



NOTICE OF MEETING
Landscape Architects Technical Committee

LATC MEMBERS

Jon S. Wreschinsky, Chair
Andrew C. N. Bowden
Pamela S. Brief
Susan M. Landry
Patricia M. Trauth

December 2, 2020

***Action may be
taken on any
item listed on
the agenda.***

**The Landscape Architects Technical Committee (Committee) will meet by
teleconference at**

10:00 a.m., on Wednesday, December 2, 2020

NOTE: Pursuant to Governor Gavin Newsom's Executive Order [N-29-20](#), issued on March 17, 2020, this meeting will be held by teleconference with no physical public locations.

Important Notice to the Public: The Committee will hold a public meeting via WebEx Events. To participate in the WebEx meeting, please log on to this website the day of the meeting:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=efb8f98efc90276806c602092e801d7dd>

Instructions to connect to the meeting can be found at the end of this agenda.

Due to potential technical difficulties, please consider submitting written comments by November 30, 2020, to latc@dca.ca.gov for consideration.

Agenda

**10:00 a.m. – 3:30 p.m.
(or until completion of business)**

- A. Call to Order – Roll Call – Establishment of a Quorum
- B. Chair's Procedural Remarks and Committee Member Introductory Comments
- C. Public Comment on Items Not on the Agenda
The Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Committee's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

(Continued)

- D. Update on the Department of Consumer Affairs (DCA)
- E. Review and Possible Action on September 4, 2020 Committee Meeting Minutes
- F. Program Manager's Report - Update on Committee's Administrative/Management, Examination, Licensing, and Enforcement Programs
- G. Review and Discuss 2020 Legislation
 - 1. Assembly Bill (AB) 2113 (Low) Refugees, Asylees, and Special Immigrant Visa Holders: Professional Licensing: Initial Licensure Process
 - 2. Senate Bill (SB) 878 (Jones) Department of Consumer Affairs: License: Application: Processing Timeframes
 - 3. SB 1474 (Committee on Business, Professions and Economic Development) Business and Professions
- H. Discuss and Possible Action on the Committee's Annual Budget – *DCA, Budget Office*
- I. Discuss and Possible Action on the August 2020 Occupational Analysis (OA) of the Landscape Architect Profession – *DCA, Office of Professional Examination Services (OPES)*
- J. Discuss and Possible Action on Proposed Amendments to California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2630.2 (Appeal of Citations)
- K. Discuss and Possible Action on University of California, Los Angeles (UCLA) Extension Certificate Program Self-Evaluation Report and Curriculum Approval
- L. Discuss and Possible Action on 2019-2021 Strategic Plan Objectives to:
 - 1. Research the Need for Continuing Education for Licensees through LATC, the American Society of Landscape Architects (ASLA), or Another Organization, to Better Protect the Health, Safety, and Welfare of Consumers
 - 2. Develop an Online Tutorial to Clarify the Licensure Process for Candidates
- M. Discuss and Possible Action on *California Architects* Newsletter
- N. Discuss and Possible Action on New Committee Logo
- O. Election of 2021 Committee Officers
- P. Review of Future Committee Meeting Dates
- Q. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Committee are open to the public.

The meeting will be webcast, provided there are no unforeseen technical difficulties or limitations. To view the webcast, please visit thedcapage.wordpress.com/webcasts/. The meeting will not be cancelled if webcast is not available.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at their discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125 and 11125.7(a)).

This meeting is being held via WebEx Events. The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

Person: Harmony Navarro

Telephone: (916) 575-7236

Email: Harmony.Navarro@dca.ca.gov

Telecommunication Relay Service: Dial 711 Sacramento, CA 95834

Mailing Address:

Landscape Architects Technical Committee

2420 Del Paso Road, Suite 105

Sacramento, CA 95834

Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the Committee in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions Code section 5620.1).

HOW TO – Join – DCA WebEx Event



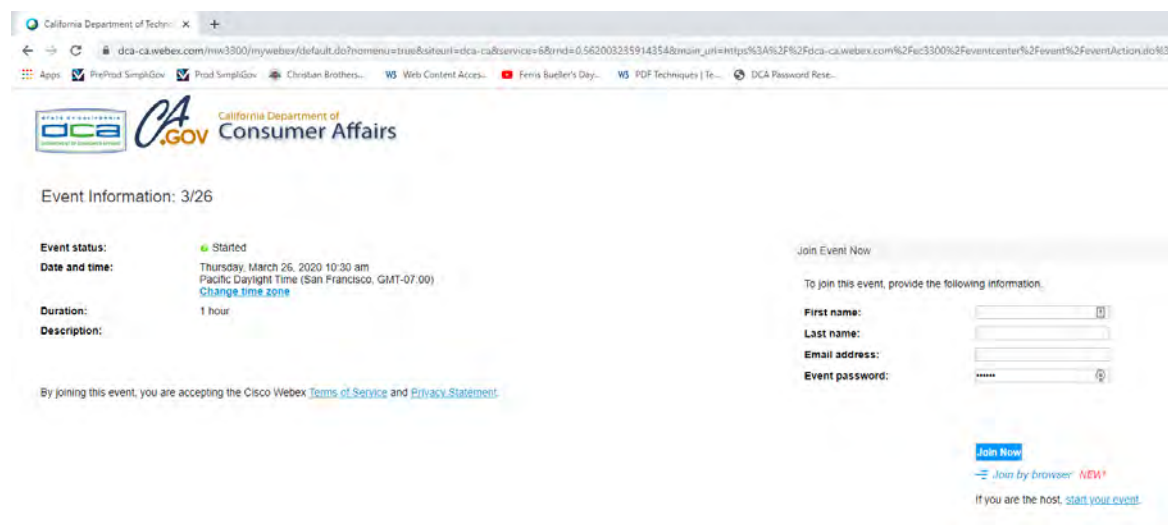
The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

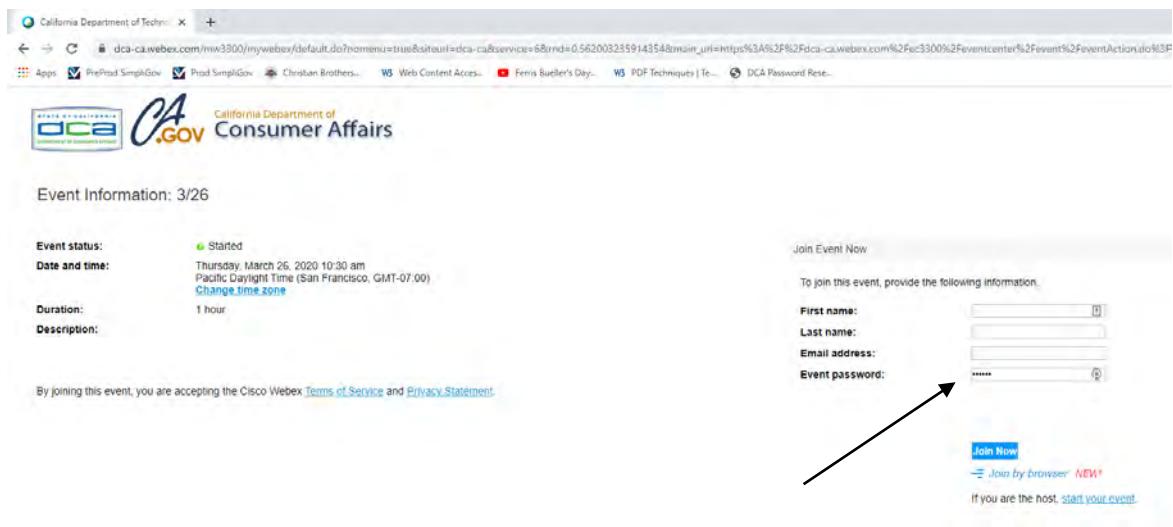
Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.
NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

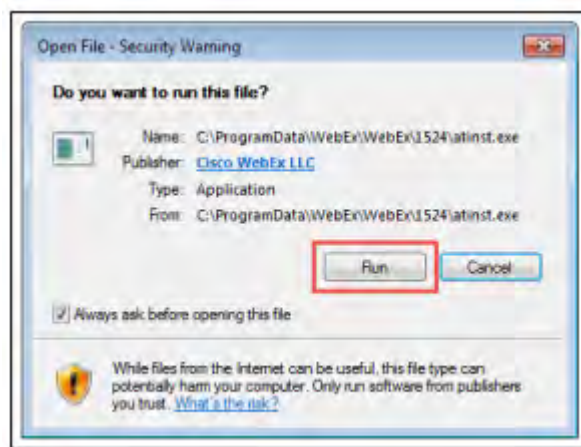
HOW TO – Join – DCA WebEx Event



3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

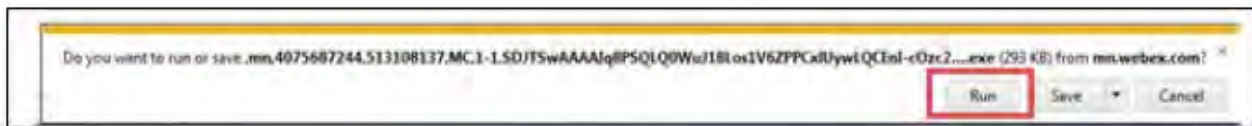
HOW TO – Join – DCA WebEx Event

Starting Webex...



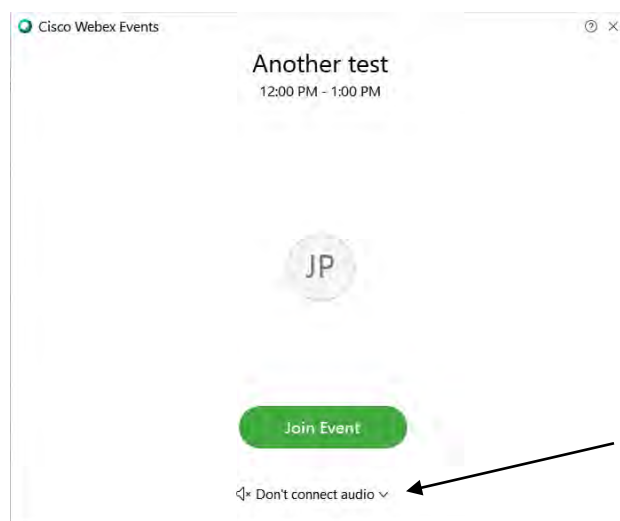
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.



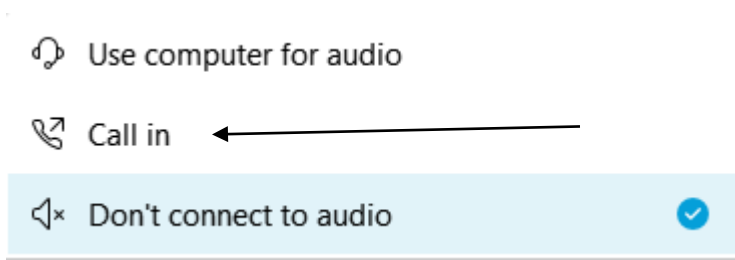
The temporary software will run, and the meeting window will open.

7. Click the audio menu below the green 'Join Event' button.

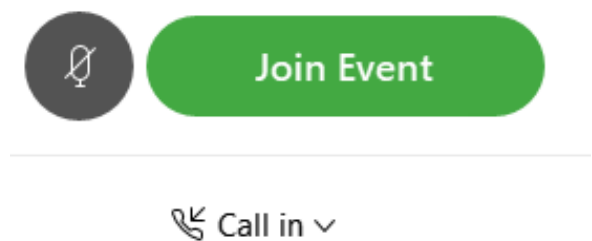


8. When the audio menu appears click 'Call in'.

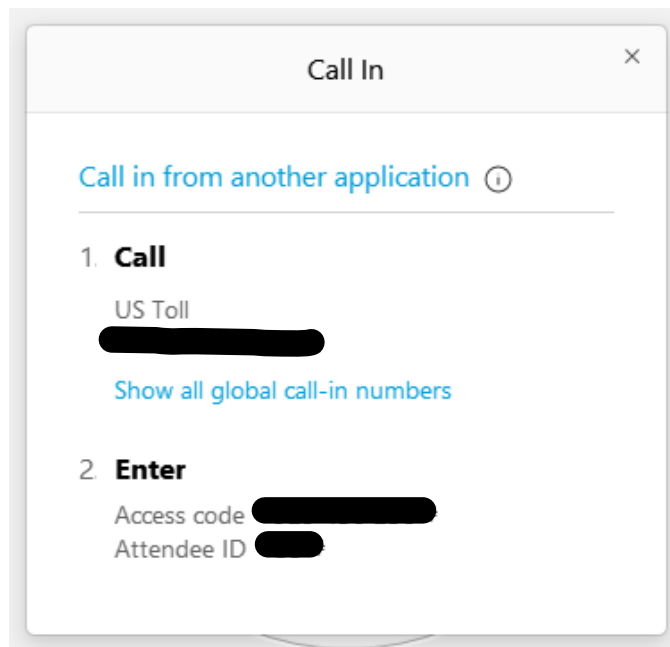
HOW TO – Join – DCA WebEx Event



9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

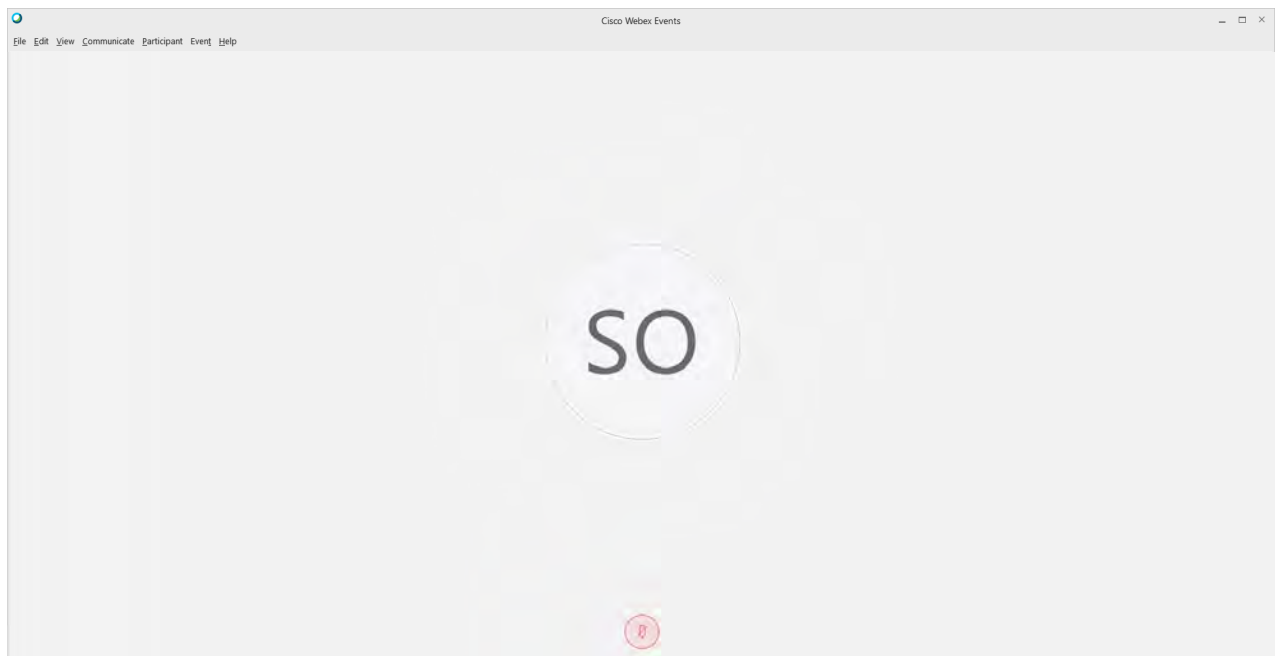


NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

HOW TO – Join – DCA WebEx Event

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

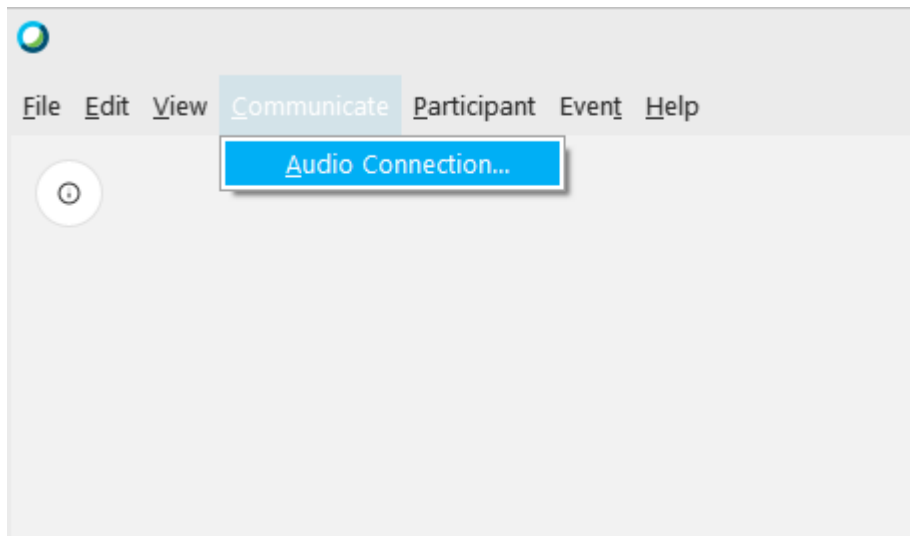


NOTE: Your audio line is muted and can only be unmuted by the event host.

