



Minutes

CALIFORNIA ARCHITECTS BOARD **Landscape Architects Technical Committee Meeting**

July 20, 2018
San Diego, California

Landscape Architects Technical Committee (LATC) Members Present

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

Staff Present

Vickie Mayer, Interim Executive Officer
Brianna Miller, Program Manager
Trish Rodriguez, Special Projects Manager
Tara Welch, Attorney III, Department of Consumer Affairs (DCA or Department)
Kourtney Nation, Examination Coordinator
Stacy Townsend, Enforcement Analyst

Guests Present

Amelia B. Lima, Association of Professional Landscape Designers
Tracy Morgan Hollingworth, California Council of American Society of Landscape Architects
(CCASLA)
Rich Risner, CCASLA
Michael Watts, Michael Watts and Associates

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

LATC Chair Patricia Trauth called the meeting to order at 10:04 a.m., and Vice Chair Marq Truscott called roll. Five members of LATC were present, thus a quorum was established.

B. Chair’s Procedural Remarks and LATC Member Introductory Comments

Ms. Trauth thanked Woodbury University for hosting the LATC meeting and announced that the meeting would be webcast. Ms. Trauth also announced her reappointment to the Committee by the Governor on June 8, 2018 and noted that Senior Environmental Scientist of the California Department of Water Resources (DWR), Julie Saare Edmonds, would provide a presentation on the Model Water Efficient Landscape Ordinance (MWELo). Lastly, Ms. Trauth advised that all motions and seconds would be repeated, and that votes would be taken with roll call.

C. Public Comment on Items Not on the Agenda

There were no comments from the public.

D. Review and Possible Action on May 4, 2018 LATC Meeting Minutes

Ms. Trauth asked for a motion to approve the May 4, 2018 LATC Meeting Minutes.

- **Susan Landry moved to approve the May 4, 2018 LATC Meeting Minutes.**

Andrew Bowden seconded the motion.

Members Bowden, Landry, Truscott, and Chair Trauth voted in favor of the motion. Member Taylor abstained. The motion passed 4-0-1.

E. Program Manager’s Report – Update on LATC’s Administrative/Management, Examination, Licensing, and Enforcement Programs

In reference to Attachment E.1 (Monthly Report [June 2018]), Brianna Miller reported that the California Architects Board (Board) selected a candidate to fill the Executive Officer (EO) position at its meeting on June 13, 2018 and that the new EO would begin employment on August 1, 2018.

Ms. Miller reported that, as part of LATC’s 2017-2018 Strategic Plan, the Committee has an objective to “Explore and adopt DCA’s best practices for using social media with a goal of developing a social media strategy to increase awareness to the public.” She informed the Committee that she and staff met with DCA’s Office of Public Affairs (OPA) on June 22, 2018 to discuss execution of this objective. Ms. Miller relayed that OPA recommended creating an LATC Facebook and Instagram account and requested access to LATC’s Twitter handle to verify the account and research enhancing account activity. Ms. Miller further conveyed OPA’s recommendation that creation of new social media accounts should wait until the new EO is on board to align the objective with his/her vision.

Ms. Miller reported that, as part of LATC’s 2017-2018 Strategic Plan, the Committee has an objective to “Consult with DCA’s Public Affairs Office to optimize the LATC website on search engines for individuals searching for a landscape architect to enhance LATC’s ability to reach

more consumers interested in using a landscape architect.” She stated that, in the same meeting held with OPA on June 22, 2018, staff discussed this objective and, ultimately, determined that the implementation of the developmental website would be the first step before beginning the process of optimizing search engine results for LATC.

As the third Strategic Plan update, Ms. Miller reported that, the 2017-2018 Strategic Plan contains an objective to “Revamp the website (using the Board’s website as a possible template) to be more user-friendly for consumers.” She advised that, following the Committee’s approval of the developmental website during their meeting on May 4, 2018, staff engaged with DCA’s Office of Information Services (OIS) to carry out the Committee’s requested revisions and launch the website. She advised that the website is anticipated to be launched at the end of August and that the LATC will notify its e-subscribers of the launch date upon its determination.

