



## Draft Minutes

### CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee

February 5, 2020  
Chula Vista

#### **Landscape Architects Technical Committee (LATC) Members Present**

Marq Truscott, Chair  
Jon S. Wreschinsky, Vice Chair  
Andrew C. N. Bowden  
Patricia M. Trauth

#### **LATC Member Absent**

Susan M. Landry

#### **California Architects Board (Board) Member Present**

Tian Feng, LATC Liaison, Board President

#### **Staff Present**

Laura Zuniga, Executive Officer (EO)  
Vickie Mayer, Assistant EO  
Trish Rodriguez, Program Manager  
Tara Welch, Attorney III, Department of Consumer Affairs (DCA)  
Ryan Greenlaw, Attorney III, DCA  
Cheri Gyuro, Public Information Officer, DCA  
Stacy Townsend, Enforcement Analyst  
Blake Clark, Licensing Coordinator  
Mike Sanchez, Television Specialist, DCA

#### **Guests Present**

David Clarke, Association of Professional Landscape Designers  
Joy Lyndes, California Chapter American Society of Landscape Architects

### **A. CALL TO ORDER – ROLL CALL – ESTABLISHMENT OF A QUORUM**

LATC Chair, Marq Truscott called the meeting to order at 10:00 a.m. and Vice Chair Jon S. Wreschinsky called roll. Four members of the LATC were present, thus a quorum was established.

## **B. CHAIR'S PROCEDURAL REMARKS AND LATC MEMBER INTRODUCTORY COMMENTS**

Mr. Truscott announced that a voluntary sign-in sheet was located near the entrance to the meeting room, and if attendees were to sign in, they would be recorded in the official minutes of the meeting. He advised on the voting requirements and stated that all motions and seconds would be repeated for the record and votes will be taken by rollcall. Mr. Truscott stated the Committee would be recessing at approximately 11:45 a.m. for a lunch break.

## **C. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Mr. Truscott invited members of the audience to address the Committee, stating that their comments would be recorded in the official minutes. There were no comments from the public.

## **D. UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS (DCA)**

Trish Rodriguez presented a written update from the DCA dated February 3, 2020 which covered the December 16, 2019 Directors Quarterly Meeting held by DCA Director Kimberly Kirchmeyer; the recently created DCA Legal Office Regulations Unit and future implementation of the Cherwell data system that will track regulation submissions; an upcoming DCA Budget Office and Office of Information Services project to combine Fi\$Cal data and budget information in DCA's Quality Business Interactive Reporting Tool (QBIRT) system to create new reports; upcoming board member orientation trainings; Form 700 filings due by April 1, 2020; and current activity of the DCA Organizational Improvement Office including the Review of DCA's Centralized Services, and the Business Analytics projects.

## **G.\* PRESENTATION ON SOUTHWESTERN COLLEGE**

Mr. Truscott introduced Landscape Architecture & Nursery Technology Program Chair, Mark Valen. Mr. Valen welcomed the Committee to the Southwestern College campus and gave a detailed overview of Southwestern's Landscape Architecture & Nursery Technology Program. He announced that a recent bond measure will allow the school to upgrade its classroom facilities as well as the surrounding four acres within the next two years. He explained that the program educates students ranging from current industry professionals to students right out of high school. Mr. Valen then invited meeting attendees to visit the school's public garden which was designed, built, and maintained by students. He explained that the program is offered mainly on weeknights and weekends to accommodate student needs. Mr. Wreschinsky questioned the makeup of the program's faculty. Mr. Valen responded that the program is in process of maintaining two full-time tenured faculty with nine part-time adjunct faculty. He added that the current program average is estimated to be 150 distinct students and explained that enrollment can be counted in different ways. Mr. Valen continued that courses are offered for six different degree pathways, and in response to a changing industry the

program is in the process of changing the current six-degree structure to two degrees with specialties in irrigation, floral design, retail nursery, plant production, and sports turf management. Patricia Trauth questioned how many of the program's students continue on to four-year programs. Mr. Valen responded that the number is difficult to track, but estimated that approximately 30 percent of students are transfers, and the remaining 70 percent attend the program with the intention of gaining specialty skills to enhance their careers rather than transferring to a four-year program. He added that almost all students who begin the program with the intention of transferring to a four-year program do so within two years and that the program has transfer agreements with four-year programs.