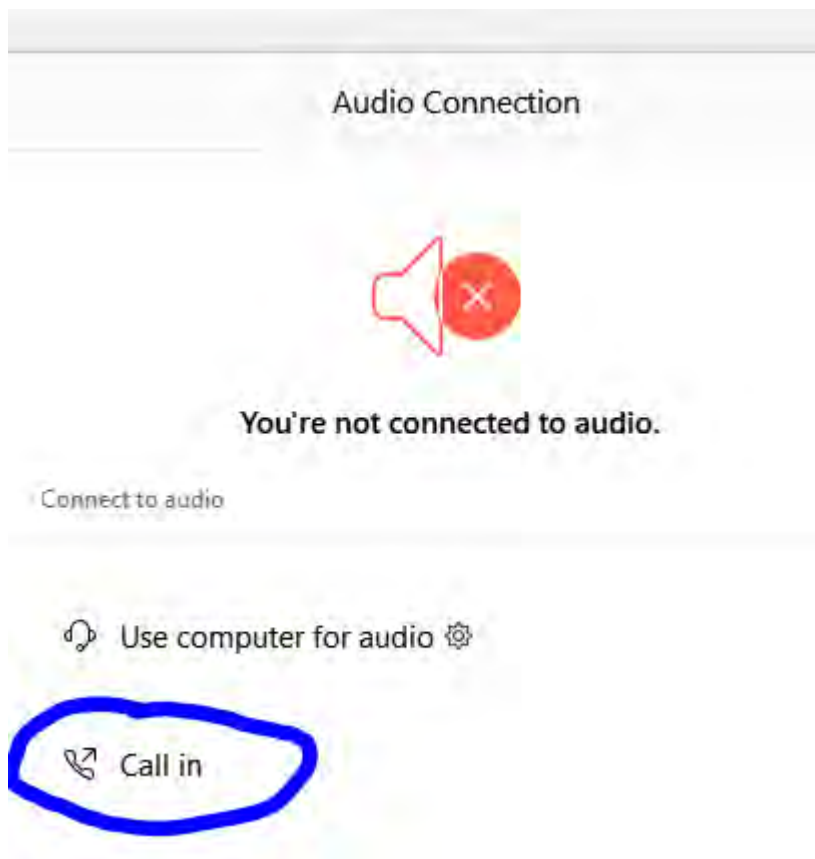
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.

HOW TO – Join – DCA WebEx Event



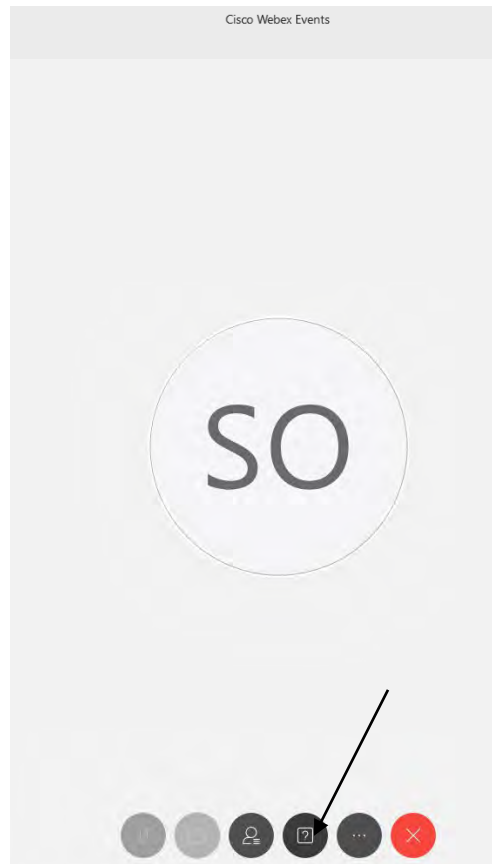
The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

Participating During a Public Comment Period

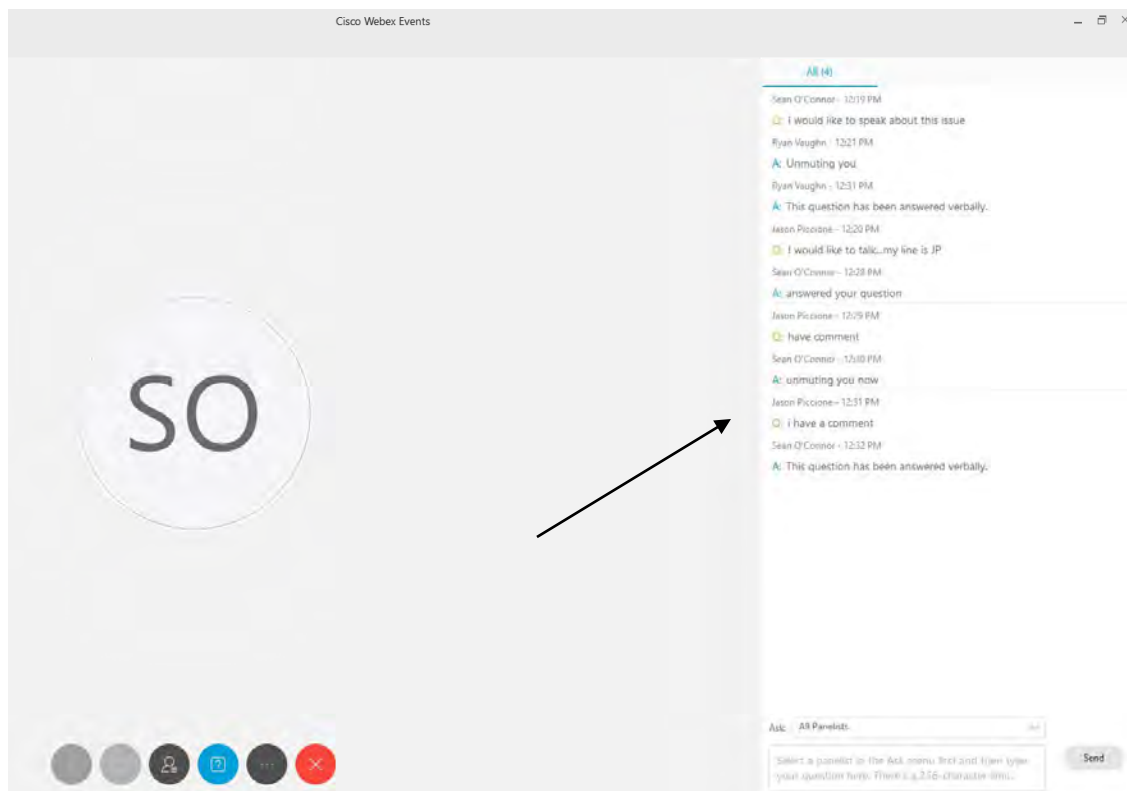
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.

AGENDA ITEM A: CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM

Roll is called by the Landscape Architects Technical Committee (LATC) Vice Chair or, in his/her absence, by an LATC member designated by the Chair.

LATC Member Roster

Andrew C. N. Bowden
Pamela Brief
Susan M. Landry
Patricia M. Trauth
Jon S. Wreschinsky

AGENDA ITEM B: CHAIR'S PROCEDURAL REMARKS AND LATC MEMBER INTRODUCTORY COMMENTS

LATC Chair Jon Wreschinsky will review the scheduled LATC actions and make appropriate announcements.

AGENDA ITEM C: PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Committee at this time.

The Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Committee's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

Public comments will also be taken on agenda items at the time the item is heard and prior to the Committee taking any action on said items. Total time allocated for public comment may be limited at the discretion of the Committee Chair.

AGENDA ITEM D: UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS (DCA) – CARRIE HOLMES, DEPUTY DIRECTOR, BOARD AND BUREAU RELATIONS, DCA

Carrie Holmes, Deputy Director, Board and Bureau Relations will provide the Committee with an update on the DCA.

AGENDA ITEM E: REVIEW AND POSSIBLE ACTION ON SEPTEMBER 4, 2020 LATC MEETING MINUTES

Summary

The Committee is asked to review and take possible action on the minutes of the September 4, 2020 LATC meeting.

Action Requested

Approval of the September 4, 2020 LATC Meeting Minutes.

Attachment

September 4, 2020 LATC Meeting Minutes (Draft)



Landscape Architects Technical Committee

Public Protection through Examination, Licensure, and Regulation



Gavin Newsom,
Governor

Draft Minutes

CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee Meeting

September 4, 2020
WebEx Teleconference

Landscape Architects Technical Committee (LATC) Members Present

Jon S. Wreschinsky, Chair
Andrew C. N. Bowden
Patricia M. Trauth
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)
Karen Halbo, Attorney III, DCA
Carrie Holmes, Deputy Director, DCA Board and Bureau Relations
Stacy Townsend, Enforcement Analyst
Blake Clark, Examination Analyst
Ryan Perez, Manager, DCA Board and Bureau Relations

Guests Present

Matt Miller, Chief Executive Officer, Council of Landscape Architectural Registration Boards (CLARB)
Veronica Meadows, Senior Director of Strategy, CLARB
Brandon Roosenboom, Water Resource Control Engineer, State Water Resources Control Board
Amy Kronson, Senior Environmental Scientist, State Water Resources Control Board

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

LATC Chair, Jon Wreschinsky called the meeting to order at 10:00 a.m. and 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. Wreschinsky announced that he will serve as LATC Chair during the meeting. Ms. Rodriguez explained that former LATC Chair, Marq Truscott's term ended on June 1, 2020 and he had since been serving during his grace period which recently ended. She continued that the Governor appointed position is vacant, and until such time that a new member is appointed, the vice chair will assume the office of the chair. She further explained that elections will be held at the next LATC meeting pursuant to the LATC Member Administrative Manual in which both positions for the chair and vice chair will be voted on by the members. Ms. Rodriguez thanked Mr. Truscott for his service on the LATC since September 2015.

Mr. Wreschinsky explained the meeting is being webcast and pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, a physical meeting location was not being provided.

C. Public Comment on Items Not on the Agenda

Mr. Wreschinsky invited members of the public to address the LATC, stating 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) – Carrie Holmes, Deputy Director, Board and Bureau Relations, DCA

DCA Deputy Director of Board and Bureau Relations, Carrie Holmes, provided an update on DCA's accomplishments and recent activities. She shared that the DCA Budget Office and Office of Information Services launched four new budget expenditure and revenue reports utilizing FI\$Cal information that are fast, detailed, and easy to generate using DCA's Quality Business Interactive Reporting Tool to aid Committee staff when providing budget reports. Ms. Holmes continued that DCA is prioritizing regulations to improve timelines and transparency by creating the Legal Office Regulations Unit to directly assist with regulation packages and the implementation of the Cherwell data system to manage, track, and streamline regulation package review. She updated that the business modernization for Cohort 2, in which the LATC is a part of, was in the middle of project planning when the pandemic occurred, and the project is currently re-planning to ensure it can be supportive from a staffing and fiscal perspective in the current environment. Ms. Holmes explained that DCA and its programs have been following safety guidelines and procedures to reduce the spread of COVID-19 by implementing telework plans and physical distancing for those that are not teleworking. Additionally, Ms. Holmes explained that SOLID moved many training sessions online and encouraged members to attend the New Board Member Orientation offered online.

E. Review and Possible Action on February 5, 2020 LATC Meeting Minutes

- **Andrew C. N. Bowden moved to approve the February 5, 2020 LATC Meeting Minutes**

Patricia M. Trauth seconded the motion.

There were no comments from the public.

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

F. Program Manager's Report

1. Update on LATC's Administrative/Management, Examination, Licensing, and Enforcement Programs

Ms. Rodriguez provided the members with personnel updates including Kourtney Nation being promoted from the Examination Analyst (Staff Services Analyst [SSA]) to the Special Projects Analyst (Associate Governmental Program Analyst [AGPA]) position, Blake Clark was promoted from Licensing and Administration Office Technician (OT) to Examination Analyst (SSA), and Enforcement Analyst, Stacy Townsend was promoted-in-place from SSA to AGPA. She also welcomed Harmony Navarro, Licensing and Administration OT, who started her employment with LATC on August 17, 2020.

Ms. Rodriguez introduced LATC's regulatory counsel, Karen Halbo, and informed that staff meets weekly with Ms. Halbo to discuss the progress of LATC's regulation packages. She also explained, in response to the members' request, a regulations chart was created to display the status of progress for the regulation packages, which is intended to supplement the details provided in the Program Manager's Report.

Ms. Rodriguez provided a detailed update on LATC's regulation packages and explained that at its February 5, 2020 meeting, the Committee approved the language amending California Code of Regulations (CCR) section 2611 (Abandonment of Application) to define the abandonment of an application; amending CCR section 2616 (Application for Licensure Following Examination) to provide for the abandonment of a candidate's application for licensure; and adopting CCR section 2611.5 (Retention of Candidate Files) to provide LATC authority for the retention and purging of candidate files. She continued that the Board approved the language at its February 28, 2020 meeting, and staff prepared the regulatory proposal which was submitted to DCA Legal Affairs for pre-review on April 10, 2020.

Additionally, Ms. Rodriguez provided that CCR section 2615 (Form of Examinations) and 2620 (Education and Training Credits) was originally published for public notice by the Office of Administrative Law (OAL) in 2016, however, after receiving substantial public comment, additional research was necessary and the rulemaking file was withdrawn in 2017, due to insufficient time to finalize the proposal within the one-year deadline imposed by Government Code section 11346.4. She reminded the

members the Education/Experience Subcommittee was appointed to further discuss expanding initial pathways to licensure and proposed regulatory language was approved by the Board in September 2018 and submitted to DCA Legal Affairs for pre-review in February 2019, in which DCA Legal concluded its prereview in June 2019 and began the initial analysis. Ms. Rodriguez further explained, during this period, the Department of Finance made changes to what information is required for analyzing the fiscal impact. She continued that DCA is working on updating and providing the requested information and, once complete and approved by the Director and Agency, staff will submit the final regulatory package to OAL, and publish for public notice, including a 45-day public comment period. She underscored that this rulemaking file is prioritized at the top of the other rulemaking files currently in process with DCA Legal.

Ms. Rodriguez updated the members on CCR section 2620.5 (Requirements for an Approved Extension Certificate Program) informing them the rulemaking package is currently with DCA Legal for pre-review and the current University of California, Los Angeles (UCLA) Extension Certificate Program's approval expires on December 31, 2020. She went on to say that a Self-Evaluation Report was received from the program and is being reviewed under the existing language within CCR section 2620.5 and will be presented to the LATC for approval at its next meeting.

Ms. Rodriguez continued with an update on CCR section 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) stating the proposed regulations would implement Assembly Bill (AB) 2138 which aims to reduce barriers to licensure for individuals with a criminal history and the regulations package is with the OAL as of June 24, 2020. She explained the proposal included a request for expedited review and will become effective when filed with the Secretary of State.

Next, Ms. Rodriguez reminded the members in order to comply with AB 2138, changes to CCR section 2680 (Disciplinary Guidelines) were necessary to reflect proposed changes to CCR sections 2655 and 2656. She explained that CCR section 2680 incorporates the Disciplinary Guidelines by reference and required changes to reflect the revised Disciplinary Guidelines. Ms. Rodriguez continued, in July 2019, the proposed regulations were submitted to DCA Legal for pre-review, in October for initial analysis, and the package is currently with DCA.

Lastly, Ms. Rodriguez updated on CCR section 2671 (Public Presentments and Advertising Requirements) explaining that LATC set an objective of researching the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers. She informed that, currently, CCR section 2671 requires a landscape architect only include their name and the words "landscape architect" in all forms of advertising or public presentments, and, in an effort to better inform and protect California consumers, the proposed changes will expand to include license numbers in all forms of advertising. Ms. Rodriguez explained the proposed language to amend CCR section 2671 was reviewed by the LATC on May 29, 2019, and the Board approved the LATC's recommendation at its June 12, 2019 meeting. She further stated staff submitted the regulatory proposal to

DCA Legal Affairs for pre-review in August 2019, for initial analysis by DCA Legal and Budget Office in February 2020, and the package is currently with DCA.

Ms. Rodriguez announced that the Office of Professional Examination Services has offered to attend an LATC meeting and address questions the LATC has regarding pass rates after the Linkage Study Report is complete.

2. Discuss and Possible Action on Annual Enforcement Report

Ms. Townsend reported in Fiscal Year (FY) 2019-20, LATC had nine pending enforcement cases, and the average time to complete an investigation was 70 days, which was significantly less than the goal of 270 days. She continued that tables and charts for FY 2019-20 were included in the meeting materials and demonstrate the types of complaints received; comparison of complaints received, closed, and pending by FY; comparison of ages of pending complaints by FY; summary of closed complaints by FY; summary of disciplinary and enforcement actions by FY; and most common violations of the Practice Act. Ms. Townsend clarified that statistics associated with pending cases indicates the number of open cases at the end of each FY.

G. Council of Landscape Architectural Registration Boards (CLARB)

1. Presentation by CLARB on Uniform Standard (Policy), Landscape Architect Registration Examination (LARE) Uniform Application (Process), and Time to Licensure (Procedure)

Ms. Rodriguez explained that CLARB is the national council for member boards across the United States, Canada, and Puerto Rico. She further explained they administer the national exam known as the LARE and they are currently undergoing efforts to standardize the licensure process for all candidates. Ms. Rodriguez announced LATC invited CLARB to present an overview of their initiative and answer any questions. She introduced CLARB Chief Executive Officer, Matt Miller, and Senior Director of Strategy, Veronica Meadows. Mr. Miller thanked the LATC for providing the opportunity to speak on the proposed standardization to policies, processes, and procedures for a uniform application and candidate pre-approval. He explained that CLARB began rethinking landscape architecture regulation which was inspired by the idea that the current licensure process could be more frictionless in a way to promote the viability of member boards, to better support licensees, and to look at the landscape architect profession as it relates to public health, safety, and welfare. Mr. Miller continued that the need to rethink regulation was determined by four main themes: advancements in technology, push for regulatory reform, changing stakeholder preferences, and changing demographics. He added that CLARB is focusing on reducing friction in terms of the steps, complications, and processes that do not have a direct impact on public protection. He continued that friction is different than rigor, and rigor is an essential piece in the licensure process which includes necessary checkpoints directly involved with public protection and acknowledging that not every candidate will pass. Mr. Miller explained CLARB has identified four points in the licensure process in which friction exists throughout member boards: inconsistency in the varying licensure requirements; redundancy in the duplication of

documentation; speed, with reference to the amount of time to licensure; and service, with reference to the levels of customer support. He further acknowledged this is a work in progress and will take time, contribution, and feedback. Mr. Miller explained CLARB is exploring the reduction of friction through harmonizing standards to demonstrate there are more similarities between jurisdictions than differences which would create a uniform standard enabling mobility; changing processes to eliminate duplication in documentation; revising procedures to increase the speed and time for licensure by allowing for administrative approval with a predetermined set of requirements which would enable an applicant to directly apply and register to take the LARE with CLARB; and improving customer service to better assist in navigating the path to licensure.

Ms. Meadows explained CLARB seeks to establish common criteria allowing for a uniform application and administrative approval for direct LARE registration; two-way data sharing with a uniform application; and administrative approval allowing applicants to register directly with CLARB to reduce the amount of time for licensure.