In reference to LATC’s Occupational Analysis (OA), Ms. Landry expressed concern regarding possible outdated reference materials being used to develop examination questions and noted that these reference materials are listed in the study guide for the California Supplemental Examination (CSE). Ms. Miller stated that the OA is current; however, potential revisions could occur in 2019. Ms. Miller further stated that the Office of Professional Examination Services has offered to perform a reference material review. Vickie Mayer advised that resource materials may appear outdated; however, they still have current and relevant information that is applicable to the practice of landscape architecture. She continued that the Committee could discuss re-examining the materials during strategic planning and ultimately decide if it necessitates becoming an objective to research further.

In reference to Attachment E.2 (California Architects Board June 13, 2018 Meeting Notice), Ms. Miller reported that she provided a summary to the Board of the May 4, 2018 LATC meeting and that the Board approved LATC’s *Disciplinary Guidelines* during their meeting and advised that staff would begin work on a regulatory change proposal for California Code of Regulations (CCR) section 2680 (Disciplinary Guidelines) to incorporate the updated *Disciplinary Guidelines*. She also advised the Committee that, in addition to a verbal public comment being received at the Board meeting, a written public comment was received from John Pride expressing his desire for the Board to move forward and approve the Committee’s proposed regulatory language for CCR sections 2615 (Form of Examinations) and 2620 (Education and Training Credits), which was provided as a handout.

F. Presentation Regarding the Model Water Efficient Landscape Ordinance (MWELO) by Julie Saare Edmonds, Senior Environmental Scientist of the California Department of Water Resources

Ms. Saare Edmonds gave a presentation in which she provided proposed updates to MWELO. She stated that, due to the drought in 2015, the Governor declared an emergency and the water budget was reduced. She continued that Assembly Bill 2515 was enacted, which requires an update to MWELO every three years with the goals of improving water efficiency and administration.

Ms. Saare Edmonds advised that a Landscape Stakeholder Advisory Group was created to assist in finding solutions. She explained that, in February 2018, members in each workgroup organized

conference calls, submitted issues for discussion, and forwarded their recommendations to DWR. Ms. Saare Edmonds advised that the proposed MWELO updates would be released for public comment by October 2018.

A member of the public, Amelia B. Lima, asked when the public would be able to provide comment on the proposed MWELO changes. Ms. Saare Edmonds responded that the Notice should be published by October 2018 and, thereafter, the public comment period would commence for 45 days. Mr. Truscott asked if the MWELO update would be included in the California Building Standards Code. Ms. Saare Edmonds responded, “yes.”

Ms. Landry asked if MWELO references Senate Bill 1383, which creates a waste stream and reduces organic waste in landfills. Ms. Saare Edmonds responded that DWR could reference the Department of Resources Recycling and Recovery’s program in their Guidebook. Mr. Truscott suggested a review of the proposed MWELO provisions as they relate to the Landscape Architects Practice Act to determine who can sign the documents contained in the ordinance. Ms. Trauth recommended that the review be placed on a future agenda.

I.* Council of Landscape Architectural Registration Boards (CLARB)

I.1. Review CLARB September 27-29, 2018 Annual Meeting Agenda

Ms. Miller reported that the Council of Landscape Architectural Registration Boards (CLARB) Annual Meeting will be held on September 27-29, 2018 in Toronto, Ontario. She stated that the meeting would include a vote on the resolution to update CLARB’s Bylaws and governance structure; in addition, the meeting would include updates on Landscape Architect Registration Examination (LARE) performance, results of CLARB’s Friction Analysis, the current legislative and regulatory environment, and a discussion on technology’s impact to the profession.

Ms. Miller reported that the LATC was advised by DCA that its request to attend the Annual Meeting was denied and that the LATC is pursuing approval. Ms. Mayer advised that California requires out-of-state travel to be mission critical and subject to approval by the Governor’s Office. In reference to Attachment I.2.3 (CLARB 2018 Election Ballot), Ms. Miller stated that election candidates could receive votes by mail-in ballot; however, a delegated representative must be present to vote on the Bylaws. She added that the newly elected officials would be announced at the Annual Meeting.

With regard to attending CLARB’s Annual Meeting, Mr. Truscott asked if LATC pays dues to CLARB and Ms. Mayer responded “yes.” Andrew Bowden inquired about CLARB offering participation through a video conference. Ms. Mayer advised that Ms. Miller’s request to CLARB to provide a video conference was denied; however, due to other states being unable to participate, a second request should be provided. A member of the public, Tracy Morgan Hollingworth, commented that the Committee should request an amendment to the Bylaws to allow for written comments.

