

#### **Meeting Minutes**

## CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee

April 18, 2017 Pomona, California

Landscape Architects Technical Committee (LATC) Members Present

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

#### **Staff Present**

Doug McCauley, Executive Officer (via telephone)
Vickie Mayer, Assistant Executive Officer
Brianna Miller, Program Manager
Rebecca Bon, Legal Counsel, Department of Consumer Affairs (DCA)
Kourtney Nation, Examination Coordinator
Gretchen Kjose, Retired Annuitant

#### **Guests Present**

Christine Anderson, Council of Landscape Architectural Registration Boards (CLARB)
Pamela Brief, Southern California Chapter of American Society of Landscape Architects
(SCASLA)

Shan Cai, California Department of Transportation

Jeff Chamlee, Architerra Design Group and University of California, Los Angeles (UCLA) Patrick J. Diaz

Tracy Morgan Hollingworth, California Council of American Society of Landscape Architects (CCASLA)

Stephanie Landregan, UCLA

Steve Lang, MIG

Shawn Maestretti, American Society of Landscape Architects, UCLA

Esther Margulies, University of Southern California (USC), School of Architecture (SOA)

**Dustin Maxam** 

L. Milburn, California State Polytechnic University, Pomona

Jennifer Olivares, UCLA

Vickie Phillips, SCASLA

Jim Pickel, CCASLA

Jon Pride, Jon Pride Designs

Kelly Shannon, USC, SOA

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

LATC Chair Patricia Trauth called the meeting to order at 9:00 a.m., and Vice Chair Marg Truscott called roll. Four members of LATC were present, thus a quorum was established.

### B. Chair's Procedural Remarks and LATC Member Introductory Comments

Ms. Trauth announced that the public forum would begin at 10:30 a.m. to receive public comments in regards to educational requirements for licensure and related areas of study. She advised that due to allowing the time needed for the forum, agenda items may be tabled until the next meeting.

#### C. Public Comment on Items Not on Agenda

Other than brief introductions, there were no comments from the public.

#### D. Review and Possible Action on January 17-18, 2017 LATC Meeting Minutes

Ms. Trauth asked for comments concerning the January 17-18, 2017 LATC Meeting Minutes. There were no comments from the Committee members.

• Andrew Bowden moved to approve the January 17-18, 2017 LATC Meeting Minutes.

Marq Truscott seconded the motion.

Members Bowden, Truscott, and Chair Trauth voted in favor of the motion. Member Taylor abstained. The motion passed 3-0-1.

#### E. Program Manager's Report on Administration, Examination, Licensing, and Enforcement

Brianna Miller presented the Program Manager's report by referencing the California Architects Board's (Board) Monthly Report. She reported that she joined the LATC in the Program Manager position on March 13, 2017 and that former Licensing Coordinator, Stacy Townsend, was promoted to the Enforcement Analyst position on April 10, 2017. Ms. Miller continued that efforts are underway to backfill the Licensing Coordinator position and that retired annuitant, Gretchen Kjose's, last day with the LATC would be April 30, 2017.

Ms. Miller informed the Committee that a draft *Consumer's Guide to Hiring a Landscape Architect* is available for review under Agenda Item H. She added that LATC updated its "Licensee Search" lists and fax number on the website.

Ms. Miller reported on California Code of Regulations (CCR) section 2649 (Fees). She stated that staff is drafting a letter to the Office of Administrative Law (OAL) to request expedited approval of the rulemaking file so there is not a delay in the application of the renewal fee reduction.

To update the Committee on Enforcement, Ms. Miller stated that the *Disciplinary Guidelines* would be discussed under Agenda Item I. She concluded by advising the Committee on enforcement statistics.

F. Review and Possible Action to Approve 2017-18 Intra-Departmental Contract with Office of Professional Examination Services (OPES) for California Supplemental Examination (CSE) Development

Kourtney Nation reported that OPES provides the Department of Consumer Affairs professional examination development services and that the LATC's current examination development contract with OPES expires on June 30, 2017. She continued that the proposed contract is for fiscal year (FY) 2017-18, which contains the same criteria as last FY's contract.