Mr. Bowden pointed out that California has multiple pathways to licensure and, in concept, feels that LATC can support CLARB's efforts however, within what California law requires and requested CLARB to consider those parameters. Mr. Wreschinsky observed CLARB is primarily focusing on initial licensure which may be separate from reciprocity in establishing a set of criteria to qualify for initial licensure. He inquired if that standard would allow for an experience only pathway and encouraged that the question should be addressed up front. Mr. Wreschinsky additionally observed that education is primarily focused on Landscape Architectural Accreditation Board (LAAB) accredited programs and that there are numerous non-LAAB accredited programs equally qualified and should be considered. Ms. Meadows acknowledged, in CLARB's research, they would consider the various pathways to reduce friction. She explained most candidates have a LAAB accredited degree, which is where the uniform standards and application could be applied and that uniform standards allow for easier licensure in multiple states. Ms. Meadows clarified candidates using other pathways would be required to obtain pre-approval from LATC. She stated many member boards allow candidates to apply directly with CLARB to register for the exam if they have completed the education requirement but not the experience requirement. She presented that pass rates of candidates who obtain pre-approval after completing both education and experience requirements have minimal variance between those that complete the exam meeting only the education requirement. Mr. Bowden clarified LATC allows candidates to take sections 1 and 2 of the LARE upon graduating with an LAAB accredited degree, and sections 3 and 4 require completion of the experience requirement which can commence while taking sections 1 and 2. Ms. Meadows explained CLARB does not distinguish between whether a candidate can take some sections of the LARE prior to fulfilling all requirements, and obtains pre-approval from the local jurisdiction, or with direct registration, allowing candidates to take all sections of the LARE. She encouraged LATC, to consider if candidates are not performing any differently, to allow candidates with LAAB accredited degrees to apply directly with CLARB for the LARE.

Mr. Miller confirmed CLARB only accepts qualified candidates as to not expose the exam to individuals who are not qualified. He further encouraged LATC to research the philosophy, and the benefit, of requiring candidates to wait two years while gaining the experience requirement before taking sections 3 and 4. Mr. Wreschinsky responded that the experience component is used to qualify for the exam due to it exposing the candidate to the breadth of the profession and the different situations to be addressed looking at the health, safety, and welfare standpoint. He further opined that, with direct registration, a candidate who is a good test-taker could potentially sit for all four sections of the LARE and pass, but that does not necessarily make them competent to work with the public resulting in a lack of general experience leading to potential liabilities.

Ms. Meadows reiterated CLARB does not want to eliminate the experience requirement but rather it not be required prior to taking the exam, instead it can be gained concurrently while taking the exam. She explained that a uniform standard is intended to be based on education, experience, and examination. Mr. Bowden explained California schools have admitted they do not teach to the exam and expect the students to obtain knowledge to take the exam through their experience.

Mr. Miller explained the goal is to have a more uniform process reducing friction and redundancy in having to apply and provide duplicate documentation to both CLARB and LATC. Ms. Rodriguez informed that LATC is going through the business modernization process which she believes will address some of the friction surrounding duplicative documentation by allowing for the exchange of information between CLARB and LATC. She further confirmed that candidates are currently required to apply with both LATC and then CLARB resulting in duplicative documentation. Ms. Meadows pointed out that if California allowed for direct application, candidates would apply with CLARB; start their Council Record; take and pass the exam; and then apply with California for licensure after the exam and experience requirement have been successfully completed. Ms. Rodriguez commented that a council record would be most beneficial for reciprocity candidates to make the process of getting licensed in additional states easier.

Mr. Feng inquired whether there was more data about trends of what jurisdictions are moving towards direct registration and their reasons. Ms. Meadows explained that some states require statutory or regulatory change to move to direct registration whereas others have more of an internal procedural change which is typically easier.

Ms. Meadows thanked LATC for allowing CLARB to provide the presentation. The Committee members also thanked Mr. Miller and Ms. Meadows for their presentation. No further action requested by the members at this time.

2. Review CLARB September 10, 2020 Virtual Annual Meeting Agenda

Ms. Rodriguez announced the 2020 CLARB Annual Meeting would be held virtually on September 10, 2020. She explained during the meeting CLARB's 2021 Job Task Analysis would be discussed, as well as an update on remote proctoring which was

developed as a result of COVID-19 including a recent pilot study completed with jurisdictions in Canada. Ms. Rodriguez further provided there will be an elections announcement and leadership nominations at the annual meeting.

3. Review and Possible Action on 2020 CLARB Board of Directors and Leadership Advisory Council Elections Ballot

Ms. Rodriguez explained in June 2020, CLARB released the final slate of candidates for the 2020 Board of Directors and Leadership Advisory Council elections and directed members to the final slate of candidates in the meeting materials and each candidate's respective biography.

Mr. Wreschinsky initiated discussion on which Committee member would be available to attend the virtual CLARB Annual Meeting along with Mses. Rodriguez and Zuniga, and the Committee members proceeded to discuss their availability.

- **Susan M. Landry moved to approve Patricia M. Trauth as Delegate and Trish Rodriguez and Laura Zuniga as representatives in attendance on the Letter of Delegate Credentials for the September 10, 2020 CLARB Annual Meeting.**

Jon S. Wreschinsky seconded the motion.

Mr. Bowden advised the members that he had previously signed up to attend the CLARB Annual Meeting.

- **Susan M. Landry amended the motion to approve Andrew C. N. Bowden as Delegate and Mses. Rodriguez and Zuniga as representatives in attendance on the Letter of Delegate Credentials for the September 10, 2020 CLARB Annual Meeting.**

Patricia M. Trauth seconded the amended motion.

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

Ms. Trauth explained that she had also signed up to attend the CLARB Annual Meeting and inquired if she could still attend. Ms. Rodriguez confirmed Ms. Trauth could attend the meeting as well and she would advise CLARB. Mr. Wreschinsky explained that his understanding was that there was no limit on the number of members who could attend, but that only one member could vote.

Mr. Wreschinsky initiated discussion regarding the elections ballot, and the Committee members proceeded to discuss the candidates and shared their knowledge of their backgrounds. Mr. Wreschinsky inquired on whether CLARB actively reaches out to the member boards requesting nominations or if the nominees submit applications. Mr. Bowden explained the Leadership Advisory Council discusses potential candidates which are obtained by CLARB. He further explained

CLARB allows for member boards to submit names of individuals who might be interested in serving and those candidates are then vetted. Mr. Wreschinsky explained he had reached out to CLARB offering to volunteer to serve, but he deduced the earliest he would be able to serve would be late 2021. He pointed out that one of the candidates for the Leadership Advisory Council, Carrie Rybczynski, is from California, but he was not aware of her being involved with LATC and inquired if any members knew of her or her background. Mr. Feng provided he was not familiar with her and inquired if CLARB leadership nominees from California should be involved with LATC. Mr. Wreschinsky explained he assumed most individuals that served with CLARB are on a licensing board with their state but acknowledged that is not a condition. He further informed the members he had reviewed information provided by CLARB regarding changes to the nomination process with Ms. Rodriguez and opined that the intent of the changes was to expand the pool of candidates to serve as CLARB leadership. Ms. Trauth confirmed CLARB did change their bylaws allowing individuals who are not involved with one of the member boards, or a landscape architect, to become a member of CLARB leadership. Mr. Bowden pointed out, although candidate Ms. Rybczynski has experience working with CLARB, she has no involvement with LATC, and that should be taken into consideration when casting votes.

Mr. Wreschinsky prompted the members to discuss the President-Elect nominees and decide whom to support. Ms. Landry and Mr. Bowden informed the members they were leaning towards a vote for President-Elect Chuck Smith with Mr. Bowden explaining Mr. Smith is well-spoken and presented himself well at last year's CLARB Annual Meeting, which he attended. Mr. Wreschinsky opined the Committee should take into consideration which of the President-Elect nominees would better represent LATC's interests regarding the proposed uniform application. Ms. Trauth agreed with Ms. Landry and Mr. Bowden in support of President-Elect Mr. Smith.

Mr. Wreschinsky prompted the members to discuss the Leadership Advisory Council Member nominees and reiterated the Committee should take into consideration which nominee would better represent LATC's interests. Mr. Bowden expressed his support of candidates Julie Hildebrand and Bob Mercier due to the extent of their experience with CLARB and the American Society of Landscape Architects. Ms. Landry indicated that the third candidate, Ms. Rybczynski, has experience working on the exam with CLARB to which Mr. Bowden acknowledged her experience, but pointed out that she has insufficient experience working with other landscape architecture organizations. Ms. Landry emphasized that the other two candidates are not from California whereas Ms. Rybczynski is. Mr. Bowden opined that experience was more important than the state of residency. Ms. Landry and Mr. Wreschinsky agreed with Mr. Bowden's opinion that experience of the supported candidates was important.

- **Andrew C. N. Bowden moved to support Chuck Smith for President-Elect, and Julie Hildebrand and Bob Mercier for Leadership Advisory Council Members.**

Susan M. Landry seconded the motion.

There were no comments from the public.

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

I.* Presentation on Qualified Stormwater Pollution Prevention Plan Developer (QSD) Certification by State Water Resources Control Board

Ms. Rodriguez reminded the members at the November 8, 2019 meeting, they discussed the QSD certification requirements and process for landscape architects as a result of receiving correspondence from a licensee. She continued that the members expressed further interest and requested a presentation at a future meeting on the extent of the QSD certification training program, requirements to become QSD certified, importance of being QSD certified, and how landscape architects can become QSD certified.

Ms. Rodriguez introduced State Water Board staff and Qualified Industrial Storm Water Practitioner, Brandon Roosenboom. Mr. Roosenboom informed the Committee that Senior Environmental Scientist and Unit Chief of the Industrial and Construction Stormwater Permitting Program, Amy Kronson, was also present. He provided that the presentation would cover the background on the Construction Stormwater General Permit, role of the Qualified Stormwater Pollution Prevention Plans (SWPPP) Developer or Practitioner, process of becoming a Qualified SWPPP Developer or Practitioner, and landscape architects in relation to the certification.

Mr. Roosenboom explained the Construction Stormwater General Permit (CGP) is part of the National Pollutant Discharge Limited Elimination System Program which was created through the adoption of the Federal Clean Water Act in the 1970s. He went on to say the United States Environmental Protection Agency delegated its permitting authority to the State Water Resources Control Board. Mr. Roosenboom explained the current permit was adopted in 2009, amended in 2010 and 2012, and has been administratively extended since 2014. He informed the Committee the CGP is required for construction projects that disturb one or more acres of land or, less than one acre, but part of a larger common plan of development and requires the development of SWPPP by a certified QSD. Mr. Roosenboom explained a QSD is expected to be knowledgeable in identifying pollutant sources and threats to stormwater quality associated with the unique topography, geology, materials, and activities involved in the project and implementing best management practices recommending solutions to address those pollutant sources. He further provided the QSD is expected to prepare a monitoring program which is used to assess the discharger's compliance with the permit requirements.

Mr. Roosenboom expanded that Qualified SWPPP Practitioners (QSP) are responsible for implementing the SWPPP elements developed by the QSD including inspections, maintenance of best management practices, and the collection of stormwater and non-stormwater samples to be analyzed for contaminants. He clarified that while QSDs prepare the SWPPPs, QSPs prepare Rain Event Action Plans which are documents specific to each rain event and construction phase to be

prepared within 48 hours prior to any likely precipitation event. Mr. Roosenboom explained QSPs are typically more familiar with the day-to-day activities of a site and should be able to quickly transition sites to protect water quality if precipitation is expected.

Mr. Roosenboom continued there are four steps to becoming a QSD or QSP: (1) take a QSD/QSP training course, ranging from 16 to 24 hours of instruction, offered by a Trainer of Record who is recognized by the California Stormwater Quality Association as an experienced stormwater professional capable of instructing new QSDs and QSPs; (2) register for the QSD and/or QSP examination through the Office of Water Programs; (3) Pass the exam with a score of 70% or higher; and (4) provide information on their underlying certification or registration being used as a pre-requisite. He further provided there are several underlying pre-requisites including a California landscape architect license. Mr. Roosenboom explained licensed landscape architects are considered an acceptable pre-requisite due to the expectation they are knowledgeable in the potential impact stormwater can have on a project both during and post construction and understanding topography, geology, drainage, and how to design projects around those constraints. He informed the members currently there are approximately 115 landscape architects who are also QSDs and 11 landscape architects who are QSPs. Additionally, he clarified that every QSD is also, technically, a QSP.

Ms. Landry requested clarification on whether landscape architects are required to take the training course and the number of hours associated. Mr. Roosenboom clarified that possessing a landscape architect license is considered a pre-requisite for registration and that completion of either the QSD or QSP training course is also required. He explained that the QSD training course consists of 24 hours of instruction and the QSP training course consists of 16 hours of instruction, both of which highlight the requirements of the CGP.

Mr. Wreschinsky inquired on whether a QSD or QSP certified landscape architect can provide those required services on their own project. Mr. Roosenboom responded that there are no limitations and the landscape architect would be able to be the QSD or QSP for their project and Ms. Kronson confirmed.

Mr. Feng inquired on whether projects funded by State Water Resources Control Board grants require the same or more specific certifications to meet the satisfaction of the grant. Ms. Kronson clarified the QSD and/or QSP certification is required to perform the construction and manage the stormwater and does not have implications on reporting or funding. Mr. Feng further inquired on who enforces the SWPPPs and ensures a certified professional prepared them. Mr. Roosenboom explained the regional Water Quality Control Boards are the enforcement branch who visit construction sites for inspection and review of the SWPPPs. He continued if the SWPPPs were not prepared by a QSD, or being implemented by a QSP, a notice of violation of the CGP would be issued.

Mr. Wreschinsky requested an example of a less than one-acre project, but part of a larger common plan of development that would require a SWPPP. Mr. Roosenboom

provided that an example of this requirement would be for subdivisions that have been broken out for different property owners or developers. Ms. Trauth requested clarification that the requirement is only for one acre of disturbance, not necessarily for a one-acre project, and Mr. Roosenboom confirmed it is for one acre of disturbance. Ms. Trauth requested further clarification on what is meant by disturbance. Mr. Roosenboom explained when there is any grading or activity that is changing the soil of the project it is considered disturbance.

The Committee members thanked Mr. Roosenboom and Ms. Kronson for their presentation. No further action requested by the members at this time.

H. Review and Discuss 2020 Legislation

1. Assembly Bill (AB) 2028 (Aguiar-Curry) State Agencies: Meetings

Ms. Zuniga presented AB 2028, which would require meeting materials for state agencies to be posted on their respective websites at least 10 days in advance. She explained this bill did not make it out of the Legislature by the end of the session, making the bill dead, and would have to be reintroduced as a new bill in the next session.

2. AB 2113 (Low) Refugees, Asylees, and Special Immigrant Visa Holders: Professional Licensing: Initial Licensure Process

Ms. Zuniga reviewed AB 2113, which requires all boards within DCA to expedite licensure for applications from refugees, asylees, and Special Immigrant Visa holders. She continued that she did not think neither the Board nor LATC received many applicants in this category; however, the bill gives the ability to adopt regulations to implement the requirement. Ms. Zuniga explained the Board and LATC would need to check with DCA on how they would like the requirement to be implemented and if applications need to be modified to request this information. She provided this bill should not have a significant impact on operations.

3. AB 2257 (Gonzalez) Worker Classification: Employees and Independent Contractors: Occupations: Professional Services

Ms. Zuniga continued with AB 2257 (Gonzalez), which is a follow-up to legislation last year related to the Dynamex decision about the classification of workers as to whether they are independent contractors. She explained this bill contains additional exemptions, but primarily applies to music performances and careers in that area and does not appear to apply to landscape architecture. Mr. Bowden requested clarification on whether landscape architects were added to the exempt list. Mr. Wreschinsky confirmed that landscape architects were added to the exempt list and his understanding is the bill was approved and is with the Governor for signature. Ms. Zuniga explained the language of the bill has been amended since the version in the meeting materials and she would need to review further. Mr. Bowden reiterated that it would be important to know if landscape architects were added to the language of the bill so the public could be informed. Ms. Zuniga requested to return to this item at the end of the meeting.

4. Senate Bill (SB) 878 (Jones) Department of Consumer Affairs: License: Application: Processing Timeframes

Ms. Zuniga provided an update on SB 878, which requires all boards within DCA to post online their average processing times for applications, explaining she does not believe the Board or LATC currently does this but that it should not be difficult to do.

5. SB 1474 (Committee on Business, Professions and Economic Development) Business and Professions

Ms. Zuniga presented SB 1474, which contained language that would have allowed LATC to implement the fingerprinting requirement that was proposed in 2019 by SB 608. She explained language was removed towards the end of the legislative session due to concerns the Department of Justice (DOJ) had about changes that need to be made regarding how the fingerprint program operates. Ms. Zuniga explained that SB 1474 delays for one year the fingerprint requirement for LATC to work out the issues with implementation resulting in the fingerprinting requirement to begin January 1, 2022. She explained next year LATC will seek the legislation again to allow for the implementation and will work with DOJ to determine what the issue was. Ms. Zuniga informed the members that the Board will begin fingerprinting January 1, 2021 for new applicants only.

J. Update on Intra-Departmental Contracts (IDC) with the Office of Professional Examination Services (OPES) for Landscape Architects California Supplemental Examination (CSE) Written Examination Development, and Review of LARE and Linkage Study

Ms. Rodriguez pointed the members to the interagency contracts for exam development and linkage study contained in the meeting materials. She explained these contracts have already been executed and were provided as an update. Ms. Rodriguez informed members exam development workshops have commenced for the CSE and the first workshop was held remotely, whereas future workshops are planned to be held in person adhering to physical distancing guidelines. She continued referring to CLARB's presentation which included information regarding their linkage study currently in process. She explained that OPES will commence LATC's linkage study for the CSE and LARE in early 2021, to compare and analyze CLARB's national study.

K. Discuss and Possible Action on 2019-2021 Strategic Plan Objectives to 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 this item was a carry-over from LATC's February 5, 2020 meeting, in which the Committee was presented with proposed changes to the Landscape Architect's section of the Board's *Building Official Information Guide (Guide)* in an effort to fulfill the Strategic Plan objective addressing issues some landscape architects are having with the acceptance of their stamp by local

jurisdictions. She reminded the members that Ms. Trauth was appointed to work with staff to enhance the information discussed and proposed during the February meeting, as well as develop a distribution methodology for the information.