I.3. Review and Possible Action on Resolution to Approve Proposed Amendments to CLARB Bylaws

Ms. Miller referenced Attachment I.3.1 (Summary of Changes by Article to CLARB Bylaws [March 2018]) and Attachment I.3.2 (Proposed Changes to Bylaws with Explanatory Comments), which denote the substantive proposed changes to the Bylaws. She asked the Committee to review the information and take possible action to recommend to the Board approval of the proposed amendments to CLARB's Bylaws.

Ms. Trauth expressed concern that regional representation is being removed and that there are more appointments than candidates. She also noted that CLARB has selected individuals other than landscape architects to be eligible for office. Refencing Attachment I.3.5 (Evolving CLARB Leadership FAQs for Members), David Allan Taylor, Jr. responded to Ms. Trauth's concern by quoting the document as saying, "A hybrid board mean[s] that some members of the Board would be elected by the membership, and some members of the Board would be appointed by the Board as recommended by the Leadership Advisory Council."

Ms. Landry expressed concern about the possibility of being unable to attend CLARB's Annual Meeting. She read from Attachment I.3.2 which states that, "There shall be no voting by proxy. Voting by written ballot is permitted only for the election of officers of the Board of Directors and for members of the Leadership Advisory Council" and suggested proposing an amendment to CLARB's Bylaws to allow for technology-based participation for voting on the Bylaws. Mr. Bowden suggested contacting the President of CLARB, Christine Anderson, to address the Committee's concerns. Ms. Trauth agreed with Mr. Bowden.

Ms. Landry read from the proposed Bylaws which stated that amendments to resolutions can only be provided at CLARB meetings and re-asserted that a request be made to CLARB to provide web conferenced meeting participation. Tara Welch advised that CLARB's Bylaws do not have a provision prohibiting video conference participation, only a provision prohibiting a vote by proxy; therefore, if the delegated representative is present through a video conference, CLARB should allow the delegated representative to vote. Ms. Welch suggested reaching out to other states who might be interested in attending the Annual Meeting through a video conference.

Ms. Landry suggested that LATC send a written comment to CLARB regarding the Bylaws. Ms. Welch advised the Committee on the persons to contact regarding the Bylaws listed in Attachment I.3.5. Mr. Bowden reminded the Committee that they have seen the proposed edits of the Bylaws from previous CLARB correspondences and that today's iteration is a culmination of all the comments received by CLARB.

- **Susan Landry moved for the Committee Chair or delegated representative to draft a written comment and/or attend the Annual Meeting with the authorization to make decisions on the Committee's behalf.**

Andrew Bowden seconded the motion.

Ms. Morgan Hollingworth asked for clarification of the motion. Ms. Landry responded that regardless of whether a Committee member attends the Annual Meeting, the LATC would send a written comment.

Members Bowden, Landry, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 5-0.

- **Susan Landry moved to provide amendments to Sections 5 and 7 of the Bylaws to allow digital representation.**

David Allan Taylor, Jr. seconded the motion.

Susan Landry moved to amend the motion to allow the delegated representative to address Sections 5 and 7 of the Bylaws regarding digital representation in the written comment to be distributed to the individuals listed in Attachment I.3.5 and member boards and/or attend the Annual Meeting with the authorization to make decisions on the Committee's behalf.

David Allan Taylor, Jr. seconded the amended motion.

Members Bowden, Landry, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 5-0.

I.2. Review and Possible Action on 2018 CLARB Board of Directors and Committee on Nominations Elections Ballot

Ms. Miller referenced Attachment I.2.2 (CLARB 2018 Credentials Letter) and advised that CLARB has requested for the Credentials Letter to be submitted by September 21, 2018, which would enable a delegated representative to vote on the Committee's behalf.

- **Andrew Bowden moved to support Stan Williams for CLARB President-Elect; Karen Kiest for CLARB Vice President; Bob Gunderson for CLARB Secretary; and Edward Kinney for CLARB Committee on Nominations.**

Susan Landry seconded the motion.

Members Bowden, Landry, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 5-0.