#### **E. REVIEW AND POSSIBLE ACTION ON NOVEMBER 8, 2019 LATC MEETING MINUTES**

Mr. Truscott requested that the last sentence of the first paragraph on page two of the November meeting minutes be revised to read "Mr. Truscott will continue to attend the MWELo meetings on behalf of the LATC." He also requested that his name be corrected on page eleven.

Mr. Wreschinsky questioned if the Office of Professional Examination Services (OPES) is expected to provide a presentation to the LATC in May on the upcoming linkage study. Ms. Rodriguez confirmed that OPES is still on track to provide the presentation during the May meeting planned at the University of California, Davis (UC Davis).

Mr. Wreschinsky inquired if the legislative proposal to require half of all board members to consist of women had become law. Laura Zuniga confirmed that it did not become law. Mr. Wreschinsky followed up from the November meeting discussion and asked if the LATC will coordinate a Qualified Stormwater Pollution Prevention Plan Developer (QSD) certification presentation in the future. Ms. Rodriguez confirmed that a representative was not available to provide a presentation at the current meeting and that staff are working to schedule a presentation for the May LATC meeting.

- **Andrew C. N. Bowden moved to approve the November 8, 2019 LATC Meeting Minutes with the specified three corrections.**

**Jon S. Wreschinsky seconded the motion.**

There were no comments from the public.

**Members Bowden, Trauth, Wreschinsky, and Chair Truscott voted in favor of the motion. Member Landry was absent. The motion passed 4-0.**

#### **F. PROGRAM MANAGER'S REPORT - UPDATE ON LATC'S ADMINISTRATIVE/ MANAGEMENT, EXAMINATION, LICENSING, AND ENFORCEMENT PROGRAMS**

Ms. Rodriguez reminded the Committee that the EO Report is now prepared quarterly, prior to each Board meeting. She explained that the most recent report included in the meeting materials was presented in the November meeting packet but includes updated LATC examination and enforcement data. She informed the Committee that she plans to email the upcoming EO Report to the members when available.

Mr. Wreschinsky suggested incorporating links to the minutes of each meeting mentioned within the EO Reports. He asked if the Business Modernization Plan outlined in the provided EO Report will allow LATC and Council of Landscape Architectural Registration Boards (CLARB) systems to communicate and exchange information. Ms. Rodriguez and Zuniga confirmed that staff are exploring options to build interfaces with different systems.

## **H. DISCUSS AND POSSIBLE ACTION ON 2019-2021 STRATEGIC PLAN OBJECTIVES TO:**

### **1. Develop an Online Tutorial to Clarify the Licensure Process for Candidates**

Ms. Rodriguez introduced DCA Public Information Officer Cheri Gyuro and announced that Ms. Gyuro would provide an overview of the video tutorials created by staff to meet the LATC objective to develop an online tutorial to clarify the licensure process for candidates. Ms. Gyuro explained that staff requested her assistance with producing a tutorial to help guide candidates through the licensure process. She added that three separate videos were produced under the guidance of LATC staff covering the examination requirements and application process, education and training experience, and the initial license application process. Ms. Gyuro then presented the video tutorials to the LATC members and meeting attendees.

After viewing the videos, Mr. Bowden stated that the proposed changes to the current education and training requirements should be addressed within the tutorials. Tara Welch clarified that the proposed regulatory changes are not in effect and that the proposal is still under DCA review for submission to the Office of Administrative Law (OAL) for review and hopeful approval. Ms. Trauth inquired about the status of the proposed changes to expand pathways to licensure. Ms. Welch explained that the DCA Budget and Legal Affairs Offices must prioritize review of regulatory packages related to Assembly Bill (AB) 2138 and sunset review. She added that the package for expanded pathways is currently under review by DCA Legal Affairs and the Budget Office. Ms. Trauth asked for a status report indicating where the current LATC regulatory packages are in the overall review process. Ms. Zuniga confirmed that an update could be provided to the members following the meeting and possibly included as an item on a future meeting agenda.