Ms. Rodriguez further explained the members had inquired if the Board received input from building officials on the *Guide* to which Ms. Zuniga explained the Board received a few general comments in favor of having a newer version of the *Guide* but there were no questions or concerns. Ms. Rodriguez asked LATC to review and approve the proposed language being presented, as well as the distribution methodology.

Ms. Landry expressed her satisfaction with the *Guide* and opined that LATC's goal has been accomplished. Ms. Trauth questioned whether the *Guide* would be available on LATC's website as it potentially could be a resource for landscape architects to address issues with local jurisdictions. Ms. Rodriguez confirmed the *Guide* will be available on LATC's website under its Publications link and sent electronically to jurisdictions. Ms. Rodriguez further explained that hard copies of the *Guide* would also be mailed to the identified jurisdictions in which the landscape architect stamp has not been accepted.

Mr. Bowden referred to question 6 of the *Guide* regarding whether an unlicensed person can advertise landscape architectural services, stating the continuing issue regarding advertising websites that only provide the categorical option of landscape architect and not landscape designer, causing landscape designers to identify as a landscape architect without a license. Mr. Bowden explained he was questioned on whether LATC was still addressing this issue. He acknowledged this issue was addressed in the past by LATC but questioned whether there has been additional follow-up. Ms. Rodriguez confirmed LATC sent letters to the various platforms explaining the category issue; however, LATC does not have authority over those platforms to enforce the changes LATC requested. She further provided she did not believe any changes were made, although multiple attempts were made requesting an additional category for unlicensed individuals. Ms. Rodriguez explained staff has not been tasked to do anything further with this issue. Ms. Townsend confirmed that multiple attempts were made to reach out to the various platforms and since LATC does not have authority over such websites she is unaware of any additional actions LATC can attempt. Mr. Wreschinsky questioned whether LATC received any response from the various platforms as a result of the letter and Ms. Townsend answered that LATC did not receive any responses. Mr. Bowden questioned Ms. Welch if LATC, or the State of California, can do anything since unlicensed individuals are given no other option but to advertise as landscape architects when they are not licensed. Ms. Landry expressed her agreement and opined that it could be a form of false advertising due to the websites not providing the ability for the unlicensed person to be placed in a category other than "landscape architect." Mr. Wreschinsky questioned whether this would also be an issue of aiding and abetting if the websites, aware of the law, are not providing unlicensed individuals a more appropriate option. Ms. Welch explained, as far as aiding and abetting, LATC would have to prove intent on the part of the website to allow the individual to participate in unlicensed practice. She further acknowledged that cease and desist letters have been sent to the various websites in the past but there is very little that can be done to a private entity who is presumably using a computer system to assign

categories. Ms. Welch explained LATC has jurisdiction over an individual who is characterizing themselves as a landscape architect or describing their types of services as landscape architectural for unlicensed practice in that they are advertising a service they are not licensed to provide.

Ms. Welch transitioned to question 5 with respect to local building officials rejecting landscape architect stamps. She explained the description of the response coincides with the legislative amendment the Board approved in February 2020 to amend Business and Professions Code (BPC) section 5659, Inclusion of License Number, to specifically prohibit local building officials from rejecting landscape architect stamped plans, which is not in effect at this time. Ms. Welch expressed her concern for including the response when it is known that LATC is attempting to better clarify the statute. She is in favor of continuing to press for amendments to BPC section 5659, hopefully in the next legislative session, to provide the prohibition landscape architects need to file their documents with county recorders and get their permits issued. Mr. Wreschinsky questioned whether the Landscape Architects Practice Act (Act) authorizes landscape architects to submit stamped drawings within their scope of practice. Ms. Welch explained there is a requirement for landscape architects to stamp their plans providing the limitations that unlicensed individuals cannot stamp plans. She further explained, however, there is no directive to building officials or county recorders that they cannot require another licensee to then stamp the plans, which is why LATC is attempting to provide that clarity in the Act. Mr. Wreschinsky suggested the option of striking the reference, at this time, and then in the future if, and when, revisions to BPC section 5659 becomes effective, the reference can be added to the response for question 5. Ms. Trauth inquired on the timeframe if the reference is removed, to amend the response in the future. Ms. Welch informed LATC, assuming the amendments can be folded into a Business and Professions bill, it will take a minimum of a year and wouldn't be effective until January 2022. Mr. Wreschinsky requested confirmation if the process for the amendments commenced but was not introduced in time for a bill this year. Ms. Zuniga confirmed the amendments were submitted to the Legislature; however, they were submitted past the deadline and were not accepted as anticipated. She further expressed there were no concerns raised about the amendments so it is likely it will be included in next year's Omnibus Bill by the Senate Business and Professions Committee.

Ms. Trauth inquired whether it made a difference that the *Guide* is titled a Building Official *Information* Guide and not a "Law." Ms. Welch responded that it does not make a difference that it is being called a *Guide* but, rather, it is that the response for question 5 is representing the law prohibits local building officials from rejecting plans stamped by landscape architects and until that is clarified in the law, she does not feel confident LATC can make that claim. Ms. Rodriguez inquired on whether question 5 could remain in the *Guide* while providing background and LATC's intent to amend BPC section 5659. Ms. Welch recommended that the best option is LATC state the law, which is the second sentence of the response providing that landscape architects are authorized to prepare and stamp these plans as part of their services and nothing else. She further explained, by stating the law, LATC is highlighting the point that landscape architects can provide those services while implying that local building officials should be accepting the documents. Mr. Wreschinsky clarified the response

to question 5 should be amended to strike all other sentences except for the second sentence and then revisit the response later, if, and when, the legislative change amending BPC section 5659 occurs.

- **Andrew C. N. Bowden moved to approve the revisions to the Building Official Information Guide with the specified edits to the response of question 5 and to recommend approval to the Board.**

Patricia M. Trauth seconded the motion.

There were no comments from the public.

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

L. Discuss and Possible Action on New LATC Logo

Ms. Rodriguez explained this item was a carry-over from LATC's February 5, 2020 meeting, in which the LATC reviewed 12 black and white draft logos designed by DCA's Office of Publications, Design & Editing (PDE). She further explained the members expressed interest in a simplified logo that clearly represented California landscape architecture rather than architecture. Ms. Rodriguez stated members were to develop feedback outlining their overall design expectations to be discussed at the meeting.

Ms. Landry explained she was not able to attend the previous meeting; however, she provided public comment and maintains that none of the logos were good options for LATC's new logo. She opined the design included in attachment L.2.3 most closely represents LATC, however, the trees should be updated. Mr. Bowden agreed with Ms. Landry, the trees could be better depicted, but he liked the font and the organization of the words. Mr. Bowden also felt the design included in attachment L.2.11 held merit with some landscape design, except he did not agree with the building or the font. He suggested to, perhaps, combine the font of attachment L.2.3 with the picture of attachment L.2.11 and modify the building. Ms. Landry added the three curved lines of the design in attachment L.2.3 should be narrower.

Ms. Trauth recalled the discussion of LATC's February 2020 meeting in which members discussed keeping the design simple. She further stated none of the presented designs are simple and seem too complicated. Ms. Trauth opined the design needs to be simple, clean, and more representative of the profession of landscape architecture. She continued with the designs in attachments L.2 and L.2.8 being the preferred options for LATC's new logo.

Ms. Landry inquired whether LATC reached out to the public to design LATC's new logo. Ms. Trauth explained there was discussion on allowing students to design possible logos and Ms. Welch clarified to LATC that designing the logo was not extended to students due to trademark concerns. Ms. Trauth pointed out the Board's new logo does not contain a building, therefore, LATC's does not need to be real

literal either. Mr. Feng recalled the conversation at the February 2020 meeting and the discussion on a literal design versus an abstract design and opined the design in attachment L.2 contained all the elements of landscape architecture.

Ms. Trauth suggested narrowing down the options to three choices, requesting PDE to provide additional options focusing on editing the chosen designs. Mr. Wreschinsky agreed with Ms. Trauth and recommended the designs in attachments L.2.2, L.2.3, and L.2.11. Ms. Landry expressed her reserves of narrowing down to three choices leading to three variations of each design, totaling nine designs. She suggested narrowing down to just two choices, the designs in attachments L.2 and L.2.3, and request variations on those. The remaining members agreed with Ms. Landry on the design choices.

LATC directed staff to work with PDE to provide variations of the designs in attachments L.2 and L.2.3 addressing the spacing and thickness of the lines, as well as the trees, while also simplifying the designs.

M. Review of Future LATC Meeting Dates

Ms. Rodriguez reminded the members CLARB's Annual Meeting would be held virtually on September 10, 2020 in which Mr. Bowden would be attending. She further announced the Board would be holding their meeting on September 18, 2020 in which Mr. Wreschinsky would be attending as the Chair of LATC. Ms. Rodriguez provided that LATC's next meeting on December 2, 2020 would be held virtually and, at that meeting, the members could discuss who will be attending the Board meeting on December 11, 2020.

Mr. Wreschinsky inquired if any members had specific requests of items to be discussed at the next meeting. Ms. Rodriguez explained there are a few items on the agenda including member elections for the Chair and Vice Chair, the UC Extension review for approval by LATC, and a presentation by OPES. Mr. Bowden inquired when LATC's next Strategic Planning session would take place. Ms. Rodriguez explained that LATC's current Strategic Plan is through 2021 and the next planning session would be in November or December 2021.

Ms. Trauth commented that she noticed the Board issues newsletters and inquired on whether LATC could be included in the newsletter. Ms. Rodriguez explained that LATC has provided articles for the newsletters in the past and would be open to discussion to do so more frequently. Ms. Zuniga provided the Board could include LATC in the newsletter articles if LATC would like.

Mr. Wreschinsky referred to the legislative update on AB 2257 and whether Ms. Zuniga could clarify whether landscape architects were included in that bill. Ms. Zuniga explained the bill had been rewritten since the document was included in the meeting materials, but that landscape architects were included as exempt.

N. Adjournment

The meeting adjourned at 2:26 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.*

**AGENDA ITEM F: PROGRAM MANAGER'S REPORT – UPDATE ON
LATC'S ADMINISTRATIVE/MANAGEMENT,
EXAMINATION, LICENSING, AND ENFORCEMENT
PROGRAMS**

The Program Manager, Trish Rodriguez, will provide an update on the LATC's Administration/Management, Examination, Licensing, and Enforcement programs.

Attachment

Executive Officer's Report Dated October 31, 2020 (LATC Examination and Enforcement Statistics updated to October 31, 2020)



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MEMORANDUM

DATE	November 1, 2020
TO	Board and Landscape Architects Technical Committee (LATC) Members
FROM	Laura Zuniga, Executive Officer
SUBJECT	Executive Officer Report

The following information is provided as an overview of Board activities and projects as of October 31, 2020.

Administrative/Management

Board The Board met on September 18, 2020 via teleconference. The final meeting for this year will be held on December 11, 2020.

Committee Meetings

Professional Qualifications Committee (PQC) The PQC met via teleconference on October 30, 2020. At this meeting the Committee discussed the American Institute of Architects, California (AIA CA) proposal for five hours of mandatory continuing education focused upon Zero Net Carbon Design. The next meeting of the Committee has not been scheduled but is tentatively planned for January or February 2021.

Regulatory and Enforcement Committee (REC) The Committee met on November 5, 2020 via teleconference and discussed architects' duties to exercise responsible control and management control in various relationships with unlicensed individuals and business entities. Staff presented proposals to update business entity reporting requirements, add license numbers to advertising, increase the number of practice act violations that unlicensed individuals can be cited for, and clarify some Rules of Professional Conduct.

Communications Committee The next Communications Committee meeting has not yet been scheduled.

Budget The Board was providing monthly cost estimates associated with Novel Coronavirus (COVID-19) related activities to the Department of Consumer Affairs (DCA) but began reporting weekly cost estimates in September.

The Business Modernization project was estimated to commence by January 2021 and be completed by July 2022. However, the funding for the project that was planned for Fiscal Year (FY) 20/21 was deferred from the proposed Budget, and DCA will pursue funding for FY 21/22.

The Board and LATC implemented online credit card payments for license renewal applications in 2019. As of October 31, 2020, 6,261 Board and 1,303 LATC licensees renewed online with a credit card payment.

Coronavirus (COVID-19) Legislation passed into law on September 17, 2020, requiring monthly attendance reporting and establishing details when reporting staff who have tested positive for COVID-19. Most staff continue to telework part-time.

Newsletter The last issue of 2020 of the *California Architects* newsletter is in production.

Outreach Barry Williams, former architect consultant for the Board and current subject matter expert, and Marccus Reinhardt, Licensing Manager, gave a virtual presentation on October 22, 2020 about the Board. It was viewed by candidates and licensees.

Executive Officer Laura Zuniga and Jane Kreidler, Administration Manager, met with Joe Loyer from the California Energy Commission (CEC) to discuss its new certification program for nonresidential buildings and upcoming outreach efforts. The Board provided licensee contact information to assist CEC when it reaches out next year to architects, contractors and others in the building industry regarding the training.

Executive Officer Laura Zuniga participated in outreach events NCARB conducted with California State University (CSU) Pomona and CSU San Luis Obispo, and Ms. Zuniga and Marccus Reinhardt, Licensing Program Manager, participated in a NCARB outreach event with California Baptist University.

Outreach communication regarding the new fingerprinting requirement was sent to candidates who are in the testing process. In addition, fingerprinting information was added to the letter that PSI test centers send to candidates who will test for the California Supplemental Exam.

Personnel Jesse Bruinsma promoted to the Continuing Education Staff Services Analyst position in the Examination/Licensing Unit. Board liaison Gabe Nessar accepted a promotional position at the Department of Transportation. His last day at the Board was October 15, 2020. Recruitment efforts are underway to fill both positions. Assistant Executive Officer Vickie Mayer retired at the end of October.

Regulatory Proposals ***California Code of Regulations (CCR) Sections 110 (Substantial Relationship Criteria) and 110.1 (Criteria for Rehabilitation)*** The Board approved proposed regulatory language to amend CCR sections 110 and 110.1 at its February 27, 2019, meeting and delegated authority to the EO to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date of the Board's regulatory proposal for CCR sections 110 and 110.1:

Date	Action Taken
February 27, 2019	Proposed regulatory language approved by the Board
March 5, 2019	Proposed regulation submitted to DCA Legal Affairs Division for pre-review
March 7, 2019	DCA Legal concluded prereview
March 8, 2020	Proposed regulation submitted to DCA Legal Affairs Division for initial analysis

September 13, 2019	Proposed regulation submitted to Agency
December 27, 2020	Notice of Proposed changes in the Regulations published by Office of Administrative Law (OAL)
February 28, 2020	Proposed modified language approved by the Board
March 24, 2020	Approved for review by the Regulations Unit – Pending Legal and Budget review of Final Phase Package
June 25, 2020	Rulemaking package approved by Agency and DCA for submission to OAL
July 2, 2020	Proposed rulemaking package submitted to OAL for approval

CCR Section 154 (Disciplinary Guidelines) The Board’s 2013 and 2014 Strategic Plans included an objective to review and update the Board’s *Disciplinary Guidelines*. The REC reviewed recommended updates to the Board’s *Disciplinary Guidelines* in 2013 and 2014. Additionally, at the request of the REC, staff consulted with a representative of AIA CA to address a proposed modification to the “Obey All Laws” condition of probation. The Board approved the proposed regulatory language to amend CCR section 154 at its June 10, 2015 meeting and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes, if needed.

At its March 1, 2018 meeting, the Board approved the proposed regulatory changes to the *Disciplinary Guidelines* and CCR section 154 as modified, directed the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified.

As a result of guidance from DCA, staff made additional changes to the *Disciplinary Guidelines* due to the passage of Assembly Bill (AB) 2138 as well as proposed changes to CCR sections 110 (Substantial Relationship Criteria) and 110.1 (Criteria for Rehabilitation) including two options. The Board adopted the proposed recommended changes for CCR section 110 and option 1 of section 110.1 and approved the revised *Disciplinary Guidelines* at its February 27, 2019 meeting. The regulatory package was submitted to DCA Legal Affairs Division on September 19, 2019. Staff has addressed DCA Legal Affairs Division’s concerns and is awaiting approval.

CCR Section 144 (Fees) After discussing the fee associated with retiring an architectural license at its February, June and September 2019 meetings, the Board approved proposed regulatory language to amend CCR section 144 to set the fee at \$40 at its December 11, 2019 meeting. They delegated the authority to the Executive Officer (EO) to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes, if needed. Staff continues to work with DCA Legal Affairs Division in developing the regulatory package, which includes the ISR, Notice of Proposed Changes and Economic and Fiscal Impact Statement.

CCR Section 165 (Continuing Education) This is a regulatory proposal to establish requirements for continuing education courses and providers. Staff worked with DCA Legal Affairs Division to finalize the proposed regulatory language that was discussed at the June 5, 2020 Board meeting. The Board approved the proposed language and delegated authority to the EO for adoption of the regulation. Staff continues to work with DCA Legal Affairs Division in developing the regulatory package, which includes the ISR, Notice of Proposed Changes and Economic and Fiscal Impact Statement.

Social Media

Platform	Q2* Posts	Q3* Posts	Difference	Followers 7/31/20	Followers 10/31/20	Difference
Twitter (launched in 2014)	26	59	+123%	1335	1356	+0.07%
Instagram (launched in 2016)	14	52	+271%	890	956	+7.41%
Facebook (launched in 2017)	29	52	+88%	206	280	+36%

Q2 May 2020 - July 2020, Q3 August - October

Website A fingerprinting [Frequently Asked Questions document](#) was posted on the Board's website October 8, 2020. A new webpage was created and will be posted mid-December to facilitate the fingerprinting process for new licensees. Social media graphics were created and posted to Twitter, Facebook and Instagram to inform consumers.

Examination and Licensing Programs

ARE Performance data for ARE 5.0 administrations to California candidates during the first quarter FY 20/21 and comparisons of performance with NCARB data for prior FYs are shown in the following tables.

