in the meeting packet for review and approval.

- **Andrew Bowden moved to approve the intra-agency contract for ongoing examination development.**

David A. Taylor, Jr. seconded the motion.

The motion carried 5-0.

- **Andrew Bowden moved to approve the fiscal year 2012/2013 and 2013/2014 intra-agency contract for the occupational analysis.**

Nicki Johnson seconded the motion.

The motion carried 5-0.

L. Review Legal Opinion Letter from DCA Legal Counsel Regarding Business and Professions Code Section 5641, Exceptions, Exemptions, and Possible Action

Mr. Chang stated that at the November 14, 2012 LATC meeting, LATC asked him to provide a legal opinion regarding BPC section 5641. He explained that the legal opinion is not complete and he expects to provide it to LATC within approximately 30 days. Ms. Berstler asked when the legal opinion will become public record. Mr. Chang stated that once he prepares the legal opinion, it will be sent to Ms. Rodriguez; it will then likely be placed on the agenda for the following LATC meeting, at which time it will become public record.

Adjourn

- **Stephanie Landregan adjourned the meeting.**

The meeting on January 24, 2013 adjourned at 1:17 p.m.

January 25, 2013
Sacramento, California

LATC Members Present

Stephanie Landregan, Chair
Andrew Bowden, Vice Chair
Nicki Johnson
Katherine Spitz
David A. Taylor, Jr.

Staff Present

Doug McCauley, Executive Officer, Board
Don Chang, Assistant Chief Counsel, DCA
Trish Rodriguez, Program Manager, LATC
John Keidel, Special Projects Coordinator, LATC
Claire Chung, Examination Coordinator, LATC
Matthew McKinney, Enforcement Coordinator, LATC
Ken Miller, Licensing Coordinator, LATC
Mel Knox, Administration Analyst, Board

Guests Present

Christine Anderson, Chair, UC Extension Certificate Program Task Force
Jerry Hastings, Secretary, CC/ASLA
Dalton LaVoie, Sierra Chapter, CC/ASLA
Amelia B. Lima, APLD
Terrie Meduri, Facilitation Specialist, DCA, Strategic Organization, Leadership and Individual Development (SOLID)
Marti Meyer, APLD
John Nicolaus, CC/ASLA
Jon Pride, Jon Pride Designs
Tom Roy, Facilitation Specialist, DCA SOLID

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

Chair Stephanie Landregan called the meeting to order at 8:34 a.m. and called the roll. Five members of LATC were present, thus a quorum was established.

N. Strategic and Communications Planning Review Session for Fiscal Year 2013/2014

The LATC commenced its annual strategic planning session, facilitated by Tom Roy and Terrie Meduri of DCA SOLID. The LATC reviewed the accomplishments for 2012, and LATC’s mission, vision, values, and strategic goals. SOLID staff led the LATC members through the SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis process that assisted the LATC members in developing the objectives for fiscal year 2013/14.

SOLID will update the Strategic Plan with the changes made during this session, and the LATC will review and finalize the plan at its next meeting tentatively scheduled for May 22, 2013.

O. Review Tentative Schedule and Confirm Future LATC Meeting Dates

LATC meetings tentatively scheduled:

May 22, 2013, location to be determined

Adjourn

- **Stephanie Landregan adjourned the meeting.**

The meeting on January 25, 2013 adjourned at 2:00 p.m.