Tian Feng complimented Ms. Gyuro on the quality of the videos and suggested that the California Architects Board (Board) emulate the idea. He then asked if CLARB approves candidates to take the Landscape Architect Registration Examination (LARE). Ms. Rodriguez clarified that some jurisdictions, such as California, require pre-approval

and others allow candidates to apply directly to CLARB. Mr. Feng questioned if candidates must provide the same documentation to both CLARB and LATC in order to take the LARE. Ms. Rodriguez responded that candidates may submit transcripts and work experience to CLARB to establish a Council Record and the LATC would accept Council Records from CLARB; however, she added that CLARB will not accept documentation from LATC. Mr. Wreschinsky asked if candidates must apply with CLARB in order to take the LARE. Ms. Rodriguez explained that candidates must obtain approval from LATC to take the LARE and then register through CLARB. She added that a benefit to applying directly to LATC prior to establishing a CLARB Council Record is that candidates who do not already meet California's eligibility requirements are notified by LATC and may then earn the appropriate education and/or training experience prior to paying the fees associated with establishing a Council Record. Mr. Truscott clarified that once an applicant creates a CLARB Council Record annual fees are required to maintain it. He added that candidates are only required to pay Council Record fees while they are taking the LARE. Ms. Trauth recommended adding further clarification to the video tutorials to better explain the process candidates must follow to apply for exam approval through LATC and LARE registration through CLARB. Ms. Gyuro noted that she could work with LATC staff to rewrite the script.

Mr. Wreschinsky commented that the videos are concise and include helpful references. Mr. Bowden opined that the scene with shoveling gravel could be misconstrued with landscape contractors rather than landscape architects. Mr. Truscott praised the use of LATC's website within the videos to assist viewers when navigating through the website. He suggested including additional office and studio images since landscape architects spend most of their day in a professional environment. Mr. Truscott also noted that since the videos are geared for emerging professionals, the actors should be more representative of the current diversity of students and applicants. Ms. Gyuro explained that sourcing actors is difficult because DCA is unable to pay them. Mr. Truscott offered to work with local professionals to assist with locating emerging professionals or students in the Sacramento area to participate in the videos. Mr. Feng added that landscape architects help clients envision a broad view of the environment and recommended including scenes that depict landscape architects consulting with owners and agencies to envision the built environment. Joy Lyndes suggested adding a visual or flow chart to help clarify when candidates should engage with CLARB and LATC.

Ms. Trauth asked if the proposal to amend the current education and training requirements could be posted to the LATC website. Ms. Welch confirmed that the current proposal is already posted as part of the LATC meeting materials and that the public comment period will be announced in the future along with the Notice of Proposed Regulatory Action. She advised against posting an additional announcement because a possible approval date is unknown. Ms. Gyuro closed by stating that she would incorporate the Committee's feedback and return with the updated tutorials at a future LATC meeting.

## **2. Educate the Different Jurisdictional Agencies (State and Local) About Landscape Architecture Licensure and Its Regulatory Scope of Practice to Allow Licensees to Perform Duties Prescribed Within the Regulations**

Ms. Rodriguez explained that in line with this Strategic Plan objective, staff prepared a letter to the local jurisdictions educating them on the regulatory scope of practice and duties landscape architects are able to perform. She further stated that in working with DCA's Legal Counsel, LATC did not have the authority to send such a letter due to not having jurisdiction over local government agencies. It was later identified that the Board's *Building Official Information Guide (Guide)* contains a section on landscape architects, which could include language clarifying what services a landscape architect may provide. Ms. Rodriguez provided that additional language to the landscape architect's section within the *Guide* was being proposed for the Committee to review and provide input.

Ms. Rodriguez proposed adding language to Business and Professions Code (BPC) section 5659 (Inclusion of License Number – Requirement) to read: "Plans and specifications shall not be rejected from filing with a local jurisdiction solely on the grounds of the presence of a stamp of a licensed landscape architect, as specified under this section.", as a second means of meeting the Strategic Plan objective, and, if they agree with the language, to recommend to the Board for approval. Ms. Rodriguez clarified that action is only being requested for the proposed language to BPC section 5659. She further requested from the Committee to inform staff if the proposed language to the *Guide* and BPC section 5659 will satisfy the objective to educate local jurisdictions.