**California Performance ARE 5.0
(July 1–September 30, 2020)**

ARE Division	Divisions Administered	Pass		Fail	
		Total	Rate	Total	Rate
Construction & Evaluation	232	139	60%	93	40%
Practice Management	406	191	47%	215	53%
Programming & Analysis	319	147	46%	172	54%
Project Development & Documentation	259	135	52%	124	48%
Project Management	294	174	59%	120	41%
Project Planning & Design	347	137	39%	210	61%

**Multi-Year California and NCARB ARE 5.0 Performance Comparison
(FY 2018/19 and FY 2019/20)**

ARE Division	FY 18/19 ARE 5.0			FY 19/20 ARE 5.0		
	CA Pass	National Pass	▲%	CA Pass	National Pass	▲%
Construction & Evaluation	64%	71%	-7%	61%	60%	+1%
Practice Management	45%	49%	-4%	45%	45%	0%
Programming & Analysis	45%	53%	-8%	43%	43%	0%
Project Development & Documentation	43%	50%	-7%	45%	43%	+2%
Project Management	57%	62%	-5%	54%	53%	+1%
Project Planning & Design	35%	43%	-8%	36%	34%	+2%

▲% is the difference in California and NCARB performance.

CSE The current Intra-Departmental Contract (IDC) with OPES for examination development expires on June 30, 2021. OPES is currently conducting an Occupational Analysis on behalf of the Board that is tentatively planned to conclude in December 2020.

Performance data for the CSE during the prior FY is displayed in the following table.

**CSE Performance by Candidate Type
(July 1–September 30, 2020)**

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
Instate First-time	92	80%	23	20%	115
Instate Repeat	29	64%	16	36%	45
Reciprocity First-time	32	65%	17	35%	49
Reciprocity Repeat	12	75%	4	25%	16
Relicensure First-time	0	0%	2	100%	2
Relicensure Repeat	0	0%	0	0%	0
TOTAL	165	73%	62	27%	227

Enforcement Program

Enforcement Subject Matter Expert (SME) Program Since November 2019, the Board has been using a pool of qualified SMEs to provide case review, technical evaluation, and courtroom testimony. This new process has enabled a more efficient use of the Board’s resources. To date, the Board has a pool of 15 SMEs some of which have completed 14 expert opinion reports. Staff continue to assign cases on an ongoing basis as needed.

Enforcement Actions

Administrative Citations

Pedro Aguilar (Bakersfield) - The Board issued a two-count citation that included a \$3,000 administrative fine to Pedro Aguilar, an unlicensed individual, for alleged violations of BPC sections 5536(a) (Practice Without License or Holding Self Out as Architect) and 5536(b) (Misrepresentation; Stamp) and CCR, title 16, section 134(a) (Use of the Term Architect). The action alleged that Aguilar, a draftsman, used the stamp, signature, and title block of his employer, a California licensed architect.

The action alleged that homeowners from Bakersfield paid Aguilar over \$10,000 to design a balcony and staircase for the second floor of their home. The homeowners alleged that Aguilar misrepresented himself as an architect, signed their contract using the title “ARCH. PEDRO AGUILAR,” and offered to provide “Architectural Services.” Aguilar also used the email address “archfac@gmail.com.”

Aguilar's contract, billing invoices, and plans contained his employer's logo and business name that includes the term "architect." The description of his services as "Architectural," his use of the title "Architect" and his email address, are devices that might indicate to the public that Aguilar is an architect or qualified to engage in the practice of architecture in violation of BPC section 5536(a) and CCR, title 16, section 134(a).

The plans created by Aguilar included the title block, logo, stamp, and signature of Aguilar's employer, a California licensed architect who had no knowledge of the project, in violation of BPC section 5536(b). The citation became final on August 20, 2020.

Alan Gregory Estrada (Pleasant Hill) - The Board issued a two-count modified citation that included a \$1,250 administrative fine to Alan Gregory Estrada, architect license number C - 20258, for violations of BPC sections 5584 (Negligence) and 5536.22(a)(4) and (5) (Written Contract) and CCR, title 16, section 160(a)(2) (Professional Misconduct).

The action alleged Estrada executed a contract to obtain a building permit for a second dwelling unit remodel in Oakland, California. The contract was not executed by Estrada and did not include either a description of the procedure to accommodate additional services, or a description of the procedure to be used to terminate the contract.

The design for the project was rejected by the city of Oakland because the design did not meet setback and size requirements. Estrada had assumed the distance to the property line based on the location of a fence and failed to initiate a survey in order to determine the correct setback.

Estrada's failure to initiate a survey prior to commencing the project, which resulted in the project being rejected by the city of Oakland, is a violation of BPC section 5584 and CCR, title 16, section 160(a)(2).

Estrada's failure to include all of the required elements in his written contract and his failure to execute it constitute violations of BPC section 5536.22(a)(4) and (5). Mr. Estrada paid the fine, satisfying the citation. The citation became final on August 28, 2020.

Mark Allen Gaxiola (Eureka) – The Board issued a one-count citation that included a \$500 administrative fine to Mark Allen Gaxiola, architect license number C-23899, for an alleged violation of Business and Professions Code section 5536.22(a) (Written Contract).

The action alleged that on or about January 17, 2019, Gaxiola provided a contract to a client to develop preliminary design documents to upgrade an existing lodge for the project located in Dinsmore, California for a fixed fee of \$10,000. The client signed the contract and provided Gaxiola with an initial payment of \$2,500. The contract did not include Gaxiola's license number, a description of the procedure for accommodating additional services, or a termination clause for the above-referenced project. In an invoice to the client dated April 22, 2019, Gaxiola billed \$1,410 but did not provide a description of services or tasks provided, and this led to a dispute over the fees.

Gaxiola's failure to include in the written contract his license number, a description of the procedure that he and the client would use to accommodate additional services, and a description of the procedure to be used by either party to terminate the contract constituted a violation of Business and Professions Code section 5536.22(a). Mr. Gaxiola paid the fine, satisfying the citation. The citation became final on October 22, 2020.

Florencio Hernandez (San Bernardino) - The Board issued a two-count citation that included a

\$2,000 administrative fine to Florencio Hernandez, dba JH Design & Drafting Services, an unlicensed individual, for alleged violations of BPC sections 5536(a) (Practice Without License or Holding Self Out as Architect) and 5536.1(c) (Practicing Architecture).

The action alleged that Hernandez's firm, JH Design & Drafting, offered to design an addition to a commercial building in Hemet, California. In addition, JH Design & Drafting created plans for a second commercial building in San Bernardino, California.

Because offering to design an addition to an existing commercial building and preparing plans for the construction of a new commercial building are not exempt services under BPC sections 5537 or 5538, such conduct constitutes violations of BPC sections 5536(a) and 5536.1(c). The citation became final on August 14, 2020.

Josue Hernandez (San Bernardino) - The Board issued a two-count citation that included a \$2,000 administrative fine to Josue Hernandez, dba JH Design & Drafting Services, an unlicensed individual, for alleged violations of BPC sections 5536(a) (Practice Without License or Holding Self Out as Architect) and 5536.1(c) (Practicing Architecture).

The action alleged that Hernandez's firm, JH Design & Drafting, offered to design an addition to a commercial building in Hemet, California. In addition, JH Design & Drafting created plans for a second commercial building in San Bernardino, California.

Because offering to design an addition to an existing commercial building and preparing plans for the construction of a new commercial building are not exempt services under BPC sections 5537 or 5538, such conduct constitutes violations of BPC sections 5536(a) and 5536.1(c). The citation became final on August 14, 2020.

Joseph Pazcoguin (Los Angeles) —The Board issued a one-count citation that included a \$2,500 administrative fine to Joseph Pazcoguin, dba Plan and Permit, Inc., an unlicensed individual, for alleged violations of Business and Professions Code section 5536(a) (Practice Without License or Holding Self Out as Architect).

The action alleged that Pazcoguin's website for Apartment to Condo Conversion, at apartment2condo.com, stated "Our company hired the best architects," and described the company as "A place where design and architecture serve to create new and exciting possibilities for our clients." The "Our Services" page had a heading for "Architecture," under which it listed "basic architectural stages" and "Conceptual Architectural Design."

The action further alleged that Pazcoguin's website for Apartment to Condo Conversion, at besta2c.com, stated that they help with all phases of new home construction, including "architecture and design," described the company staff as "architects and designs" on the "About" page, and described the company as "A place where design and architecture serve to create new and exciting possibilities for our clients." The "News & Event" page on the website contained a link to an interview titled "Bob Peterson Interviewed A2C CEO Architect Joseph Pazcoguin." The website's "Our Team" page listed a design associate who "assists the architects on designs and permits." The page also advertised two unlicensed employees as a "Senior Design Architect" and a "Civil works Architect."

The action also alleged that the website pages for Loyola Academy, Rolling Hills Estates, Prezi, and Press Newsroom; Youtube videos for The Mentor Project I and II; and the Plan and Permit, Inc. website preview, all referred to Pazcoguin as "Architect."

Pazcoguin's websites, apartment2condo.com and besta2c.com, which referred to Pazcoguin as an "architect," advertised that he had "architects" on staff, and offered architectural services such as "architectural design;" the website pages for Loyola Academy, Rolling Hills Estates, Prezi, and Press Newsroom; Youtube videos of the interview titled The Mentor Project I and II; and the Plan and Permit, Inc. website preview, all referring to Pazcoguin as "Architect," are devices that might indicate to the public that Pazcoguin is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of Business and Professions Code section 5536(a). The citation became final on October 23, 2020.

Aaron Robinson (Santa Barbara) - The Board issued a one-count citation that included a \$1,500 administrative fine to Aaron Robinson, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect) and CCR, title 16, section 134(a) (Use of the Term Architect).

The action alleged that Robinson used the business name "re:design Architectural Studios" to do business in California and used the website www.redesignarchitecturalstudios.com to offer architectural services in Santa Barbara, as well as other locations in California. The website advertised "bespoke architectural design," "efficient architectural home design plans," "detail oriented architecture," and "architectural / landscape design." The website also showed a design concept for a three-story residence titled "The Bermuda," which is not an exempt structure under BPC section 5537.

The website for the Bontena Brand Network contained an interview with Robinson that described him as "Owner and Principle Designer of re:design architectural studios from Santa Barbara."

Robinson's Yelp, Houzz, Facebook, and LinkedIn profiles used the business name "Redesign Architectural Studios," listed the business as located in Santa Barbara, and referred to Robinson as the "Senior Architectural Designer." The profiles also referred to the business as an "architecture and design firm" which offered "architectural plans" and "architectural design" services in Santa Barbara, Los Angeles, Southern California, and "anywhere you want to live." Robinson's business profiles on Yellowpages, Payhip, and Alignable used the name "re:design Architectural Studios," and the address in Santa Barbara, California.

Robinson's business name, website, online profiles, and articles, wherein he described himself as an architectural designer and his services as "Architecture" and "Architectural," are devices that might indicate to the public that Robinson is an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes violations of BPC section 5536(a) and CCR, title 16, section 134(a). The citation became final on September 3, 2020.

Luis A. Robles (Pacifica) – The Board issued a one-count citation that included a \$500 administrative fine to Luis A. Robles, architect license number C-21700, for an alleged violation of Business and Professions Code section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Robles certified false or misleading information on his 2019 License Renewal Application and completed the coursework on disability access requirements after his December 31, 2019 license renewal date. Robles paid the fine, satisfying the citation. The citation became final on October 22, 2020.

Wendell W. Veith (Indio) - The Board issued a one-count citation that included a \$2,500 administrative fine to Wendell W. Veith, architect license number C-5297, for violations of Business and Professions Code sections 5582 (Aiding Unlawful Practice) and 5582.1 (Signing Other's Plans or Instruments; Permitting Misuse of Name), and California Code of Regulations,

title 16, section 151 (Aiding and Abetting).

The action alleged that Veith stamped plans, dated May 22, 2019, that were prepared by an unlicensed individual for a remodel and addition of a property in Mammoth Lake, California. Veith did not have a written agreement with the unlicensed individual, a violation of Business and Professions Code sections 5582 and 5582.1 and California Code of Regulations, title 16, section 151. Veith paid the fine, satisfying the citation. The citation became final on October 14, 2020.

ENFORCEMENT PROGRAM UPDATE

<u>Enforcement Statistics</u>	<u>FY 20/21</u> <i>(as of 10/31/20)</i>	<u>FY19/20</u>	<u>FY18/19</u>
Complaints			
Received/Opened (Reopened):	83 (1)	428 (2)	310 (2)
Closed:	71	428	314
Average Days to Close:	122 days	132 days	188 days
Pending as of 10/31/20:	165	153	150
Average Age of Pending:	244 days	230 days	230 days
Citations			
Issued:	11	96	48
Pending:	18	20	32
Pending AG:	3	3	3
Final:	28	84	55
Disciplinary Actions			
Pending AG:	7	6	6
Pending DA:	0	0	1
Final:	0	2	1
Continuing Education (\$5600.05)*			
Received/Opened:	0	37	35
Closed:	0	30	24
Pending:	3	7	11
Settlement Reports (\$5588)*			
Received/Opened:	7	34	24
Closed:	6	25	15
Pending:	21	9	9

**Also included within "Complaints" information.*

Complaints Received

Type of Complaint Received	FY 20/21 (as of 10/31/20)	FY 19/20
Advertising	29.6%	33.4%
Continuing Education	0.0%	6.5%
Licensee	24.7%	29.6%
Settlement	8.6%	8.4%
Unlicensed	37.0%	22.1%

Complaints Closed

Type of Closure	FY 20/21 (as of 10/31/20)	FY 19/20	FY 18/19
Cease/Desist Compliance	6	21	10
Citation Issued	12	94	43
Complaint Withdrawn	2	8	10
Insufficient Evidence	2	14	16
Letter of Advisement	25	123	120
No Jurisdiction	3	27	13
No Violation	14	95	74
Referred for Disciplinary Action	1	3	4
Other (i.e., Duplicate, Mediated, etc.)	6	99	30

Most Common Violations The majority of complaints received are filed by consumers for allegations such as unlicensed practice, professional misconduct, negligence, and contract violations, or initiated by the Board upon the failure of a coursework audit.

In FY 19/20, 84 citations with administrative fines became final with 71 violations of the Architects Practice Act (Act) and/or Board regulations. In FY 20/21 (as of October 31, 2020), 12 citations with administrative fines became final with 15 violations of the Act and/or Board regulations.

The most common violations that resulted in citation or discipline during the current and previous fiscal year are listed below.

BPC or CCR Section	FY 20/21 (as of 10/31/20)	FY 19/20
BPC § 5536(a) & (b), &/or CCR § 134 – Advertising and Unlicensed Practice	45.5%	45.5%
BPC § 5536.1(c) – Unauthorized Use of Stamp/License number	18.2%	1.8%
BPC § 5536.22(a) – Written Contract	9.1%	5.5%
BPC § 5584 – Negligence or Willful Misconduct	18.2%	5.5%
BPC § 5600.05(a)(1) &/or (b) – Failure to Complete CE &/or Misleading Information on License Renewal	54.5%	54.5%
CCR § 160(b)(2) – Failure to Respond to Board Investigation	18.2%	7.3%

Landscape Architects Technical Committee

LATC ADMINISTRATIVE/MANAGEMENT

Committee The next LATC meeting is scheduled for December 2, 2020 via teleconference. On October 22, 2020, Governor Newsom announced the appointment of Pamela S. Brief to the LATC.

Social Media LATC maintains a Twitter account that currently has 207 followers. This account largely permits the LATC to have active social media participation with the public and professionals.

Website LATC staff have been working with the DCA Public Information Office (PIO) to produce a web-based tutorial for the LATC homepage, and other outreach efforts to assist candidates with navigating through the process of becoming a licensed landscape architect. A set of preliminary videos were presented to the LATC at their meeting on February 5, 2020. Staff are currently coordinating with PIO to incorporate Committee member feedback and finalize the videos for an upcoming LATC meeting.

LATC staff worked with DCA’s Legal Affairs Division and Office of Information Services to include a secondary status code for licensees who have been disciplined by the Board and are on probation.

Legislative Proposal **BPC section 5659 (Inclusion of License Number – Requirement)** LATC set an objective to educate the different jurisdictional agencies about landscape architecture licensure and its regulatory scope of practice to allow licensees to perform duties prescribed within the regulations. Staff reviewed the Landscape Architects Practice Act and BPC section 460 (Local Government Entities – Powers), which prevents local government entities from prohibiting a licensed professional from engaging in the practice for which they are licensed while also allowing those entities to adopt or enforce local ordinances. Staff worked with DCA legal counsel to add language to section 5659 to coincide with section 460 specifically referencing landscape architects. The proposed additional language would prohibit local jurisdictions from rejecting plans solely based on the fact they are stamped by a licensed landscape architect; however, they could still reject plans based on defects or public protection from the licensee.

Proposed language to amend BPC section 5659 was presented to the LATC on February 5, 2020, and the Board approved the LATC’s recommendation at its February 28, 2020 meeting. Staff proceeded with the proposal and submitted it to legislative staff in mid-March 2020, however the bill proposal was late and not accepted. Staff will resubmit during the next legislative process in early 2021.

Date	Action Taken
February 28, 2020	Proposed language approved by Board
March 18, 2020	Bill proposal provided to EO for review and submittal
Mid-March 2020	Bill proposal submitted to legislative staff

Regulatory Proposals **CCR Sections 2611 (Abandonment of Application), 2611.5 (Retention of Candidate Files), and 2616 (Application for Licensure Following Examination)** The LATC’s retention schedule was updated and approved in January 2020. While updating the retention schedule it was discovered that the abandonment of an application required definition within CCR 2611. Staff worked with DCA legal counsel and prepared proposed changes. Additionally, it was advised by legal counsel to add a new section 2611.5 to provide LATC authority for the retention and purging of candidate files. Lastly, it was advised to provide additional language to CCR section 2616 providing for the abandonment of a candidate’s application for licensure. The proposed language was presented to the LATC on February 5, 2020 and adopted by the Board at its February 28, 2020 meeting.

Following is a chronology of the regulatory proposal for CCR sections 2611, 2611.5 and 2616:

Date	Action Taken
February 28, 2020	Proposed regulatory language approved by Board
April 10, 2020	Proposed regulation submitted to DCA Legal Affairs Division for pre-review

CCR Sections 2615 (Form of Examinations) and 2620 (Education and Training Credits) At its meeting on February 10, 2015, LATC directed staff to draft proposed regulatory language to specifically state that California allows reciprocity to individuals who are licensed in another jurisdiction, have 10 years of practice experience, and have passed the CSE. At the LATC meeting on November 17, 2015, the Committee approved proposed amendments to CCR section 2615(c)(1) and the Board approved the regulatory changes at its meeting on December 10, 2015.