Mr. Bowden asked if OPES would have the latest version of the CSE completed by June 30, 2018. Ms. Nation responded that the new version of the examination (for the current contract) is finalized.

• David Allan Taylor, Jr. moved to approve the Intra-Departmental Contract with OPES for CSE development for FY 2017-18.

Andrew Bowden seconded the motion.

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

G. Update and Possible Action on Council of Landscape Architectural Registration Boards (CLARB) March 27, 2017 Webcast (Mid-Year Review and Draft Changes to Model Law) and Landscape Architect Registration Examination (LARE) Administration and Pass Rates

Ms. Miller reported that CLARB held a mid-year web-based meeting on March 27, 2017 during which CLARB discussed the current regulatory environment and introduced the draft Model Law. Ms. Miller also reported that CLARB's Annual Meeting will be held on September 14-16 during which members will vote to approve the draft Model Law. Lastly, she added that the most recent LARE administration was from March 27-April 8, 2017 and that results would be released in May.

Mr. Bowden inquired if the draft Model Law is what CLARB is proposing to vote on in September, which Ms. Trauth confirmed. Mr. Taylor stated that he did not identify any major concerns upon his initial review of the draft Model Law when it was published in March. Mr. Bowden stated that he believes the intent of the Model Law is to draft provisions that all states could adopt if they chose to do so.

Ms. Nation advised that CLARB is providing information on how to provide feedback for the draft Model Law in May. Vickie Mayer suggested the Committee collaboratively address any concerns with the draft Model Law so staff can be prepared to respond to CLARB, accordingly.

Ms. Kjose stated that the current Model Law is brief and that the proposed draft has incorporated regulations from different states. She continued that the draft Model Law does not include provisions that define an approved school nor education and experience requirements. Ms. Trauth suggested discussing the draft Model Law during the upcoming Committee meeting on July 13, 2017 so that LATC representatives in attendance at the Annual Meeting will be able to convey the Committee's input. Mr. Taylor suggested confirming with CLARB whether the meeting in September will include an opportunity for feedback.

Ms. Trauth asked Christine Anderson, president-elect of CLARB, to clarify the timeframe during which comments about the draft Model Law can be offered. Ms. Anderson responded that she would verify with CLARB staff. Mr. Truscott asked Ms. Anderson if the meeting in September would consist of discussion and debate on issues pertaining to the Model Law. Ms. Anderson responded that the goal is for discussion to begin now in order for CLARB to review comments and finalize the draft Model Law in September. She added that comments should be submitted before CLARB's Board meeting in August.

Mr. Taylor asked Ms. Anderson to clarify the format of voting during CLARB's Annual Meeting in September. Ms. Anderson stated that the vote would be to adopt the draft Model Law. She added that CLARB has begun the process of collecting feedback. Mr. Bowden asked Ms. Anderson if the Model Law could be changed before the Annual Meeting. Ms. Anderson replied that CLARB would consider all comments at one time and that she would confirm the date with CLARB staff when comments would need to be provided. The Committee decided to discuss the draft Model Law and identify potential feedback at its next meeting scheduled for July 13, 2017.

### H. Discussion and Possible Action on LATC's Draft Consumer's Guide to Hiring a Landscape Architect

Ms. Trauth asked for a motion to approve the draft *Consumer's Guide to Hiring a Landscape Architect*.

• David Allan Taylor, Jr. moved to approve the draft Consumer's Guide to Hiring a Landscape Architect.

#### Marq Truscott seconded the motion.

A public participant, Dustin Maxam, suggested that the professional qualifications chart in the *Guide* include all of LATC's pathways to licensure. Ms. Mayer asked whether modification to the postsecondary education column would also necessitate modification of the experience portion of the chart. Ms. Nation responded, "yes," and suggested the addition of a footnote at the bottom of the chart to specify the additional pathways. The Committee members agreed with the addition of a footnote.

Mr. Bowden noted that, according to the chart in the Landscape Architects Practice Act, there are multiple pathways to licensure. Mr. Taylor suggested the addition of verbiage referencing the Practice Act in the footnote to direct the public to further research additional pathways to licensure.

David Allan Taylor, Jr. moved to amend the motion to approve the draft *Consumer's Guide to Hiring a Landscape Architect* with the addition of a footnote to reference the Business and Professions Code (BPC) for additional pathways to licensure.