Mr. Truscott reiterated staff findings are that LATC should not advocate or market for landscape architects to do business, but rather to ensure that regulations are in place to allow for landscape architects to do business. Ms. Welch agreed that LATC can educate local jurisdictions about state law and cautioned LATC about overarching statements beyond what statutes provide. She further explained that if LATC is attempting to address a concern at a local level, then LATC needs to ensure that there is statutory authority or protection under the statutes for the situation that is trying to be resolved. Ms. Welch perceived that the proposal to add language to BPC section 5659 would provide LATC with the statutory authority and protection. She continued that this language would assist with landscape architect stamps not being accepted by local jurisdictions for a service landscape architects are licensed to provide.

Mr. Wreschinsky inquired on the status of the publication of the *Guide*. Ms. Zuniga confirmed that the *Guide* is final and in circulation to a number of local jurisdictions and is also available online. Mr. Bowden questioned if the Board received any comments from building officials, to which Ms. Zuniga answered that she believed there were a couple of questions that were addressed by the Board's architect consultant but did not recall the nature. She further offered to research the questions received and summarize them for the Committee.

Ms. Welch requested confirmation that the *Guide* was created for use by potential inspectors at building sites and that, potentially, the ability to file landscape documentation with local county recorders would be for a different audience. Ms. Welch further questioned if the building officials, for whom the *Guide* is intended, are also the county recorders that would, or would not, accept the documentation. Ms. Townsend confirmed that the building officials are responsible for accepting the documentation. Ms. Trauth inquired on distribution of the *Guide* and Ms. Zuniga responded that there was a mailing list of local jurisdictions prepared by the architect consultants. Ms. Trauth also inquired whether a person could take the *Guide* to a building official to inform them that they are able to design a specific project; Ms. Zuniga answered that the *Guide* is available online. Mr. Truscott suggested including public works departments, and Ms. Trauth suggested including development services. Ms. Rodriguez requested some guidance from the Committee members on which local entities landscape architects submit their work to in order to distribute the *Guide* to all appropriate audiences. Mr. Truscott appointed Ms. Trauth to assist staff with researching the agencies to provide the *Guide*.

Ms. Welch informed the Committee one of the statements proposed in the *Guide* goes beyond statutory authority in an attempt to educate local jurisdictions and that local jurisdictions are allowed to have ordinances to protect the public if they have identified a situation in which they will only accept plans prepared by certain licensed professionals and not others.

Mr. Bowden reiterated that the problem has been that local jurisdictions are not accepting the stamps of landscape architects on projects and requiring the stamp of a civil engineer or architect without project involvement. Ms. Welch agreed there is an authority issue; however, LATC does not have the authority to require local jurisdictions to accept the stamp of a landscape architect. She stated it would be the landscape architect to make that argument, not LATC. Ms. Welch informed the Committee they could recommend amendments to the statutes to inform local jurisdictions that they cannot reject documents prepared by a licensed landscape architect solely because they are not a different licensed professional.

Mr. Wreschinsky provided an additional example in which a local jurisdiction would not accept a landscape architect's stamp and required all drainage and grading plans to be prepared by a civil engineer. He went on to say that the local jurisdiction was approached and provided the statutes explaining that landscape architects were able to provide drainage and grading plans in which they agreed and changed their policy to accept those documents from landscape architects. Mr. Wreschinsky inquired how to settle conflict between different regulations. Ms. Welch explained that she has not been able to identify a conflict in which there is prohibition of accepting documents signed and stamped by a landscape architect and advised that LATC could educate and inform that landscape architects are allowed to sign and stamp certain design documents but did not have authority to enforce acceptance by local jurisdictions.

Mr. Truscott turned the Committee's attention to the proposed language to BPC section 5659 where they were asked to review the proposed language and make a recommendation to the Board. Ms. Welch questioned the Committee on whether the proposed added language was inclusive enough and whether the language should include "reports." Mr. Truscott affirmed, on occasion, landscape architects need to submit reports, such as for the Model Water Efficient Landscape Ordinance. Ms. Welch suggested adding "other instruments of service" to the proposed language to encompass all types of documents landscape architects may submit to local jurisdictions. The Committee agreed with amending the language to include that statement.