L.* Review of Future LATC Meeting Dates

Ms. Miller advised that the next Board meeting would be held on September 12, 2018. Ms. Landry volunteered to attend this meeting to represent the LATC. In the event Ms. Landry was unavailable to attend the Board meeting, Messrs. Bowden and Taylor agreed to serve as alternates.

Due to scheduling conflict for Legal Counsel, Ms. Mayer suggested rescheduling the LATC meeting and Strategic Planning session designated to take place on November 15-16, 2018. The Committee agreed to reschedule the meeting to take place November 8-9, 2018 in Sacramento. Ms. Morgan Hollingworth requested the Committee conduct strategic planning on

November 8, 2018 and the business meeting on November 9, 2018. The Committee responded that they would consider her request.

G.* Discuss and Possible Action on LATC's Certification of Experience Form to Incorporate Proposed Amendments to California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620 (Education and Training Credits)

Ms. Miller reported that, at the May 4, 2018 LATC meeting, the Committee reviewed and approved proposed language to CCR sections 2615 and 2620. She continued that, at this meeting, the Committee directed staff to review the experience verification forms of selected states (Washington and New York) with experience-only pathways to determine the states' regulatory authority to assess the detailed experience criteria on their verification forms as well as ascertain their review procedures. Due to the additional research needed, Ms. Miller advised that amendments to CCR sections 2615 and 2620 were approved and put on hold for staff to conduct additional research regarding experience verification information. She continued that a questionnaire was sent to 10 states that have experience-only pathways and verification of experience forms to ascertain their authority and procedures for evaluating applications.

Ms. Miller referenced Attachment G.2 (Questionnaire Responses From Other States Regarding Their Experience Verification Forms Including Each State's Verification Form for Reference [New York, North Carolina, Oregon, Virginia, Washington]) and stated that, in summary, staff determined that none of the 10 states researched have statutory or regulatory authority requiring diversity in experience gained and do not specify their procedures for evaluating experience verification forms in their laws or regulations. She continued that New York is a minor exception which does have regulatory language that allows the Board to deny an application if a supervisor rates the candidate as unsatisfactory on the experience verification form. Ms. Miller further reported that the Oregon State Landscape Architects Board collaborated with CLARB to identify experience areas which correspond to the LARE. She continued that while the Oregon State Landscape Architect Board attempted to expand its regulations to include these identified experience areas, the endeavor became difficult to justify and the Board determined that the experience areas denoted on their form would provide a candidate a guide for experience obtainment.

Ms. Miller reported that staff reviewed the records of active candidates and individuals licensed after the transition from the Board of Landscape Architects (BLA) to LATC who qualify/qualified for licensure with five years of work experience and one year of education credit. She explained that staff reviewed these candidates' and licensees' examination scores, experience reported, and the enforcement records (of licensees). She referenced the examination findings in the chart on the coversheet noting that the data is for referential purposes to show the pass rates of these groups of candidates. She went on to report that staff's research yielded the most common types of experience gained from this group were preliminary drawings/drafts/designs, construction documents, planting, irrigation, and project management. Finally, Ms. Miller advised that staff reviewed licensee enforcement records and determined that there were no enforcement actions taken against the licensees who qualified for licensure with one year of education credit and five years of experience. She asked the Committee to consider the data along with the proposed Certification of Experience form and the previously approved amendments to CCR section 2620

and take possible action to determine whether amendments are needed to section 2620 and/or the Certification of Experience form.

Ms. Trauth expressed her desire to advocate that CLARB implement a landscape architecture internship program; Mr. Truscott agreed. Ms. Trauth also suggested modeling LATC's Certification of Experience form after New York's Verification of Professional Experience form and to have the supervisory certification section on a separate form. Mr. Truscott suggested including supervisory ratings on the form for the purpose of gathering data to identify trends. Mr. Bowden expressed his concern about the lack of specific training criteria listed on the form. He opined that, under the BLA, the experience-only pathway produced poor pass rates, which may have contributed to the BLA being sunset.

Mr. Bowden asked if any provisions exist that would disallow amendments to the Certification of Experience form. Ms. Welch responded that the form must reflect current regulations and that data would be required to justify any changes to the regulations. She suggested implementing the proposed changes in CCR sections 2615 and 2620 and, thereafter, collect data to review the success of candidates entering licensure via these new pathways. She added that, in three to four years, enough data may be collected that could be used to justify the necessity of possible amendments to CCR section 2620 and/or the form.