Marq Truscott seconded the amendment to the motion.

Rebecca Bon commented that it might be helpful to include the language of the regulation. Ms. Mayer suggested a footnote to refer readers to the regulations that address experience and education requirements. Ms. Bon suggested specifying CCR 2620 (Education and Training Credits) in the footnote and the Committee members agreed with this change.

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

I. Discussion and Possible Action to Recommend to the Board to Amend LATC's Disciplinary Guidelines and Title 16, California Code of Regulations (CCR) Section 2680 (Disciplinary Guidelines)

Ms. Miller reported that, where possible, the LATC is aligning its *Disciplinary Guidelines* with those of the Board. She continued that the Board approved their *Guidelines* on December 15, 2016 and more analysis is needed on the part of LATC staff in order to incorporate the approved changes. Ms. Miller advised that staff will present the *Guidelines* to the Committee at a later time.

#### M.\* Review and Possible Action on Draft 2017-2018 Strategic Plan

Ms. Miller reported that the draft, two-year Strategic Plan was developed during a facilitated planning session with DCA SOLID on January 18, 2017. Mr. Truscott inquired whether the plan had to be approved today. Ms. Miller responded that the term of the LATC's draft Strategic Plan for FY 2017-18 has already begun.

• Andrew Bowden moved to approve the draft Strategic Plan for FY 2017-18.

Marq Truscott seconded the motion.

Tracy Morgan Hollingworth appreciated the addition of objective 3.6, which expands communication to licensees.

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

### N.\* Review and Confirm Future LATC Meeting Dates

Ms. Trauth advised that the next LATC meetings are scheduled for July 13 in Sacramento and November 1 in San Diego.

## L.\* Discussion and Possible Action to Recommend to the Board to Amend Title 16, CCR Section 2620.5 (Requirements for an Approved Extension Certificate Program)

Ms. Kjose noted that University of California (UC), Berkeley and UCLA are the accredited universities under which the UC Extension Programs are stationed. She continued that the former Board of Landscape Architects (BLA) formally established criteria to approve the Extension Programs, which mirrored Landscape Architectural Accreditation Board (LAAB) requirements. Ms. Kjose reported that in 2009, LAAB implemented changes to its accreditation standards and changed curriculum requirements, which prompted LATC to propose regulations to update its curriculum standards. Ms. Kjose advised that LATC's changes received a disapproval by OAL, due to not meeting the necessity standard.

Ms. Kjose reported that staff attempted to respond to OAL's disapproval; however, staff was advised by DCA Legal Counsel that an application, review and approval, appeal, denial, and annual reporting process would need to be set in regulation. Ms. Kjose also reported that while drafting the new language, LAAB standards changed from 8 broad categories to 9 categories with 41 subsections. She stated that it is very difficult to justify and substantiate all of the categories, and that staff is requesting guidance from the Committee on how to proceed.

Ms. Kjose noted that associate degree programs are administered by community colleges, and LATC accepts them without specifying additional requirements. She also noted that LATC accepts degrees from non-LAAB accredited schools as well. Ms. Kjose inquired whether it is necessary for LATC to set requirements for an accredited university's Extension Certificate Program.

Mr. Bowden expressed that he has a possible conflict of interest due to his membership as the Chair on the UCLA Landscape Architecture Guidance Committee and recused himself from the discussion.

At the Committee's request for comment, Ms. Landregan opined that LAAB does not need to meet standards similar to the Administrative Procedure Act (APA) in order to modify its requirements. She stated that UCLA's degree programs adhere to specific requirements; and thus, the Extension Certificate Program should as well. Ms. Landregan offered her assistance to the LATC in offering suggestions to simplify the review process.

Ms. Landregan suggested that the Committee require the UC Extension Programs to submit a detailed report on their curriculum in relation to LAAB's standards. She stated that this process would not require amendments to the regulations, but rather, establish a system according to academic requirements, which would not be fully dependent on LAAB's standards. Ms. Landregan added that potential students may find the UC Extension Programs undesirable if they are not consistent with national standards.