Mr. Wreschinsky referred back to the *Guide*, in which he noticed that architects are referenced throughout and inquired on whether landscape architects could be referenced, in addition to architects, where appropriate. Ms. Zuniga requested that Mr. Wreschinsky send his suggestions to her so that she may review them and discuss with Mr. Feng. Mr. Feng agreed that a discussion would need to be had on whether to include landscape architects in appropriate sections of the *Guide* due to redundancy. Mr. Bowden clarified that the suggestion would be to have the *Guide* include "architect/landscape architect" on questions that pertain to both architects and landscape architects. Mr. Truscott stated that he expects the *Guide* to come back to LATC for review.

Ms. Welch further suggested adding the word "Such" at the beginning of the proposed language to BPC section 5659 so it reads, "Such plans, specifications, and other instruments of service shall not be rejected from filing with a local jurisdiction solely on the grounds of the presence of a stamp of a landscape architect, as specified under this section."

- **Andrew C.N. Bowden moved to accept the proposed language with the suggested edits discussed and to recommend to the Board.**

**Patricia M. Trauth seconded the motion.**

There were no comments from the public.

**Members Bowden, Trauth, Wreschinsky, and Chair Truscott voted in favor of the motion. Member Landry was absent. The motion passed 4-0.**

### **3. Research Regulations Governing Allied Professionals to Better Understand Their Scope of Practice as it Relates to Landscape Architecture**

Ms. Rodriguez explained that staff researched the regulations of allied professionals to assist with the previous agenda item in addition to the *Permitted Practices* document currently available on LATC's website. She further explained that the *Scope of Practices of Allied Professionals* attachment is included in the meeting materials to demonstrate the Strategic Plan objective has been completed as far as researching the scope of practice regulations of allied professionals and that no action is required.



**I. REVIEW AND POSSIBLE ACTION ON PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2611 ABANDONMENT OF APPLICATION**

Ms. Rodriguez presented that while updating LATC's retention schedule, the definition for "abandonment of application" required clarification. She continued that in reviewing the CCR it was necessary to update CCR sections 2611 (Abandonment of Application) and 2616 (Application for Licensure Following Examination) and add 2611.5 (Retention of Candidate Files).

Mr. Wreschinsky requested clarification on section 2611 and whether the application for licensure is considered abandoned one year after the date of the letter and would it be exactly one year for the candidate to provide all necessary information. He further questioned on how LATC would proceed if a candidate were to request an extension to retain their application active. Ms. Townsend explained that section 2620(d) (Education and Training Credits) allows an extension for LARE candidates only. Mr. Wreschinsky expressed concern for a candidate to be able to request an extension and that the LATC would be able to grant the extension. Ms. Rodriguez explained that current practice is to notify the LARE candidate and if the candidate does not respond, then the file would be purged.

Mr. Greenlaw explained that if LATC wanted to grant extensions in terms of application abandonment then language would need to be added to allow for extensions. However, he continued that there is language that allows for an extension in terms of the entire candidate file. Ms. Welch explained that the regulation in question, in which there is no language for extensions, is for the abandonment of an application, where it is believed that the candidate has walked away.

Mr. Bowden inquired if the proposed language is addressing an existing problem. Mr. Greenlaw explained that in terms of the regulation there were omissions regarding the duration in which records should be maintained. He gave an example in which section 2611 provides for abandonment of an application for licensure and for the California Supplemental Examination (CSE) but not for the LARE. Mr. Greenlaw identified the other issue as being how long LATC should maintain a candidate file containing all materials accumulated throughout the landscape architect licensure process. He pointed out that there is language at the end of section 2620 which states, "the Board shall retain inactive applications for a five-year period" and "thereafter, the Board shall purge these records unless otherwise notified by the candidate." Mr. Greenlaw explained that is the only language in the Act in terms of LATC's authority to purge candidate files and the language does not specify what the inactive applications are for; however, since section 2620 refers to training and education credits to take the LARE, there is an argument to be made that the language is referring only to the application to take the LARE as opposed to the CSE. Mr. Greenlaw explained that

the purpose of adding section 2611.5 would be to provide a definition of “inactive” and the determining factors.