Ms. Trauth inquired about incorporating New York's experience verification criteria into LATC's Certification of Experience form. Ms. Welch responded that the LATC must have the authority to request ratings information contained in New York's Verification of Professional Experience form. Ms. Trauth asked if LATC could utilize the Board's experience verification form. Ms. Welch responded that the Board has an internship program through the National Council of Architectural Registration Boards; therefore, the Board's Experience Verification Form is not applicable to the LATC.

Mr. Taylor asked whether information could be listed on the Certification of Experience form with an asterisk citing examples of desired experience. Ms. Welch cautioned that an asterisk could appear as a list of requirements and suggested including an informational page listing desired experience. She advised that the form should reference examination content areas delineated in the OA's for the CSE and LARE. Mr. Bowden suggested approving the Certification of Experience form and reviewing it after data is collected on the success of candidates entering licensure via the new pathways in three to four years.

- **Andrew Bowden moved to approve the proposed amendments to the Certification of Experience form.**

Marq Truscott seconded the motion.

Andrew Bowden moved to amend the motion to approve the proposed language of CCR sections 2615 and 2620 along with the proposed amendments to the Certification of Experience form.

Marq Truscott seconded the amended motion.

Ms. Morgan Hollingworth commented that the LATC should reference CLARB's Employment Verification Form and inquired about LATC's use of CLARB's Council Records. Kourtney Nation responded that when LATC receives a candidate's Council Record, staff compare the information against LATC's records for verification.

With regard to Mr. Taylor inquiring about listing examples of desired experience on the Certification of Experience form, Ms. Welch asked whether the Committee would like to direct staff to amend the Certification of Experience form to include a separate information page. The Committee agreed for staff to create an information page to be associated with the form.

Members Bowden, Landry, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 5-0.

H.* Discuss and Possible Action on CCR, Title 16, Division 26, Article 1, Section 2620.5 (Requirements of an Approved Extension Certificate Program)

Ms. Miller introduced this Agenda item with a brief reporting of its history of review by the LATC. Ms. Miller began that in 2009, the Landscape Architectural Accreditation Board (LAAB) implemented changes to its accreditation standards which the Committee used as a basis for proposed amendments to CCR section 2620.5 (Requirements for an Approved Extension Certificate Program) which were approved at the December 15, 2010 Board meeting. She also reported that, in June 2012, with the assistance of the University of California (UC) Extension Certificate Program Task Force, the rulemaking file to amend section 2620.5 was submitted to OAL and, thereafter, in July 2013, OAL issued a "Decision of Disapproval of Regulatory Action," citing deficiencies in the rulemaking file relating to the necessity standard and lack of justification of Government Code section 11349.1. She continue that, thereafter, at the August 20, 2013 LATC meeting, the Committee voted to: 1) not pursue a resubmission of the rulemaking file for CCR section 2620.5 to OAL; 2) have staff analyze the proposed modification to CCR section 2620.5 and attempt to provide sufficient justification for each proposed change that would meet OAL standards; and 3) submit a new rulemaking file to OAL once sufficient justification for the proposed changes have been developed.

Ms. Miller reported that, subsequent to the August 2013 LATC meeting, staff consulted with DCA Legal Counsel and Chair of the UC Extension Certificate Program Task Force to identify the best approach to resubmit the rulemaking file, which revealed the need for regulations that address: 1) the application process; 2) annual reporting requirements; 3) denial, suspension, and withdrawal of approval; and 4) appealing denial, suspension, and withdrawal of approval actions. She continued that staff developed additional proposed language, CCR sections 2620.2, 2620.3, and 2620.4, to address the application and approval processes and new proposed amendments were made to CCR section 2620.5. Ms. Miller advised that the new proposed language was submitted to the Committee in February 2015, which resulted in a new working group to review the language; however, in March 2016, LAAB released updated accreditation standards, making significant, expansive changes to curriculum requirements.