The LATC received extensive input during the public comment period expressing concern about the proposed length of post-licensure experience (at least 10 years, within the past 15 years) to be required of reciprocity candidates who do not meet California’s educational requirements

(specifically, a degree in landscape architecture). At its November 4, 2016 meeting, LATC reviewed and discussed the public comments, heard from several members of the audience, and directed staff to provide additional research and possible options for its next meeting in January 2017. At its January 17, 2017 meeting, the Committee directed staff to draft proposed regulatory language allowing reciprocity licensure to applicants licensed to practice landscape architecture by any US jurisdiction, Canadian province, or Puerto Rico, upon passing the CSE. Staff consulted with legal counsel to draft new, proposed regulatory language in accordance with the Committee's direction. Staff was also advised that it would be more efficient to begin a new regulatory proposal for this new language in lieu of continuing with the existing proposal. Pursuant to Government (Gov.) Code section 11346.4, the one-year deadline to finalize the existing regulatory proposal was August 12, 2017, which did not allow sufficient time to complete the required review/approval process through the control agencies.

At its April 18, 2017 meeting, the Committee approved the new proposed regulatory language to amend CCR section 2615(c)(1) and recommended that the Board authorize LATC to proceed with the regulatory change. The LATC's recommendation was considered by the Board at its June 15, 2017, meeting. Following discussion, the Board voted to reject the proposed regulatory language. The Board directed staff to prepare a proposal that addresses both the LATC's initial and reciprocal licensure requirements, and that closely aligns with the Board's current licensure requirements. The Board requested that the proposal be presented to the Board at its next meeting.

At the July 13, 2017 meeting, the LATC reviewed proposed language to amend CCR section 2620 (Education and Training Credits) composed by staff and DCA Legal Affairs Division. This proposed language reflects the Board's licensing provisions by granting credit for related and non-related degrees while also adding an experience-only pathway. The LATC voted to recommend to the Board the approval of amendments to CCR section 2620. Upon the Board's review of amendments for CCR section 2620 during its meeting on December 7, 2017, the Board voted to approve the language.

It was found that minor changes are necessary for consistency with the proposed amendments to CCR section 2620. Specifically, these changes will replace the term "Board approved degree" with "degree from an accredited program" and update a reference to CCR section 2620(a)(7).

This new language was presented to the LATC for review and possible approval at their meeting on May 4, 2018. During this meeting, the Committee expressed concern that the Certification of Experience form may not adequately structure the experience a candidate gains, especially as it would pertain to the proposed experience-only pathway. Following discussion, the Committee directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present the findings at the next Committee meeting.

Subsequent to the Committee meeting on May 4, 2018, staff gathered research from other licensing jurisdictions who have detailed experience criteria on their experience verification forms as well as gathered data for California licensees and active candidates who qualify for licensure with one-year of education credit and five years of experience inclusive of examination pass rates, the types of experience gained, and whether enforcement actions were taken. The findings were presented to the LATC during its meeting on July 20, 2018; the Committee granted approval to move forward with the combined rulemaking file for CCR sections 2615 and 2620. The Board approved the LATC's proposed regulatory language at its meeting on September 12, 2018.

Following is a chronology of LATC's regulatory proposal for CCR sections 2615 and 2620:

Date	Action Taken
December 10, 2015	Proposed regulatory language approved by Board
August 2, 2016	Notice of Proposed Changes in the Regulations submitted to OAL
August 12, 2016	Notice of Proposed Changes in the Regulations published by OAL
September 27, 2016	Public hearing, public comments received during 45-day period
April 18, 2017	LATC voted to withdraw regulatory proposal and approved new proposed regulatory language
June 15, 2017	Board requested LATC prepare an alternate proposal that refines both initial and reciprocal licensure requirements to be more closely related to those of the Board's
July 13, 2017	LATC voted to recommend to the Board that reciprocity requirements align with initial licensure requirements once they are determined by the Education/Experience Subcommittee and approved by the LATC and the Board at subsequent meetings
October 3, 2017	The Education/Experience Subcommittee met and recommended expanded initial licensure pathways (and their respective education/ experience credit allocations) as amendments to section 2620 for the LATC's consideration
November 2, 2017	LATC met to review the Education/Experience Subcommittee's recommendations and voted to recommend that the Board approve proposed amendments to section 2620 to expand initial licensure pathways
December 7, 2017	Board reviewed and approved the LATC's proposed amendments to section 2620
May 4, 2018	LATC reviewed revised proposed regulatory language, to amend sections 2615 and 2620, and directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present findings at a future Committee meeting
July 20, 2018	LATC voted to recommend to the Board to proceed with the combined rulemaking file for sections 2615 and 2620
November 1, 2018	Staff preparing regulatory package for DCA Legal Affairs Division's review
February 7, 2019	Proposed regulation submitted to DCA Legal Affairs Division for pre-review
March 21, 2019	DCA Legal Affairs Division concluded first round of prereview and returned regulation to staff
April 16, 2019	Proposed regulation returned to DCA Legal Affairs Division for additional prereview

June 5, 2019	DCA Legal Affairs Division concluded prereview
June 6, 2019	Proposed regulation submitted to DCA Legal Affairs Division for initial analysis
June 14, 2019	Proposed regulation submitted for Budget Office review
February 6, 2020	Budget approved Economic and Fiscal Impact Statement (Std. 399). Pending Legal Review of Initial Analysis

CCR Section 2620.5 (Requirements for an Approved Extension Certificate Program) At the December 6, 2018 LATC meeting, LATC discussed opportunities to address the following in regulation: 1) extension certificate program approval, expiration, reauthorization, and extensions of said approval; 2) possible provisions for site reviews; and 3) the information that shall be provided by the extension certificate program to evaluate the program’s compliance with the regulation. Following discussion, the Committee directed staff to form a subcommittee to work with staff to recommend regulatory changes for LATC’s consideration at a later meeting date.

On January 17, 2019, staff held a conference call with the subcommittee where together they developed recommended changes to section 2620.5 and the review/approval procedures for LATC’s consideration. At the February 8, 2019 LATC meeting, the Committee reviewed the subcommittee’s recommendations and directed staff to prepare a regulatory proposal to amend CCR section 2620.5 for the LATC’s consideration at its next meeting. At its May 29, 2019 meeting, the LATC voted to recommend to the Board approval of the proposed regulatory language to amend CCR section 2620.5. The Board approved the proposal at its meeting on June 12, 2019 and delegated authority to the EO to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology of LATC’s regulatory proposal for CCR section 2620.5:

Date	Action Taken
January 17, 2019	LATC staff held a conference call with the subcommittee where together they developed recommended changes for LATC’s consideration at its February 8, 2019 meeting
February 8, 2019	LATC directed staff to prepare a regulatory proposal to amend section 2620.5 for the LATC’s consideration at its May 23, 2019 meeting
May 29, 2019	LATC reviewed proposed regulatory language and voted to recommend approval by the Board
June 12, 2019	Proposed regulatory language approved by Board
July 31, 2019	Proposed regulation submitted to DCA Legal Affairs Division for pre-review
October 22, 2019	Proposed regulation submitted to DCA Legal Affairs Division for additional pre-review
November 25, 2019	Proposed regulation submitted to DCA Legal Affairs Division for initial analysis
February 5, 2020	Proposed regulation submitted to Budget Office for review

CCR Sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) At its meeting on February 8, 2019, LATC recommended to the Board approval of proposed regulatory language to amend CCR sections 2655 and 2656. The Board approved the proposed regulatory language at its February 27, 2019, meeting and delegated authority to the EO to adopt the regulations, provided no adverse comments were received during the public comment period, and, if needed, to make minor technical or non-substantive changes. The final

rulemaking file was submitted to OAL on June 24, 2020. Additional review of the Economic and Fiscal Impact Statement was needed by the Department of Finance (DOF) and was submitted to DOF for review, and approval, on October 1, 2020.

Following is a chronology of LATC’s regulatory proposal for CCR sections 2655 and 2656:

Date	Action Taken
February 27, 2019	Proposed regulatory language approved by the Board
March 7, 2019	Proposed regulation submitted to DCA Legal Affairs Division for pre-review
March 8, 2019	DCA Legal Affairs Division concluded prereview
March 12, 2019	Proposed regulation submitted to DCA Legal for initial analysis
September 24, 2019	Proposed regulatory language approved by Agency
October 11, 2019	Notice of Proposed Regulatory Action published by OAL
November 25, 2019	End of 45-day public comment period, no comments received
February 5, 2020	LATC reviewed modified proposed regulatory language and voted to recommend approval by the Board
February 28, 2020	Proposed modified regulatory language approved by the Board
March 20, 2020	End of 15-day public comment period, no comments received
March 24, 2020	Final rulemaking submitted to DCA Regulatory Unit for review
April 2, 2020	Final rulemaking package approved by DCA Regulatory Unit and submitted to DCA Director for review
April 29, 2020	Final rulemaking package approved by DCA Director and submitted to Agency for review
June 12, 2020	Final rulemaking file submitted to DOF
June 24, 2020	Final rulemaking file submitted to OAL
October 1, 2020	Economic and Fiscal Impact Statement submitted to DOF

CCR Section 2671 (Public Presentments and Advertising Requirements) As part of the Strategic Plan established by LATC at the December 2018 meeting, LATC set an objective of researching the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers.

Currently, CCR section 2671 requires that a landscape architect only include their name and the words “landscape architect” in all forms of advertising or public presentments. To better inform and protect California consumers, the proposed changes of the LATC’s current advertising requirements will expand to include license numbers in all forms of advertising.

Proposed language to amend CCR section 2671 was presented to the Committee on May 29, 2019, and the Committee made a recommendation to the Board to adopt the proposed regulatory language. The Board approved the Committee’s recommendation at its June 12, 2019 meeting. Staff proceeded with the regulatory proposal process and DCA Legal Affairs Division completed the prereview of the regulatory change package. On August 12, 2019 the regulatory change package was submitted to DCA for Initial Analysis.

Date	Action Taken
June 12, 2019	Amended proposed regulatory language approved by the Board
June 27, 2019	Proposed regulation submitted to DCA Legal for prereview
August 6, 2019	DCA Legal concluded prereview
August 12, 2019	Proposed regulation submitted to DCA Legal for initial analysis
September 3, 2019	Proposed regulation submitted to Budget Office for review
February 5, 2020	Budget approved Economic and Fiscal Impact Statement (Std. 399). Pending Legal review of Initial Analysis.

CCR Section 2680 (Disciplinary Guidelines) As part of the Strategic Plan established by LATC at the January 2013 meeting, LATC set an objective of collaborating with the Board in order to review and update LATC's *Disciplinary Guidelines*. Staff worked closely with Board staff to update their respective guidelines to mirror each other wherever appropriate.

At its June 13, 2018 meeting, the Board reviewed and approved the proposed changes to the LATC's *Disciplinary Guidelines* and CCR section 2680 as modified, directed the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified.

DCA guidance due to the passage of AB 2138 as well as proposed changes to CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) caused staff to make revisions to the *Disciplinary Guidelines*. On February 8, 2019, the Committee made a recommendation to the Board to adopt the proposed regulatory language for section 2655 and option 1 for section 2656 and approve the revised *Disciplinary Guidelines*.

Date	Action Taken
August 6, 2015	Amended proposed regulatory language to LATC's Disciplinary Guidelines approved by LATC
September 10, 2015	Proposed regulatory language to LATC's Disciplinary Guidelines approved by Board
October 21, 2015	Board staff provided suggested edits to the Board's Disciplinary Guidelines to DCA Legal Affairs Division for review
November 12, 2015	DCA Legal Affairs Division notified Board staff that the edits to their Disciplinary Guidelines were sufficient and substantive, and would require re-approval by the Board
December 10, 2015	Amended proposed regulatory language to Board's Disciplinary Guidelines approved by Board
March 15, 2016	Board staff prepared the regulatory package for DCA Legal Affairs Division's review and approval
April 8, 2016	DCA Legal Affairs Division advised Board staff that further substantive changes to the Disciplinary Guidelines were necessary prior to submission to OAL
December 15, 2016	Amended proposed regulatory language of the Board's Disciplinary Guidelines approved by Board
July 13, 2017	Amended proposed regulatory language to LATC's Disciplinary Guidelines based on the Board's Disciplinary Guidelines approved by LATC
September 5, 2017	DCA Legal Affairs Division informed staff that additional substantive changes were necessary for both LATC's and Board's Disciplinary Guidelines

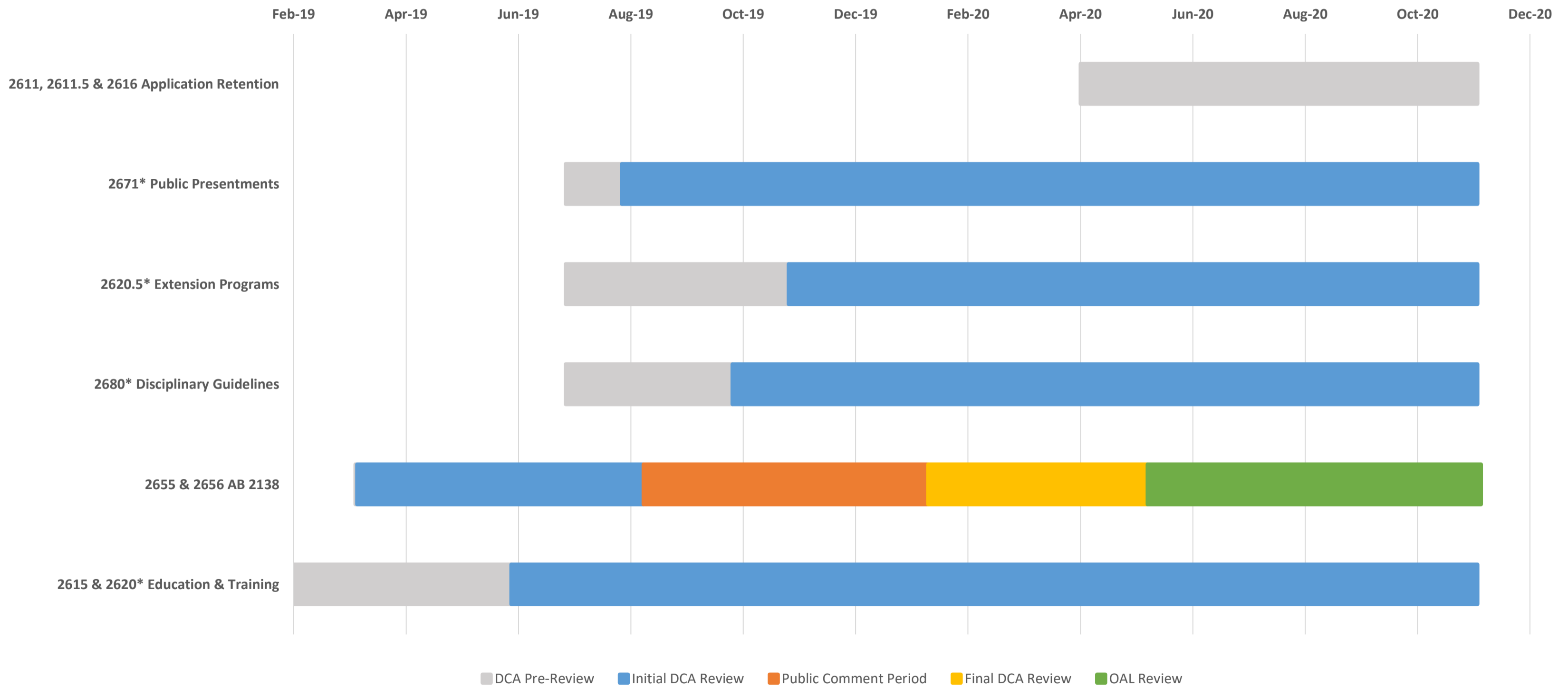
September 7, 2017	Amended proposed regulatory language of LATC's Disciplinary Guidelines, with additional substantive changes approved by Board
December 7, 2017	Amended proposed regulatory language for the Board's Disciplinary Guidelines approved by Board; however, the Board requested additional research on its statutory authority to impose fines
May 4, 2018	LATC reviewed proposed regulatory language to LATC's Disciplinary Guidelines, including language on statutory authority to impose fines, and voted to recommend approval by the Board
June 13, 2018	Proposed regulatory language to LATC's Disciplinary Guidelines approved by Board
February 8, 2019	Revised proposed regulatory language to LATC's Disciplinary Guidelines, due to the passing of AB 2138, approved by LATC
February 27, 2019	Revised proposed regulatory language to both LATC's and Board's Disciplinary Guidelines approved by Board
July 30, 2019	Proposed regulation of LATC's Disciplinary Guidelines submitted to DCA Legal Affairs Division for prereview
October 8, 2019	DCA Legal Affairs Division concluded pre-review of LATC's Disciplinary Guideline's regulatory package
October 15, 2019	Proposed regulation for LATC's Disciplinary Guidelines submitted to DCA Legal Affairs Division for initial analysis
April 17, 2020	DCA Budget Office approved Economic and Fiscal Impact Statement (Std. 399)
October 19, 2020	Signed revised Economic and Fiscal Impact Statement (Std. 399) provided to DCA Budget Office

Regulation Proposals Tracker Staff have created a chart to display the status of progress for the regulation packages as they advance through the initial DCA review, public comment period, final DCA review, and OAL review stages. This chart allows at-a-glance tracking of the pending regulation packages.