Mr. Greenlaw continued that section 2616 needed to be updated and include the method in which candidates receive examination results. He noted that in the current technological age a better measure would be to refer to the date of when the candidates are “provided” their results rather than “mailed.”

Mr. Wreschinsky inquired, in reference to section 2611.5, the type of format in which candidate records are kept. Ms. Townsend explained that LATC records are retained in a hard paper file, which contributes to a current space issue. She continued that existing language does not define retention periods for candidate files other than for the LARE. Mr. Wreschinsky interjected that digital record storage could eliminate space issues. Mr. Truscott inquired if LATC’s recordkeeping was in line with the Board. Ms. Zuniga affirmed that the Board also maintains records in paper format, however, with Business Modernization a majority of candidate records will become digital and reduce paper files. Mr. Truscott opined that it would still be best practice to purge digital information as well and that there is merit to have such a regulation to provide LATC the authority for purging records.

Mr. Wreschinsky requested verification of the types of examination documents being stored, whether it is the national examination or the CSE. Ms. Townsend confirmed that LATC maintains all examination eligibility documents which apply to both the national examination and the CSE, and pursuant to the proposed language in section 2611.5(c)(1), LATC would retain candidate examination scores.

Mr. Wreschinsky requested clarification on section 2616(b)(3) and whether that subsection is referencing reciprocity. He inquired about “waiver of the examination pursuant to BPC section 5651(b).” Ms. Zuniga explained that BPC section 5651(b) allows for a waiver for candidates currently licensed by a United States jurisdiction, Canadian province, or Puerto Rico and has passed an examination equivalent to the national examination. Mr. Wreschinsky requested further clarification regarding whether a reciprocity candidate would still be required to pass the CSE, to which Ms. Rodriguez confirmed that a reciprocity candidate would still need to meet LATC’s requirements and pass the CSE. Mr. Wreschinsky inquired about California licensees seeking reciprocity in another state and providing verification of examination scores and licensure to other jurisdictions. Ms. Rodriguez confirmed that LATC verifies licensure and has provided the dates a licensee passed the national examination to the states in which they are seeking reciprocity. Mr. Bowden asked if the proposed amendments to the regulations was to address a problem. Ms. Rodriguez explained that when updating LATC’s retention schedule issues were identified. Mr. Feng inquired on how long CLARB maintains a candidate’s record. Ms. Rodriguez explained that for CLARB to retain a candidate’s record the candidate would need to maintain their CLARB membership.

- **Andrew C.N. Bowden moved to recommend to the Board to adopt the proposed amendments to CCR sections 2611 and 2616 and addition of CCR section 2611.5.**

**Jon S. Wreschinsky seconded the motion.**

There were no comments from the public.

**Members Bowden, Trauth, Wreschinsky, and Chair Truscott voted in favor of the motion. Member Landry was absent. The motion passed 4-0.**

#### **J. DISCUSS AND POSSIBLE ACTION ON 2020 LEGISLATIVE PROPOSAL FOR FINGERPRINT REQUIREMENT**

Ms. Zuniga explained that Senate Bill 608 requires the Board and LATC to begin fingerprinting candidates for licensure starting next year and it contains language that would allow the Board to require fingerprinting without adopting regulations but does not include the LATC. She added that the attached proposal will add similar language to the Landscape Architects Practice Act. Mr. Bowden inquired about the responsibility for the cost of fingerprinting. Ms. Zuniga confirmed that candidates would pay the associated costs which are estimated to be \$50-\$75. Mr. Feng questioned if each DCA board has a specific scope of investigation regarding fingerprinting. Ms. Zuniga confirmed that each board approves their own disciplinary guidelines that set the framework when reviewing fingerprint information. Mr. Bowden clarified that this requirement would apply to new licensees and would not apply to current licensees and board members. Ms. Welch asked if this item was intended to review an action that the Board has already approved. Ms. Zuniga confirmed.