At the January 17, 2017 LATC meeting, Ms. Miller reported that proposed language was presented to the Committee that reflected the updated accreditation standards and, thereafter, a subcommittee was formed at the April 18, 2017 LATC meeting. She continued that, due to

competing priorities at that time, staff focus was redirected due to other Strategic Plan priorities and a subcommittee was not formed in 2017. Ms. Miller advised that, since the halt of the subcommittee, LATC learned that UC Berkley's Extension Certificate Program is anticipated to close in Fall 2019 and is currently no longer accepting new students. Ms. Miller asked the Committee to consider the information provided in Attachment H.1 (Proposed Language to Amend CCR Section 2620.5 Disapproved by OAL in July 2013), Attachment H.3 (Proposed Language to Add CCR Sections 2620.2, 2620.3, and 2620.4 Provided to LATC on February 10, 2015), and Attachment H.5 (Amendments to CCR Section 2620.5 that Incorporate the 2016 LAAB Standards Provided to LATC on January 17, 2017 and April 18, 2017) and determine how to proceed. She added that public comment was received and has been provided as a handout.

Mr. Bowden expressed a possible conflict of interest due to his membership as the Chair on the UC Los Angeles Landscape Architecture Guidance Committee and recused himself from the discussion.

Due to the change in number of Extension Certificate Programs, Ms. Welch suggested gathering information from the public and proposing amendments to the current version of the regulation. A member of the public, Michael Watts, asked if the Education/Experience Subcommittee (Subcommittee) would review the information. Ms. Trauth responded that the Subcommittee was created to address the new pathways proposed in CCR section 2620; therefore, a new subcommittee would be formed to address possible revisions to CCR section 2620.5. Mr. Truscott opined that LATC should not certify programs and suggested advocating for LAAB to certify the programs.

Ms. Trauth read from Attachment H.6 (UCLA Extension Program Directors' March 15, 2017 Letter) provided by Program Director of UCLA's Landscape Architecture Extension Program, Stephanie Landregan, which states that, "At present, California is the only state providing this alternative educational path, addressing adult learners, and providing an evening alternative to working adults," and expressed her own support of the program.

Due to the urgency to review the Extension Certificate Program, Mr. Truscott asked if the Program is in legal jeopardy. Ms. Welch responded, "no." Mr. Watts opined that the ability of a program to self-certify makes the program more viable and noted that the Extension Certificate Program receives more education credit than an associate degree in landscape architecture.

Ms. Welch stated that the discussion should consist of the benefits of the Program against the benefits of other LAAB accredited programs, and whether the Program could be accredited by a private entity through a contract with the Board. Ms. Lima asked about the cause for reviewing the Extension Certificate Programs. Ms. Trauth responded that a review is required every six years and that the LATC is attempting to follow LAAB's accreditation standards. Ms. Trauth expressed her desire for the Extension Certificate Programs and community college programs to self-certify. Mr. Truscott recommended that LATC request LAAB to consider certifying the Extension Certificate Programs, four-year programs, and community college programs, and for LATC staff to research appropriate private entities to conduct certification of the Extension Certificate Programs.

Mr. Watts asked if Mr. Truscott's recommendation included private colleges and state colleges. Mr. Truscott responded, "yes." Ms. Morgan Hollingworth commented that most schools will not provide financial aid without state certification.

Mr. Truscott amended his prior recommendation to research and correspond with LAAB to certify the Extension Certificate Programs, four-year programs, and community college programs before submitting a formal request. Mr. Taylor agreed.

J.* Discuss and Possible Action on 2017-2018 Strategic Plan Objectives to:

J.1. Revisit Development of the Annual Enforcement Report Using the Board as a Model to Assess the Effectiveness of Consumer Protection Efforts

Stacy Townsend reported that, as part of its 2017-2018 Strategic Plan, the LATC has an objective to "Revisit development of the annual enforcement report using the Board as a model to assess the effectiveness of consumer protection." She continued that, in past years, staff presented the annual enforcement statistics to the Committee via a table displaying data from the past five fiscal years (FY) as well as graphics that displayed data related to the source of complaints, complaint aging comparisons, and comparisons of pending complaints. She stated that, in order to fulfill the Strategic Plan objective, staff is proposing to transition its statistical reporting of annual enforcement statistics to match the Board's formatting. She advised that the new format is attached to the Enforcement Program Report in the meeting packet and includes tables and graphs with the following information: 1) types of complaints received by the LATC during the current FY; 2) comparison of complaints received, closed, and pending by FY; 3) comparison of the age of pending complaints by FY; 4) summary of closed complaints by FY; 5) summary of disciplinary and enforcement actions by FY; and 6) most common violations of the Act and LATC regulations that resulted in enforcement action during the current and previous two FYs.