Ms. Landregan stated that the LATC is attempting to mirror LAAB's requirements and not the process. She suggested that the LATC could promulgate regulations that are defensible by requiring the UC Extension Programs to submit a detailed report on their Extension Program. Ms. Landregan continued that if a program is being reviewed and LAAB's standards change, the UC Extension Programs would have two years to implement those changes. She concluded by offering to assist with an education subcommittee.

Mr. Truscott asked Ms. Landregan why the Extension Certificate Programs need LATC's approval. Ms. Landregan responded that UCLA would like its program to adhere to specific standards. She added that the dilemma comes from choosing to mirror LAAB requirements, which are used as review standards by universities. Mr. Truscott inquired whether the LATC's approval process could be as simple as a letter of qualification. Ms. Landregan responded that a detailed letter would suffice if the process for approval is codified in regulation. However, Ms. Landregan suggested a detailed report that would specify the qualifications of the education staff, the curriculum, and the percentage of licensed professors, amongst other criteria that the LATC determines necessary.

Ms. Trauth asked Ms. Kjose if self-evaluating would work with LATC's requirements. Ms. Kjose stated that LATC has a UC Extension Task Force that completes site reviews similar to site reviews for accredited programs. She questioned whether LATC should be reviewing programs as LATC does not review any of the degree programs. Ms. Mayer stated that the regulations could be amended to reflect self-evaluation or a more structured site review. Ms. Landregan suggested that LATC remain the programs' approving entity.

Ms. Trauth stated that monitoring consistency with LAAB's requirements is becoming more challenging and asked Ms. Landregan about the details of a self-evaluation report. Ms. Landregan stated that data is gathered from the university and a site review is conducted based on LAAB requirements. Ms. Trauth inquired if simplifying would entail removing the variable elements. Ms. Landregan responded that some elements are encouraged to be included in the curriculum.

Ms. Anderson commented that LATC had wanted to mirror LAAB requirements to make Extension Certificate Programs synonymous with first degree programs. She suggested a policy document rather than a regulation. Ms. Trauth asked Ms. Bon if simplifying to a form that the UC Extension Programs could complete in order to prove satisfying program requirements would be problematic. Ms. Bon stated that whatever the Committee requires must be set in regulation and that the Committee has to decide what standards to incorporate and be able to substantiate them.

Ms. Mayer stated that the LATC would have to substantiate the standards they plan on implementing. She added that the goal is not to eliminate credit nor disapprove the programs; but rather, to revise the regulations so the two programs have the authority to continue in such a way that would be consistent with LATC's regulations.

Ms. Bon advised that the Committee decide on policy changes in order to provide the Board with recommendations. Ms. Trauth stated that she is in favor of a policy document.

Ms. Mayer stated that staff could provide a draft of proposed regulatory amendments to the subcommittee as a starting point. Mr. Truscott opined that the Extension Certificate Programs are necessary for the state and that the LATC should not go into the field to approve them. He agreed

with the formation of a subcommittee.

• Marq Truscott moved to form a subcommittee comprised of: one LATC member, one member from each extension certificate program, and two landscape architects to prepare regulatory changes for LATC's consideration.

David Allan Taylor, Jr. seconded the motion.

Members Taylor, Truscott, and Chair Trauth voted in favor of the motion. Member Bowden abstained. The motion passed 3-0-1.

J.\* Public Forum Regarding Educational Requirements for Licensure and Related Areas of Study followed by Discussion and Possible Action on Strategic Plan Objective to Review Title 16, CCR Section 2620 (Education and Training Credits) to Expand Credit for Education Experience to Include Degrees in Related Areas of Study

Ms. Miller presented a PowerPoint presentation to inform the present participants about the purpose of the public forum: to discuss options for expanding degree requirements for licensure. She advised that this was the second public forum; a previous session was held in Sacramento on March 18, 2017. The public comment obtained that day was collected and provided in the Committee's meeting materials. Ms. Trauth opened the floor for public comment.