#### **K. REVIEW AND POSSIBLE ACTION ON MODIFIED PROPOSED REGULATORY LANGUAGE FOR CCR, TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2655 SUBSTANTIAL RELATIONSHIP CRITERIA AND 2656 CRITERIA FOR REHABILITATION**

Ms. Welch explained that the LATC reviewed proposed regulatory changes to CCR sections 2655 and 2656 a year ago in response to a new requirement under AB 2138 which becomes effective July 1, 2020 and requires boards to establish criteria to determine whether or not a criminal conviction or professional misconduct are substantially related to the practice. She explained that the 45-day public comment period for the related LATC rulemaking package has ended, however, prior to submitting the final statement of reasons package, DCA Legal Counsel is recommending that the LATC and Board consider the attached Modified Proposed Regulatory Language. She explained that another DCA board that is further along in the review process was advised by OAL that their proposed language, which the LATC's proposal was modeled after, would be disapproved for a couple clarification problems. Ms. Welch further explained that she worked with OAL to prepare the attached Modified Proposed Regulatory Language which addresses OAL's concerns. She recommended

LATC accept the language as modified because it will comply with what the legislature intended when requiring these new provisions for substantial relationship criteria and criteria for rehabilitation. Ms. Welch then clarified that she recommends amending CCR 2655 to add reference to BPC section 5675.5 and make minor technical changes.

Mr. Wreschinsky asked if violation of the Practice Act constitutes professional misconduct. Ms. Welch confirmed and clarified that subsection (c) of the proposal to amend CCR section 2655 defines professional misconduct as any violation of the Practice Act or other state or federal laws governing the practice of landscape architecture. Mr. Wreschinsky questioned if shoplifting could be considered grounds for revocation of a license. Ms. Welch confirmed that if the Board determines that shoplifting is substantially related to landscape architecture then that act could be grounds for denial or discipline.

Mr. Truscott asked if OAL would disapprove the LATC's rulemaking package if the LATC and Board do not move forward with the recommended Modified Proposed Regulatory Language. Ms. Welch clarified that not all of the recommended changes are required to meet OAL standards. She noted that adding BPC section 5675.5 is not mandatory but the addition is proposed by DCA Legal Counsel because it corresponds with BPC sections 141 and 480 which are currently referenced in the proposal. She added that the addition is not required by OAL but is recommended to further clarify the substantial relationship criteria.

Ms. Welch further explained that CCR 2656 outlines the criteria that must be reviewed by the Board when considering whether an applicant whose license is being denied, or a licensee who is subject to discipline, has demonstrated rehabilitation such that the license could be issued or put on probation or not disciplined at all. She added that the criteria would help determine whether someone was sufficiently rehabilitated or if their discipline could be less than a harsher penalty. Ms. Welch reminded the Committee that the previous proposal was formatted in four subsections including two for denial of a license and two for discipline of a license. She explained that the modified language would further clarify this distinction by organizing the first two subsections for denial of a license under new subsection (a) and those related to discipline under new subsection (b). She added that the proposal also includes minor technical corrections and non-substantive changes to remove language determined by OAL to be unclear. Ms. Welch clarified that subsection (a)(2) was rewritten to address OAL's concerns and noted that the proposal also includes additional clarifying language throughout. She added that subsection (b)(2) was also rewritten in line with the changes proposed to (a)(2) and to preserve the Board's ability to discipline a licensee for all of the grounds specified under the Practice Act.

Mr. Wreschinsky questioned if an individual who completed a criminal probation prior to applying for, or renewing, a license would be required to report their criminal history. Ms. Welch clarified that AB 2138 limited board consideration of criminal convictions to those within seven years or other crimes that are more serious. She clarified that an individual would not have to report and could not be denied for failing to report a

criminal conviction over seven years old. Mr. Wreschinsky questioned if the application clearly states the seven-year requirement. Ms. Welch confirmed that the application will be updated to conform to AB 2138.

- **Jon S. Wreschinsky moved to accept the Modified Proposed Regulatory Language as presented and recommend to the Board adoption of the proposal.**

**Patricia M. Trauth seconded the motion.**

There were no comments from the public.