Landscape Architects Technical Committee Status of Pending Regulations

Regulatory Proposals	DCA Pre-Review			Initial DCA Review			Public Comment Period			Final DCA Review			OAL Review		
	Start Date	Current/End Date	Days	Start Date	Current/End Date	Days	Start Date	Current/End Date	Days	Start Date	Current/End Date	Days	Start Date	Current/End Date	Days
2611, 2611.5 & 2616 Application Retention	Apr-20	Nov-20	219			0			0			0			0
2671* Public Presentments	Jul-19	Aug-19	31	Aug-19	Nov-20	472			0			0			0
2620.5* Extension Programs	Jul-19	Nov-19	123	Nov-19	Nov-20	380			0			0			0
2680* Disciplinary Guidelines	Jul-19	Oct-19	92	Oct-19	Nov-20	411			0			0			0
2655 & 2656 AB 2138	Mar-19	Mar-19	1	Mar-19	Aug-19	158	Aug-19	Jan-20	157	Jan-20	May-20	121	May-20	Nov-20	184
2615 & 2620* Education & Training	Feb-19	Jun-19	120	Jun-19	Nov-20	533			0			0			0

Tracking of Pending LATC Regulatory Proposals



*Note: Initial DCA review delayed to allow processing of priority rulemakings (AB 2138-related and others)

LATC EXAMINATION PROGRAM

California Supplemental Examination (CSE). The current IDC with OPES for examination development for FY 20/21 will expire on June 30, 2021. The IDC for the 2020 review of Landscape Architect Registration Examination and linkage study commenced in July 2020 and will conclude after the Council of Landscape Architectural Registration Boards (CLARB) completes its current job task analysis sometime in early 2021. Performance data for the CSE during the current and prior FYs is displayed in the following tables.

CSE Performance by Candidate Type (July 1, 2020 to October 31, 2020)

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
First-time	17	55%	14	45%	31
Repeat	6	75%	2	25%	8
TOTAL	23	59%	16	41%	39

CSE Performance by Candidate Type (FY 19/20)

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
First-time	61	73%	22	27%	83
Repeat	14	70%	6	30%	20
TOTAL	75	73%	28	27%	103

Landscape Architect Registration Examination (LARE). A LARE administration was held from August 1 through September 19, 2020. A significant increase in participation by California candidates was seen because COVID-19 restrictions placed on the previous LARE were adjusted. Examination results for all LARE administrations are released by CLARB within six weeks of the last day of administration. The next LARE administration will be held November 30 through December 12, 2020.

The pass rates for LARE sections taken by California candidates during the August 1 through September 19, 2020 administration are shown in the following table:

SECTION	NUMBER OF SECTIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Sections	Passed	No. of Sections	Failed
Project and Construction Management	75	50	67%	25	33%
Inventory and Analysis	70	41	59%	29	41%
Design	48	27	56%	21	44%
Grading, Drainage and Construction	56	34	61%	22	39%

National pass rates for LARE sections taken during the August 1 - September 19, 2020 administration are shown below:

SECTION	CALIFORNIA		NATIONAL		▲ %
	Total	Passed	Total	Passed	
Project and Construction Management	75	67%	467	67%	0%
Inventory and Analysis	70	59%	447	65%	-6%
Design	48	56%	418	64%	-8%
Grading, Drainage and Construction	56	61%	408	64%	-3%

▲% is the difference in the California and national (CLARB) pass rates.

National pass rates for LARE sections taken in 2019 are shown in the following table:

SECTION	CALIFORNIA		NATIONAL		▲ %
	Total	Passed	Total	Passed	
Project and Construction Management	176	66%	1,019	68%	-2%
Inventory and Analysis	208	54%	1,154	70%	-16%
Design	182	60%	1,149	65%	-5%
Grading, Drainage and Construction	156	60%	1,123	65%	-5%

▲% is the difference in the California and national (CLARB) pass rates.

LATC ENFORCEMENT PROGRAM

Enforcement Actions No new enforcement actions.

<u>Enforcement Statistics</u>	<u>Current Quarter</u> Aug-Oct 2020	<u>Prior Quarter</u> May-July 2020	<u>FYTD</u> 20/21	<u>5-FY Avg</u> 2015/16- 2019/20
Complaints				
Received/Opened (Reopened):	11 (0)	9 (1)	14 (0)	33 (0)
Closed:	9	10	13	35
Average Days to Close:	52 days	61 days	51 days	152 days
Pending:	10*	9*	9*	11
Average Age (Pending):	84 days*	51 days*	65 days	106 days
Citations				
Issued:	0	1	0*	3
Pending:	0*	0*	0*	0
Pending AG: †	0*	0*	0*	0
Final:	0	1	1	3
Disciplinary Actions				
Pending AG:	0*	0*	0*	1
Pending DA:	0*	0*	0*	0
Final:	0	0	0	1
Settlement Reports (§5678)**				
Received/Opened:	0	1	1	2
Closed:	0	0	0	2
Pending:	1*	1*	1*	0

* Calculated as a quarterly average of pending cases.

** Also included within "Complaints" information.

† Also included within "Pending Citations"

AGENDA ITEM G: REVIEW AND DISCUSS 2020 LEGISLATION

Summary

An update to the 2020 legislative items listed below will be presented to the LATC.

Action Requested

None

Attachments

1. Assembly Bill 2113 (Low) Refugees, Asylees, and Special Immigrant Visa Holders
Professional Licensing: Initial Licensure Process
2. Senate Bill (SB) 878 (Jones) Department of Consumer Affairs License Application:
Processing Timeframes
3. SB 1474 (Committee on Business, Professions and Economic Development) Business and
Professions

Assembly Bill No. 2113

CHAPTER 186

An act to add Section 135.4 to the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 27, 2020. Filed with Secretary of State September 27, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2113, Low. Refugees, asylees, and special immigrant visa holders: professional licensing: initial licensure process.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law prohibits a board within the department from denying licensure to an applicant based upon their citizenship or immigration status.

This bill, notwithstanding any other law, would require a board within the department to expedite, and authorize it to assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that they are a refugee, have been granted asylum, or have a special immigrant visa, as specified. The bill would authorize a board to adopt regulations necessary to administer these provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 135.4 is added to the Business and Professions Code, to read:

135.4. (a) Notwithstanding any other law, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that they have been admitted to the United States as a refugee under Section 1157 of Title 8 of the United States Code, have been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to Section 1158 of Title 8 of the United States Code, or they have a special immigrant visa (SIV) that has been granted a status under Section 1244 of Public Law 110-181, under Public Law 109-163, or under Section 602(b) of Title VI of Division F of Public Law 111-8.

(b) Nothing in this section shall be construed as changing existing licensure requirements. A person applying for expedited licensure under subdivision (a) shall meet all applicable statutory and regulatory licensure requirements.

(c) A board may adopt regulations necessary to administer this section.

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Senate Bill No. 878

CHAPTER 131

An act to add Section 139.5 to the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 24, 2020. Filed with Secretary of State September 24, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 878, Jones. Department of Consumer Affairs: license: application: processing timeframes.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs.

This bill, beginning July 1, 2021, would require each board within the department that issues licenses to prominently display on its internet website, on at least a quarterly basis, either the current average timeframes for processing initial and renewal license applications or the combined current average timeframe for processing both initial and renewal license applications. The bill would also require each board to prominently display on its internet website, on at least a quarterly basis, either the current average timeframes for processing each license type that the board administers or the combined current average timeframe for processing all license types that the board administers.

The people of the State of California do enact as follows:

SECTION 1. Section 139.5 is added to the Business and Professions Code, to read:

139.5. Beginning July 1, 2021, each board, as defined in Section 22, within the department that issues a license shall do both of the following on at least a quarterly basis:

- (a) Prominently display on its internet website one of the following:
 - (1) The current average timeframes for processing initial and renewal license applications.
 - (2) The combined current average timeframe for processing both initial and renewal license applications.
- (b) Prominently display on its internet website one of the following:
 - (1) The current average timeframes for processing each license type that the board administers.

(2) The combined current average timeframe for processing all license types that the board administers.

O

Senate Bill No. 1474

CHAPTER 312

An act to amend Sections 27, 101, 125.9, 130, 144, 200.1, 205, 494.5, 1000, 1913, 1917, 1917.1, 1922, 2065, 2113, 2135.5, 2460, 2531, 2531.75, 2570.19, 2602, 2607.5, 2841, 2847.1, 2847.3, 2920, 2933, 3504, 3512, 3686, 3710, 3716, 4001, 4003, 4501, 4503, 4604, 4621, 4800, 4804.5, 4990, 4990.04, 5600.4, 5810, 7000, 7000.5, 7000.6, 7011.4, 7011.5, 7011.8, 7015, 7017.3, 7028.7, 7030, 7031, 7058.7, 7071.4, 7080.5, 7085.5, 7099.2, 7123.5, 7135, 7136, 7137, 7137.5, 7138, 7139.1, 7139.2, 7141.5, 7145.5, 7159, 7170, 7303, 7512.3, 7512.14, 7512.15, 7520.3, 7525.1, 7529, 7533.5, 7538, 7538.5, 7539, 8516, 10050, 11301, 16100, and 19164 of, and to add Section 7099.9 to, the Business and Professions Code, to add Section 1670.8.5 to the Civil Code, and to amend Section 94950 of the Education Code, relating to business and professions, and making an appropriation therefor.

[Approved by Governor September 29, 2020. Filed with
Secretary of State September 29, 2020.]

legislative counsel's digest

SB 1474, Committee on Business, Professions and Economic Development. Business and professions.

(1) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board in the Department of Consumer Affairs. Existing law requires fees and penalties received pursuant to the law to be deposited in the Contractors' License Fund, a continuously appropriated fund, except that certain service fees for the deposit of money in lieu of paying a bond are required to be deposited in the Contractors' Deposit Fund.

This bill would rename the Contractors' State license Law as the Contractors State License Law, would rename the Contractors' State License Board as the Contractors State License Board, and would rename the Contractors' License Fund as the Contractors License Fund. The bill would delete the provision establishing the Contractors' Deposit Fund, and would therefore require those service fees to be deposited in the Contractors License Fund. By authorizing a new source of revenue to be deposited into a continuously appropriated fund, the bill would make an appropriation.

Existing law authorizes a licensee who is subject to a bonding provision under the law, in lieu of giving a bond, to deposit money or a cashier's check with the registrar of contractors.

This bill would prohibit the deposit from being released if the board is notified of a civil action against the deposit and, if the amount of the deposit is insufficient to pay all claims, would require the deposit to be distributed to claimants in proportion to the amount of the claims.

Existing law authorizes the registrar of contractors to grant the retroactive renewal of a license if, within 90 days from the due date, the licensee requests the retroactive renewal in a petition to the registrar, shows that the failure to renew was due to circumstances beyond their control, files an application for renewal on a form prescribed by the registrar, and pays the appropriate renewal and delinquency fees.

This bill, instead, would require the registrar to grant the retroactive renewal of a license if, within 90 days of the expiration of the license, the otherwise eligible licensee submits a completed application for renewal and pays the renewal and delinquency fees. The bill would delete the requirement that the licensee demonstrate that the delay was due to circumstances beyond the licensee's control, and would deem an application for renewal submitted for purposes of these provisions if it is delivered to the board's headquarters or postmarked within 90 days of the expiration of the license.

(2) Existing law establishes the Landscape Architects Technical Committee to assist the California Architects Board in examining candidates for a landscape architect's license. Existing law, on and after January 1, 2021, requires an applicant to furnish to the committee a full set of fingerprints for purposes of conducting criminal history record checks.

This bill would revise the date on which this requirement becomes effective to January 1, 2022.

(3) Existing law, the Chiropractic Act, enacted by an initiative measure, provides for the licensure and regulation of chiropractors in this state by the State Board of Chiropractic Examiners. Existing law requires that the powers and duties of the board, as provided, be subject to review by the appropriate policy committees of the Legislature as if that act were scheduled to be repealed on January 1, 2022.

This bill would require that the powers and duties of the board, as provided, be subject to review by the appropriate policy committees of the Legislature as if that act were scheduled to be repealed on January 1, 2023.

(4) Existing law authorizes the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California and any board within the Department of Consumer Affairs to issue a citation that may contain an order of abatement or an order to pay an administrative fine, and provides that a failure to pay a fine within 30 days of the date of assessment may result in disciplinary action.

This bill would also make a failure to comply with the order of abatement within 30 days of the date of the order subject to disciplinary action.

(5) Existing law provides for the licensure and regulation of registered dental hygienists by the Dental Hygiene Board of California. Existing law authorizes a registered dental hygienist to perform a procedure or provide a service within the scope of their practice under the appropriate level of supervision, as specified.

This bill would also require a registered dental hygienist to have completed the appropriate education and training required to perform the procedure or provide the service.

Existing law requires a person to have satisfactorily completed a specified examination within the preceding 2 years as a condition of licensure as a registered dental hygienist.

This bill would instead require completion of the dental hygiene examination within the preceding 3 years.

Existing law requires a person, as a condition for licensure as a registered dental hygienist in alternative practice, to successfully complete a bachelor's degree or its equivalent from an accredited college or institution of higher education, among other requirements.

This bill would specify that the equivalent of a bachelor's degree is recognized as a minimum of 120 semester credit hours or 180 quarter credit hours in postsecondary education.

(6) Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California, and requires an applicant for a physician's and surgeon's license who has completed 36 months of approved postgraduate training in another state or Canada and who is accepted into an approved postgraduate training in another state or Canada and who is accepted into an approved postgraduate training program in California to obtain their physician's and surgeon's license within 90 days after beginning the postgraduate training program.

This bill would delete the requirement that the person be accepted into an approved postgraduate training in another state or Canada.

Existing law authorizes the Medical Board of California, in its discretion, to waive certain examination and certification requirements for licensure for a graduate of a foreign medical school who holds a certificate of registration issued by the board to practice medicine as a full-time faculty member at a medical school.

This bill would also authorize the board to accept clinical practice in an appointment as qualifying time to meet specified postgraduate training requirements for licensure for those registrants.

Existing law authorizes the Medical Board of California, upon and review and recommendation, to determine that an applicant for a physician and surgeon's certificate has satisfied the medical education and examination requirements for an applicant who holds an unlimited and unrestricted license as a physician and surgeon in another state and has held the license continuously for a minimum of 4 years, subject to satisfaction of specified requirements.

This bill would also require the applicant to meet specified postgraduate training requirements.

(7) Existing law, the Architects Practice Act, provides for the licensure and regulation of architects by the California Architects Board. Existing law requires the board to issue a retired license to an architect who meets specified requirements, and also provides for the restoration of a retired license to active status upon satisfaction of specified requirements applicable to licenses that are not renewed within 5 years of its expiration.

This bill would also authorize the restoration of a retired license to active status upon satisfaction of specified requirements applicable to licenses that are renewed within 5 years of its expiration.

(8) Existing law provides for the January 1, 2021, repeal of provisions creating the Podiatric Medical Board of California, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the Board of Psychology, the Physician Assistant Board, the California State Board of Pharmacy, the Veterinary Medical Board, the Board of Behavioral Sciences, and the State Board of Barbering and Cosmetology.

This bill would extend the operation of those provisions to January 1, 2022, and make conforming changes relating to the appointment of an executive officer, as applicable.

(9) Existing law provides for the January 1, 2022, repeal of provisions regulating naturopathic medicine and interior design and provisions creating the California Board of Occupational Therapy, the Physical Therapy Board of California, the Respiratory Care Board of California, and the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

This bill would extend the operation of those provisions to January 1, 2023, and make conforming changes relating to the appointment of an executive officer, as applicable.

(10) Existing law, the Massage Therapy Act, until January 1, 2021, provides for the certification and regulation of massage therapists by the California Massage Therapy Council.

This bill would extend the operation of the Massage Therapy Act to January 1, 2022, and make conforming changes relating to massage therapist certification requirements.

(11) Existing law, the Private Investigator Act, provides for the licensure and regulation of private investigators by the Bureau of Security and Investigative Services. Existing law, until January 1, 2021, authorizes the bureau to issue a private investigator license to a limited liability company. A violation of the act is a crime.

This bill would extend that date to January 1, 2024. By extending the operation of these provisions, the bill would impose a state-mandated local program.

(12) Existing law, the Real Estate Law, provides for the licensure and regulation of real estate brokers by the Real Estate Commissioner, the chief officer of the Department of Real Estate within the Business, Consumer Services, and Housing Agency. The Real Estate Law subjects the powers and duties of the department, under specified provisions of law, to review by the appropriate policy committees of the Legislature, performed as if those provisions were scheduled to be repealed as of January 1, 2021.

This bill would extend that date to January 1, 2022.

(13) Existing law, the Real Estate Appraisers' Licensing and Certification Law, creates a Bureau of Real Estate Appraisers within the Department of Consumer Affairs to administer and enforce that law. The Real Estate Appraisers' Licensing and Certification Law subjects the powers and duties

of the bureau to review by the appropriate policy committees of the Legislature, performed as if that law were scheduled to be repealed as of January 1, 2021.

This bill would extend that date to January 1, 2022.

(14) Existing law regulates the formation and enforcement of contracts, including what constitutes an unlawful contract. Under existing law, a contract is unlawful if it is contrary to an express provision of law, contrary to the policy of express law, though not expressly prohibited, or otherwise contrary to good morals.

Existing law regulates licensees who are subject to the jurisdiction of a state licensing entity, including the State Bar of California, the Department of Real Estate, the Department of Consumer Affairs, or any other state agency that issues a license, certificate, or registration authorizing a person to engage in a business or profession.

This bill would prohibit a contract or proposed contract for the provision of a consumer service by a licensee regulated by a licensing board from including a provision limiting the consumer's ability to file a complaint with that board or to participate in the board's investigation into the licensee. The bill would specify that a waiver of these provisions is contrary to public policy and is void and unenforceable. The bill would provide that a violation of these provisions by a licensee constitutes unprofessional conduct subject to discipline by the licensee's regulatory board.

(15) Existing law, the California Private Postsecondary Education Act of 2009, until January 1, 2021, provides, among other things, for student protections and regulatory oversight of private postsecondary institutions in the state, enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs.

This bill would extend the operation of the California Private Postsecondary Education Act of 2009 to January 1, 2022.

(16) This bill would make other conforming, technical, and nonsubstantive changes.

(17) This bill would incorporate additional changes to Section 205 of the Business and Professions Code proposed by AB 896 to be operative only if this bill and AB 896 are enacted and this bill is enacted last.

(18) This bill would incorporate additional changes to Section 2113 of the Business and Professions Code proposed by AB 2273 to be operative only if this bill and AB 2273 are enacted and this bill is enacted last.

(19) This bill would incorporate additional changes to Section 7159 of the Business and Professions Code proposed by AB 2471 to be operative only if this bill and AB 2471 are enacted and this bill is enacted last.

(20) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 27 of the Business and Professions Code is amended to read:

27. (a) Each entity specified in subdivisions (c), (d), and (e) shall provide on the internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of the licensee's home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as the licensee's address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the internet.