Mr. Maxam stated that, in his opinion, the landscape architecture profession has barriers to entry. He also noted that he possesses the skills needed to practice professionally and that diversity of educational background could benefit the industry. He added that LATC accepts an associate degree; therefore, a related bachelor's degree should be sufficient along with five years of experience. Mr. Maxam also cited the licensee list on LATC's website, which delineates that the LATC currently licenses 3,600 landscape architects. He commented that out of the 3,600 licensed landscape architects, 3,100 reside in state and half were issued under the BLA, which allowed related degrees. In addition, Mr. Maxam noted CLARB's pathway to licensure, which stipulates any bachelor's degree with six years of experience. He also noted that other states that have pathways that specify any bachelor's degree or experience-only.

Kelly Shannon noted that USC's landscape architecture program has been accredited since 2011 and has a long history of providing landscape architecture courses. She also stated that USC follows the standards set by the LAAB. Ms. Shannon opined that other professions are vying for employment and that the landscape architecture profession should be protected. She continued that diversity of the profession is fulfilled and enriched by the teaching of other professional practices. Ms. Shannon asserted that the LATC should not accept related degrees, which is public protection and not a barrier.

Jim Pickel suggested the formation of an Education Subcommittee to determine whether related degrees meet the standards of LAAB. He also suggested that technical experts review the qualifications of candidates who do not meet education and work experience requirements stipulated in the Practice Act. He stated that the Committee should not modify the education requirements and that, from his experience, the educational requirements are sufficient.

Esther Margulies stated that it is important to uphold practice standards. She agreed with the formation of an Educational Subcommittee, and suggested that the following questions be answered before modifying the regulations: 1) what is the data on common risk and liability in other states based on the acceptance of related degrees; 2) what are the pass rates for the examination in California based on related degrees; and 3) what can be determined in terms of candidates with a combination of various types of degrees and practice experience?

Ms. Margulies opined that reducing educational standards would reduce competency, and that perhaps educational requirements should be stricter.

Ms. Anderson stated that if only a couple of people are seeking reciprocity, the Committee should not modify its regulations because a pathway already exists. She also noted that the prior Education Subcommittee made recommendations to the Committee regarding examination eligibility requirements to adopt; however, not all were adopted. She added that data has not been collected in regards to the adopted eligibility requirements and wondered how the Committee can make a determination in the absence of this data. Ms. Anderson continued that different states have different requirements and noted that the Committee already created a pathway by allowing one year of training credit for an associate degree. She concluded that the Committee cannot modify one component without affecting another, such as initial licensure. Mr. Bowden clarified that a candidate receives one year of credit for a two-year associate degree.

Ms. Kjose reported that CLARB does not have data available that shows LARE pass rates respective to a candidate's college and degree(s). She also stated that CLARB's draft Model Law requires an approved degree and experience, but does specify exactly what it deems acceptable. Ms. Anderson replied that the draft Model Law is a starting point due to disparities between other states.

Stephanie Landregan commented that changes to regulations need to be defensible due to the APA. She stated that the LATC must consider the broader implications of allowing related degrees into the profession. Ms. Landregan also stated that if pass rates fall, then it would reflect poorly on California. She opined that LATC has done a terrific job in providing access; however, data has not been collected from prior changes to the regulations that would support their need for modification. Ms. Landregan agreed with the formation of a subcommittee.

Jon Pride stated that he is in support of reciprocity and that the idea of reciprocity undermining education is a misconception. He opined that the work he has completed is highly acceptable and sufficient. He commented that the LARE measures competency, but most education comes from work experience. He added that people who pass the exam should be given an opportunity; therefore, the Committee should consider allowing related degrees if a person without a landscape architecture degree passes the exam. Mr. Truscott asked Mr. Pride if there was a direct relationship between his experience and passing the exam. Mr. Pride responded that his knowledge was mostly self-taught.

Pamela Brief stated that the pathways LATC has are sufficient and that students should learn the technical educational aspects of landscape architecture.

Ms. Hollingworth commented that practitioners could help the subcommittee. She opined that the public does not understand the premise for some regulations and the process of how they were

enacted. Ms. Hollingworth applauded CLARB's attempt to draft a Model Law as a national standard.

Steve Lang expressed concern for modifying the education requirements. He commented that what a candidate learns through instruction is invaluable. Mr. Lang explained that the role of the LATC is to protect the health, safety, and welfare of the public. He added that many people were involved in the previous Education Subcommittee and that the Committee should consider the data before making a decision.