**Members Bowden, Trauth, Wreschinsky, and Chair Truscott voted in favor of the motion. Member Landry was absent. The motion passed 4-0.**

## **L. DISCUSS AND POSSIBLE ACTION ON NEW LATC LOGO**

Ms. Rodriguez explained that the LATC was presented with an opportunity to consider adopting a new logo in November, as the Board had recently adopted their new logo after working with DCA. The Committee decided to consider logos designed by DCA and possibly the LATC members and landscape architecture students. She added that staff worked with legal counsel and found that there could be copyright or trademark concerns involved with accepting student submissions. Ms. Rodriguez explained that the DCA Office of Publications, Design & Editing (PDE) developed several LATC logo options which were contained in the meeting materials. Ms. Rodriguez informed the Committee that logos are presented in black and white to not distract from the design.

Ms. Trauth noted that she likes the current logo. Mr. Bowden noted that he preferred the layout of the logo presented in attachment L.2.3 and recommended changing the style of the trees. Ms. Trauth requested additional simplified logo options. Mr. Wreschinsky agreed that the logo should be a simple design that the public would identify with landscape architecture. Ms. Trauth suggested that the stylized tree symbol used in attachment L.2.2 could be used alone to convey the same type of information as the full image. Ms. Gyuro asked if there are any specific design elements that should be represented in the logo. Mr. Bowden expressed that the logo should represent landscape architecture rather than architecture, with a focus on California. Mr. Wreschinsky agreed that it should represent California landscape and suggested incorporating an oak tree in the design. Mr. Truscott asked if the members felt that the current logo should be changed. Mr. Bowden shared that he does not particularly care for the current logo. Mr. Wreschinsky expressed that he liked the foreground of the design included in attachment L.2.12 but would prefer a different species of tree. Ms. Trauth shared that she preferred the design included in L.2.8 but reiterated that it should be simplified.

Mr. Truscott recommended providing PDE with input on two or three of the preferred designs. He noted that members had identified the designs presented in attachments

L.2.3, L.2.8, and L.2.12 as possible starting points, and noted that L.2.8 includes a piece of architecture so it is slightly different from the other two. Mr. Truscott requested input on what types of trees should be considered for the logo options. Mr. Bowden recommended an oak or California redwood. Ms. Rodriguez shared input she received from Susan Landry on the presented logo designs in which she expressed that the trees do not look natural and are very regimented. Mr. Feng added that the logo could be a more elevated vision of landscape architecture with a focus on shaping the relationship between people, the built environment, and nature. He added that it could be more abstract.

Mr. Truscott recommended for the Committee to focus on developing feedback that covers the breadth of landscape architecture and to discuss the input at the next LATC meeting to be able to provide direction to PDE.

## **M. REVIEW OF FUTURE LATC MEETING DATES**

Ms. Rodriguez announced that Ms. Landry was unable to attend the current meeting as she is now the Mayor of Campbell and had another required meeting that conflicted. She added that Ms. Landry is also unavailable on May 27, 2020 and suggested May 28 or 29 for the next LATC meeting at UC Davis.

Ms. Rodriguez announced that the Board's next meeting will be held on February 28, 2020 in Sacramento and asked if a member of the LATC would be available to attend. Ms. Rodriguez confirmed she would reach out to members before the board meeting to coordinate attendance to the board meeting.

Mr. Bowden asked if there are any travel restrictions that would prevent LATC from attending the upcoming CLARB annual meeting in New York. Ms. Zuniga confirmed that the State of California allows travel to New York. Ms. Rodriguez responded that at the beginning of the next fiscal year she will submit an out-of-state travel request for approval for the annual meeting.

Ms. Trauth asked why a legislation update was not provided at this meeting. Ms. Zuniga explained that the bill introduction deadline is at the end of February and most of the bills are not developed until the spring so an update could be on the next agenda.

Mr. Truscott added that the Committee also requested an update on the status of the current regulatory packages. Ms. Welch clarified that specific dates and actions are included in the EO report and added that perhaps it would be helpful to have an illustration of the process. She recommended checking with other DCA boards that use a simplified illustrated status report. Mr. Truscott agreed that something graphic would help communicate the process and assist members when fielding questions from licensees and candidates regarding regulatory packages.

## **N. ADJOURNMENT**

The meeting adjourned at 1:34 p.m.

*\* Agenda items for this meeting were taken out of order to accommodate presenters of items. The order of business conducted herein follows the transaction of business.*