Ms. Townsend stated that, at today's meeting, the Committee is asked to review the proposed Enforcement Program Report and take possible action in determining whether the information provided fulfills this Strategic Plan objective. Ms. Trauth asked if the presented format of statistical data is the same used by the Board. Ms. Townsend responded, "yes." Ms. Miller clarified that the information provided is an update on the enforcement program statistics; however, the statistics are portrayed in the new format per the Strategic Plan objective.

Mr. Bowden inquired about the large increase in complaints. Ms. Townsend responded that the increase is due to opening cases when candidates disclose that they had a conviction. Ms. Mayer stated that, although cases have always been reviewed when a conviction is disclosed, this review is now tracked by the opening of cases. In reference to the Closure of Complaints by FY chart, Ms. Landry inquired about the 19 complaints for the "No Violation" category. Ms. Townsend responded that those cases were not substantially related to the scope of licensure for landscape architecture and/or not in violation of the Practice Act.

- **Susan Landry moved to approve the new format of the Enforcement Program Report to meet the Strategic Plan objective.**

David Allan Taylor, Jr. seconded the motion.

Members Bowden, Landry, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 5-0.

J.2. Review Data Respective to Unlicensed Activity and Licensee Violations to Identify if Trends Exist in Order to Shape Consumer Education and Enhance Enforcement Efforts

Ms. Townsend reported that, as part of its 2017-2018 Strategic Plan, the LATC has an objective to “Collect and review data respective to unlicensed activity and licensee violations to identify if trends exist (in such areas as how unlicensed activity was identified, who reported the allegation, and the matters which lead to an investigation) in order to shape consumer education and enhance enforcement efforts.” She continued that, in an effort to address this Strategic Plan objective, LATC enforcement staff collected and analyzed enforcement data for the previous four FYs, FY 14/15 through FY 17/18. She advised that, during that time, LATC received 76 practice-related complaints and, of these complaints, 50 were for unlicensed individuals, and 26 complaints were against licensees, which included 10 settlement reports.

In reference to the attachment, Ms. Townsend reported that data was collected and divided into three categories based on the type of complaint: 1) complaints against licensees, 2) settlements against licensees, and, 3) complaints alleging unlicensed activity. She asked the Committee to discuss the information provided and take possible action.

Regarding the 43 complaints against unlicensed individuals that have been fully investigated, Ms. Trauth inquired about the follow-up action taken by the LATC. Ms. Townsend responded that, upon research, 16 individuals were found to be licensed landscape contractors. With regard to follow-up, she continued that LATC works with the subject of a complaint to gain compliance with the law and, upon demonstration of corrective action, an additional letter is sent acknowledging the corrective action and the case is closed.

Ms. Landry opined that a landscape architect’s license number should be required to be displayed on advertisements. Ms. Mayer advised that requiring the display of a landscape architect’s license number on advertisements would require the adoption of a regulation. Ms. Landry stated that most social media websites incorrectly allow their users to use the term “landscape architect.” As an example, Ms. Mayer stated that Linked In does not have a landscape designer category whereby its users, by default, select landscape architect as their profession. She suggested contacting websites to advocate for the inclusion of professions and verifying licenses before allowing their users to select protected professions.

As an aside, Ms. Morgan Hollingworth inquired about the Consumer’s Guide. Ms. Mayer responded that the Guide has been approved; however, due to transitioning to the new website, address links need to be updated to reflect the new website.

(See additional discussion and motion continued after Agenda Item J.3.)