Jennifer Olivares stated that the biggest barrier to becoming a landscape architect is enrolling in courses at the community college level. She also contended that the LATC should maintain the expectation of competency and standards.

Mr. Maxam stated that not accepting related degrees is a legal and moral issue. He commented on the lack of accessibility to landscape architecture courses using the examples of UC Berkeley and UCLA being the only two Extension Certificate Programs in the state. He opined that if architects and engineers can become licensed without an education requirement, then the same standard should apply for landscape architects. Mr. Maxam agreed with the formation of an Education Subcommittee.

Ms. Landregan stated that architects and engineers cover different areas and asserted disbelief on how one could challenge education experience through reciprocity. She reiterated that requirements have to be defensible in order to modify the regulations. She added that the practice of landscape architecture should not be compared to other licensed professions.

Shan Cai stated that she has a foreign landscape architect's degree verified by CLARB; however, the LATC does not accept CLARB's verification. She continued that she submitted an emailed inquiry regarding this matter and asked if the Committee would be able to validate her degree so she can take the exam. Ms. Miller requested from Ms. Cai the hardcopy of her emailed inquiry in order to investigate the matter.

# K.\* Discussion and Possible Action to Recommend to the Board to Amend Title 16, CCR Section 2615 (Form of Examinations) Regarding Reciprocity Requirements

Ms. Kjose reported that, at the January 17, 2017 Committee meeting, proposed regulatory language was presented to the Committee regarding reciprocal licensure requirements; however, after discussion, the Committee determined that the proposed timeframe (consistent employment for 10 of the last 15 years) for required post-licensure experience was excessive. She continued that the Committee moved to allow reciprocity candidates to become licensed in California if said candidate is licensed in another jurisdiction, has a license in good standing, has passed an equivalent exam, and has passed the CSE. Accordingly, Ms. Kjose presented draft, amended language to CCR section 2615 for the Committee's consideration. Ms. Kjose noted that the authority for this regulatory amendment is BPC 5651 (Examination of Applicants), which is referenced in the proposed regulatory language.

Mr. Bowden contended that the discussion at the January 17, 2017 LATC meeting was about education and not job experience. He continued that he felt the discussion was about reciprocity

candidates who are licensed in another jurisdiction but do not meet California's education requirement. Ms. Trauth responded that the discussion was about the requirement of 10 additional years of experience. Mr. Bowden stated that the 10 additional years of experience was to equate to education that the candidate did not possess. Ms. Bon commented that it was a combination of both.

Ms. Kjose further suggested that BPC 5650 (Examinations – Qualifications, Applications, Fee) allows for a degree in landscape architecture and for a candidate to receive four years of education credit for such a degree.

Ms. Mayer advised the Committee that approving this proposed language would require that the current rulemaking file would be withdrawn and the LATC would commence a new rulemaking proposal.

During public comment, Mr. Maxam noted that it is important to approve the proposed language. Ms. Shannon contended that related degrees and reciprocity are not mutually exclusive. Ms. Hollingworth agreed with Ms. Shannon and inquired about the required number of years a candidate needs to have worked under the new proposed language. Ms. Kjose responded that there is no requirement for the number of years worked; rather if a candidate is licensed in another jurisdiction and passes the CSE, then he/she is eligible for reciprocity licensure.

 Marq Truscott moved to approve the proposed language to allow licensees in good standing from any U.S. jurisdiction, Canadian Province, or Puerto Rico who have passed a written examination substantially equivalent in scope and subject matter required in California as determined by the Board to be eligible for licensure upon passing the CSE.

David Allan Taylor, Jr seconded the motion.

Members Taylor, Truscott, and Chair Trauth voted in favor of the motion. Member Bowden opposed the motion. The motion passed 3-1.

Ms. Shannon inquired on the appeal procedures for the proposed regulation. Ms. Bon stated that public comment can be given at the Board's upcoming meeting and during a 45-day public comment period for the regulatory amendment. She added that the rulemaking file requires the regulatory body to respond to any comments it receives as well.

#### O.\* Adjournment

The meeting adjourned at 1:30 p.m.

\*Agenda items for this meeting were taken out of order to meet the timeframe specified for the Public Forum (Agenda Item J). The order of business conducted herein follows the transaction of business.