J.3. Research the Possibility of Enhancing the Statutory Written Contract Requirement to Include a Consumer Notification to Enhance Consumer Education

Ms. Miller reported that the Strategic Plan contains an objective to “Research the possibility of enhancing the statutory written contract requirement to include a consumer notification to enhance consumer education” in which proposed language to amend Business and Professions Code (BPC) section 5536.22 was approved by the Board at its December 15, 2016 meeting. She continued that the proposed language was submitted to the Senate Business, Professions and Economic Development (BP&ED) Committee on October 27, 2017, for inclusion in the Committee’s 2018 Omnibus bill; however, BP&ED suggested that the proposed language be presented to the Legislature for consideration via the “New Issues” section of the Sunset Review Report. Ms. Miller stated that LATC staff reviewed the Board’s amendments and attempted to incorporate amendments pertinent to LATC’s written contract requirements delineated in BPC section 5616 (Landscape Architecture Contract – Contents, Notice Requirements) and that the proposed amendments are shown in Attachment J.3.1 (Proposed Language to Amend Business and Professions Code Section 5616), which will be included for the Legislature’s consideration via the “New Issues” section of the Sunset Review Report. She asked the Committee to review and discuss the proposed amendments to BPC section 5616 and take possible action.

Ms. Landry commented that the section does not specify who owns the land nor who has the legal right to improve the property. Messrs. Bowden, Taylor, and Truscott concurred that the written contract language should not be expanded to address these proposed provisions. Ms. Mayer advised that LATC would have to demonstrate the necessity for Ms. Landry’s proposed language by establishing the existence of a problem and justification. Ms. Welch reminded the Committee that, as a consumer protection agency, provisions must be developed to protect the consumer and the areas suggested were more of a license/profession issue.

- **Andrew Bowden moved to approve the proposed language to amend BPC section 5616.**

Susan Landry seconded the motion.

Mr. Watts inquired about the availability of a sample contract with the new language. Mr. Bowden responded that LATC does not provide sample contracts and that the American Society of Landscape Architects may be able to accommodate his request.

Members Bowden, Landry, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 5-0.

J.2. Review Data Respective to Unlicensed Activity and Licensee Violations to Identify if Trends Exist in Order to Shape Consumer Education and Enhance Enforcement Efforts *(Continued)*

Due to the amount of complaints regarding website advertising, Ms. Mayer suggested that the Committee direct staff to research whether LinkedIn can add a landscape designer option as a professional vocation. Ms. Welch advised that the LATC could send a request.

- **Marq Truscott moved to request social media platforms to add a landscape designer option as a professional vocation.**

David Allan Taylor, Jr. seconded the motion.

Members Bowden, Landry, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 5-0.

K.* Discuss and Possible Action on LATC's 2018 Sunset Review Report and Member Administrative Procedure Manual

Ms. Miller reported that the Sunset Review Report is due to the Legislature on December 1, 2018. She continued that, using the 2017 Report template, a draft of LATC's Report was reviewed by the LATC during its meeting on May 4, 2018 and, thereafter, was presented to the Board's Executive Committee during its meeting on May 16, 2018. She added that, subsequently, the draft Report was presented to the Board at its meeting on June 13, 2018.

Ms. Miller reported that the 2018 Sunset Review Report template was released on June 29, 2018 and, accordingly, staff has transposed the draft responses made to the 2017 Report to the 2018 Report template. She continued that the 2018 template included three new questions (all in Section 4) not previously presented to the LATC and that the LATC is asked to review the draft Report and take possible action to recommend to the Board approval of LATC's Report. Ms. Miller added that the LATC is asked to appoint a two-person working group for review of the updated Member Administrative Procedure Manual to be included in Section 12 of the report, which was last updated in 2001.

Mr. Bowden asked whether all of the tables in the Report are complete. Ms. Miller responded that, due to the DCA Budget Office finalizing fiscal year-end figures, some budget information is not included. Ms. Mayer commented that final figures were received on July 19, 2018 and are under review.

- **Marq Truscott moved to approve the draft Sunset Review Report and delegate authority to the working group and EO to make minor technical or non-substantive changes to the Report, if needed.**

David Allan Taylor, Jr. seconded the motion.

Members Bowden, Landry, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 5-0.

- **Marq Truscott moved to direct staff to prepare the update to the Member Administrative Procedure Manual using the Board's manual as a model, and delegated authority to staff and the EO to make minor technical or non-substantive changes to the language, if needed.**

David Allan Taylor, Jr. seconded the motion.

Members Bowden, Landry, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 5-0.

M.* Adjournment

The meeting adjourned at 3:37 p.m.

**Agenda items for this meeting were taken out of order to allow ample time to discuss Agenda Item I. The order of business conducted herein follows the transaction of business.*