(b) In providing information on the internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs' guidelines for access to public records.

(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(3) The Bureau of Household Goods and Services shall disclose information on its licensees and registrants, including major appliance repair dealers, combination dealers (electronic and appliance), electronic repair dealers, service contract sellers, service contract administrators, and household movers.

(4) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, and funeral directors.

(5) The Professional Fiduciaries Bureau shall disclose information on its licensees.

(6) The Contractors State License Board shall disclose information on its licensees and registrants in accordance with Chapter 9 (commencing with Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

(7) The Bureau for Private Postsecondary Education shall disclose information on private postsecondary institutions under its jurisdiction, including disclosure of notices to comply issued pursuant to Section 94935 of the Education Code.

(8) The California Board of Accountancy shall disclose information on its licensees and registrants.

(9) The California Architects Board shall disclose information on its licensees, including architects and landscape architects.

(10) The State Athletic Commission shall disclose information on its licensees and registrants.

(11) The State Board of Barbering and Cosmetology shall disclose information on its licensees.

(12) The Acupuncture Board shall disclose information on its licensees.

(13) The Board of Behavioral Sciences shall disclose information on its licensees and registrants.

(14) The Dental Board of California shall disclose information on its licensees.

(15) The State Board of Optometry shall disclose information on its licensees and registrants.

(16) The Board of Psychology shall disclose information on its licensees, including psychologists, psychological assistants, and registered psychologists.

(17) The Veterinary Medical Board shall disclose information on its licensees, registrants, and permit holders.

(d) The State Board of Chiropractic Examiners shall disclose information on its licensees.

(e) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(f) The Bureau of Cannabis Control shall disclose information on its licensees.

(g) “Internet” for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

SEC. 2. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of the following:

(a) The Dental Board of California.

(b) The Medical Board of California.

- (c) The State Board of Optometry.
- (d) The California State Board of Pharmacy.
- (e) The Veterinary Medical Board.
- (f) The California Board of Accountancy.
- (g) The California Architects Board.
- (h) The State Board of Barbering and Cosmetology.
- (i) The Board for Professional Engineers, Land Surveyors, and Geologists.
- (j) The Contractors State License Board.
- (k) The Bureau for Private Postsecondary Education.
- (l) The Bureau of Household Goods and Services.
- (m) The Board of Registered Nursing.
- (n) The Board of Behavioral Sciences.
- (o) The State Athletic Commission.
- (p) The Cemetery and Funeral Bureau.
- (q) The Bureau of Security and Investigative Services.
- (r) The Court Reporters Board of California.
- (s) The Board of Vocational Nursing and Psychiatric Technicians.
- (t) The Landscape Architects Technical Committee.
- (u) The Division of Investigation.
- (v) The Bureau of Automotive Repair.
- (w) The Respiratory Care Board of California.
- (x) The Acupuncture Board.
- (y) The Board of Psychology.
- (z) The Podiatric Medical Board of California.
- (aa) The Physical Therapy Board of California.
- (ab) The Arbitration Review Program.
- (ac) The Physician Assistant Board.
- (ad) The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (ae) The California Board of Occupational Therapy.
- (af) The Osteopathic Medical Board of California.
- (ag) The Naturopathic Medicine Committee.
- (ah) The Dental Hygiene Board of California.
- (ai) The Professional Fiduciaries Bureau.
- (aj) The State Board of Chiropractic Examiners.
- (ak) The Bureau of Real Estate Appraisers.
- (al) The Structural Pest Control Board.
- (am) The Bureau of Cannabis Control.
- (an) Any other boards, offices, or officers subject to its jurisdiction by law.
- (ao) This section shall become operative on July 1, 2018.

SEC. 3. Section 125.9 of the Business and Professions Code is amended to read:

125.9. (a) Except with respect to persons regulated under Chapter 11 (commencing with Section 7500), any board, bureau, or commission within the department, the State Board of Chiropractic Examiners, and the Osteopathic Medical Board of California, may establish, by regulation, a

system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board, bureau, or commission where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

(b) The system shall contain the following provisions:

(1) Citations shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the provision of law determined to have been violated.

(2) Whenever appropriate, the citation shall contain an order of abatement fixing a reasonable time for abatement of the violation.

(3) In no event shall the administrative fine assessed by the board, bureau, or commission exceed five thousand dollars (\$5,000) for each inspection or each investigation made with respect to the violation, or five thousand dollars (\$5,000) for each violation or count if the violation involves fraudulent billing submitted to an insurance company, the Medi-Cal program, or Medicare. In assessing a fine, the board, bureau, or commission shall give due consideration to the appropriateness of the amount of the fine with respect to factors such as the gravity of the violation, the good faith of the licensee, and the history of previous violations.

(4) A citation or fine assessment issued pursuant to a citation shall inform the licensee that if the licensee desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board, bureau, or commission within 30 days of the date of issuance of the citation or assessment. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(5) Failure of a licensee to pay a fine or comply with an order of abatement, or both, within 30 days of the date of assessment or order, unless the citation is being appealed, may result in disciplinary action being taken by the board, bureau, or commission. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

(c) The system may contain the following provisions:

(1) A citation may be issued without the assessment of an administrative fine.

(2) Assessment of administrative fines may be limited to only particular violations of the applicable licensing act.

(d) Notwithstanding any other provision of law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine and compliance with the order of abatement, if applicable, shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

(e) Administrative fines collected pursuant to this section shall be deposited in the special fund of the particular board, bureau, or commission.

SEC. 4. Section 130 of the Business and Professions Code is amended to read:

130. (a) Notwithstanding any other law, the term of office of any member of an agency designated in subdivision (b) shall be for a term of four years expiring on June 1.

(b) Subdivision (a) applies to the following boards or committees:

- (1) The Medical Board of California.
- (2) The Podiatric Medical Board of California.
- (3) The Physical Therapy Board of California.
- (4) The Board of Registered Nursing, except as provided in subdivision

(c) of Section 2703.

- (5) The Board of Vocational Nursing and Psychiatric Technicians.
- (6) The State Board of Optometry.
- (7) The California State Board of Pharmacy.
- (8) The Veterinary Medical Board.
- (9) The California Architects Board.
- (10) The Landscape Architect Technical Committee.
- (11) The Board for Professional Engineers and Land Surveyors.
- (12) The Contractors State License Board.
- (13) The Board of Behavioral Sciences.
- (14) The Court Reporters Board of California.
- (15) The State Athletic Commission.
- (16) The Osteopathic Medical Board of California.
- (17) The Respiratory Care Board of California.
- (18) The Acupuncture Board.
- (19) The Board of Psychology.
- (20) The Structural Pest Control Board.

SEC. 5. Section 144 of the Business and Professions Code is amended to read:

144. (a) Notwithstanding any other law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following:

- (1) California Board of Accountancy.
- (2) State Athletic Commission.
- (3) Board of Behavioral Sciences.
- (4) Court Reporters Board of California.
- (5) Dental Board of California.
- (6) California State Board of Pharmacy.
- (7) Board of Registered Nursing.
- (8) Veterinary Medical Board.
- (9) Board of Vocational Nursing and Psychiatric Technicians.
- (10) Respiratory Care Board of California.
- (11) Physical Therapy Board of California.
- (12) Physician Assistant Committee.

- (13) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (14) Medical Board of California.
- (15) State Board of Optometry.
- (16) Acupuncture Board.
- (17) Cemetery and Funeral Bureau.
- (18) Bureau of Security and Investigative Services.
- (19) Division of Investigation.
- (20) Board of Psychology.
- (21) California Board of Occupational Therapy.
- (22) Structural Pest Control Board.
- (23) Contractors State License Board.
- (24) Naturopathic Medicine Committee.
- (25) Professional Fiduciaries Bureau.
- (26) Board for Professional Engineers, Land Surveyors, and Geologists.
- (27) Bureau of Cannabis Control.
- (28) Podiatric Medical Board of California.
- (29) Osteopathic Medical Board of California.
- (30) California Architects Board, beginning January 1, 2021.
- (31) Landscape Architects Technical Committee, beginning January 1, 2022.

(c) For purposes of paragraph (26) of subdivision (b), the term “applicant” shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category.

SEC. 6. Section 200.1 of the Business and Professions Code is amended to read:

200.1. (a) Any accruals that occur on or after September 11, 1993, to any funds or accounts within the Professions and Vocations Fund that realize increased revenues to that fund or account as a result of legislation enacted on or after September 11, 1993, and that have not been transferred pursuant to Sections 13.50, 13.60, and 13.70 of the Budget Act of 1993 on the effective date of the act that enacted this section, shall be exempt from the transfers contained in Sections 13.50, 13.60, and 13.70 of the Budget Act of 1993. These funds shall include, but not be limited to, all of the following:

- (1) Athletic Commission Fund.
- (2) Bureau of Home Furnishings and Thermal Insulation Fund.
- (3) Contractors License Fund.
- (4) Private Investigator Fund.
- (5) Respiratory Care Fund.
- (6) Vocational Nursing and Psychiatric Technicians Fund.

(b) Subdivision (a) shall not apply to the Contingent Fund of the Medical Board of California.

SEC. 7. Section 205 of the Business and Professions Code, as amended by Section 2 of Chapter 865 of the Statutes of 2019, is amended to read:

205. (a) There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

- (1) Accountancy Fund.
- (2) California Architects Board Fund.
- (3) Athletic Commission Fund.
- (4) Barbering and Cosmetology Contingent Fund.
- (5) Cemetery and Funeral Fund.
- (6) Contractors License Fund.
- (7) State Dentistry Fund.
- (8) Home Furnishings and Thermal Insulation Fund.
- (9) California Architects Board-Landscape Architects Fund.
- (10) Contingent Fund of the Medical Board of California.
- (11) Optometry Fund.
- (12) Pharmacy Board Contingent Fund.
- (13) Physical Therapy Fund.
- (14) Private Investigator Fund.
- (15) Private Security Services Fund.
- (16) Professional Engineer's, Land Surveyor's, and Geologist's Fund.
- (17) Consumer Affairs Fund.
- (18) Behavioral Sciences Fund.
- (19) Licensed Midwifery Fund.
- (20) Court Reporters' Fund.
- (21) Veterinary Medical Board Contingent Fund.
- (22) Vocational Nursing and Psychiatric Technicians Fund.
- (23) Electronic and Appliance Repair Fund.
- (24) Dispensing Opticians Fund.
- (25) Acupuncture Fund.
- (26) Physician Assistant Fund.
- (27) Board of Podiatric Medicine Fund.
- (28) Psychology Fund.
- (29) Respiratory Care Fund.
- (30) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.
- (31) Board of Registered Nursing Fund.
- (32) Animal Health Technician Examining Committee Fund.
- (33) State Dental Hygiene Fund.
- (34) State Dental Assistant Fund.
- (35) Structural Pest Control Fund.
- (36) Structural Pest Control Eradication and Enforcement Fund.
- (37) Structural Pest Control Research Fund.
- (38) Household Movers Fund.

(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each account or fund shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.

(c) This section shall be repealed on July 1, 2022.

SEC. 8. Section 205 of the Business and Professions Code, as added by Section 3 of Chapter 865 of the Statutes of 2019, is amended to read:

205. (a) There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

- (1) Accountancy Fund.
- (2) California Architects Board Fund.
- (3) Athletic Commission Fund.
- (4) Barbering and Cosmetology Contingent Fund.
- (5) Cemetery and Funeral Fund.
- (6) Contractors License Fund.
- (7) State Dentistry Fund.
- (8) Home Furnishings and Thermal Insulation Fund.
- (9) California Architects Board-Landscape Architects Fund.
- (10) Contingent Fund of the Medical Board of California.
- (11) Optometry Fund.
- (12) Pharmacy Board Contingent Fund.
- (13) Physical Therapy Fund.
- (14) Private Investigator Fund.
- (15) Private Security Services Fund.
- (16) Professional Engineer's, Land Surveyor's, and Geologist's Fund.
- (17) Consumer Affairs Fund.
- (18) Behavioral Sciences Fund.
- (19) Licensed Midwifery Fund.
- (20) Court Reporters' Fund.
- (21) Veterinary Medical Board Contingent Fund.
- (22) Vocational Nursing and Psychiatric Technicians Fund.
- (23) Electronic and Appliance Repair Fund.
- (24) Dispensing Opticians Fund.
- (25) Acupuncture Fund.
- (26) Physician Assistant Fund.
- (27) Board of Podiatric Medicine Fund.
- (28) Psychology Fund.
- (29) Respiratory Care Fund.
- (30) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.
- (31) Board of Registered Nursing Fund.
- (32) Animal Health Technician Examining Committee Fund.
- (33) State Dental Hygiene Fund.
- (34) Structural Pest Control Fund.
- (35) Structural Pest Control Eradication and Enforcement Fund.
- (36) Structural Pest Control Research Fund.
- (37) Household Movers Fund.

(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each account or fund shall

be available for expenditure only for the purposes as are now or may hereafter be provided by law.

(c) This section shall become operative on July 1, 2022.

SEC. 8.5. Section 205 of the Business and Professions Code, as added by Section 3 of Chapter 865 of the Statutes of 2019, is amended to read:

205. (a) There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

- (1) Accountancy Fund.
- (2) California Architects Board Fund.
- (3) Athletic Commission Fund.
- (4) Barbering and Cosmetology Contingent Fund.
- (5) Cemetery and Funeral Fund.
- (6) Contractors License Fund.
- (7) State Dentistry Fund.
- (8) Home Furnishings and Thermal Insulation Fund.
- (9) California Architects Board-Landscape Architects Fund.
- (10) Contingent Fund of the Medical Board of California.
- (11) Optometry Fund.
- (12) Pharmacy Board Contingent Fund.
- (13) Physical Therapy Fund.
- (14) Private Investigator Fund.
- (15) Private Security Services Fund.
- (16) Professional Engineer's, Land Surveyor's, and Geologist's Fund.
- (17) Consumer Affairs Fund.
- (18) Behavioral Sciences Fund.
- (19) Licensed Midwifery Fund.
- (20) Court Reporters' Fund.
- (21) Veterinary Medical Board Contingent Fund.
- (22) Vocational Nursing and Psychiatric Technicians Fund.
- (23) Electronic and Appliance Repair Fund.
- (24) Acupuncture Fund.
- (25) Physician Assistant Fund.
- (26) Board of Podiatric Medicine Fund.
- (27) Psychology Fund.
- (28) Respiratory Care Fund.
- (29) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.
- (30) Board of Registered Nursing Fund.
- (31) Animal Health Technician Examining Committee Fund.
- (32) State Dental Hygiene Fund.
- (33) Structural Pest Control Fund.
- (34) Structural Pest Control Eradication and Enforcement Fund.
- (35) Structural Pest Control Research Fund.
- (36) Household Movers Fund.

(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate

account in the Professions and Vocations Fund. Each account or fund shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.

(c) This section shall become operative on July 1, 2022.

SEC. 9. Section 494.5 of the Business and Professions Code is amended to read:

494.5. (a) (1) Except as provided in paragraphs (2), (3), and (4), a state governmental licensing entity shall refuse to issue, reactivate, reinstate, or renew a license and shall suspend a license if a licensee’s name is included on a certified list.

(2) The Department of Motor Vehicles shall suspend a license if a licensee’s name is included on a certified list. Any reference in this section to the issuance, reactivation, reinstatement, renewal, or denial of a license shall not apply to the Department of Motor Vehicles.

(3) The State Bar of California may recommend to refuse to issue, reactivate, reinstate, or renew a license and may recommend to suspend a license if a licensee’s name is included on a certified list. The word “may” shall be substituted for the word “shall” relating to the issuance of a temporary license, refusal to issue, reactivate, reinstate, renew, or suspend a license in this section for licenses under the jurisdiction of the California Supreme Court.

(4) The Department of Alcoholic Beverage Control may refuse to issue, reactivate, reinstate, or renew a license, and may suspend a license, if a licensee’s name is included on a certified list.

(b) For purposes of this section:

(1) “Certified list” means either the list provided by the State Board of Equalization or the list provided by the Franchise Tax Board of persons whose names appear on the lists of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code, as applicable.

(2) “License” includes a certificate, registration, or any other authorization to engage in a profession or occupation issued by a state governmental licensing entity. “License” includes a driver’s license issued pursuant to Chapter 1 (commencing with Section 12500) of Division 6 of the Vehicle Code. “License” excludes a vehicle registration issued pursuant to Division 3 (commencing with Section 4000) of the Vehicle Code.

(3) “Licensee” means an individual authorized by a license to drive a motor vehicle or authorized by a license, certificate, registration, or other authorization to engage in a profession or occupation issued by a state governmental licensing entity.

(4) “State governmental licensing entity” means any entity listed in Section 101, 1000, or 19420, the office of the Attorney General, the Department of Insurance, the Department of Motor Vehicles, the State Bar of California, the Department of Real Estate, and any other state agency, board, or commission that issues a license, certificate, or registration authorizing an individual to engage in a profession or occupation, including any certificate, business or occupational license, or permit or license issued by the Department of Motor Vehicles or the Department of the California

Highway Patrol. “State governmental licensing entity” shall not include the Contractors State License Board.

(c) The State Board of Equalization and the Franchise Tax Board shall each submit its respective certified list to every state governmental licensing entity. The certified lists shall include the name, social security number or taxpayer identification number, and the last known address of the persons identified on the certified lists.

(d) Notwithstanding any other law, each state governmental licensing entity shall collect the social security number or the federal taxpayer identification number from all applicants for the purposes of matching the names of the certified lists provided by the State Board of Equalization and the Franchise Tax Board to applicants and licensees.

(e) (1) Each state governmental licensing entity shall determine whether an applicant or licensee is on the most recent certified list provided by the State Board of Equalization and the Franchise Tax Board.

(2) If an applicant or licensee is on either of the certified lists, the state governmental licensing entity shall immediately provide a preliminary notice to the applicant or licensee of the entity’s intent to suspend or withhold issuance or renewal of the license. The preliminary notice shall be delivered personally or by mail to the applicant’s or licensee’s last known mailing address on file with the state governmental licensing entity within 30 days of receipt of the certified list. Service by mail shall be completed in accordance with Section 1013 of the Code of Civil Procedure.

(A) The state governmental licensing entity shall issue a temporary license valid for a period of 90 days to any applicant whose name is on a certified list if the applicant is otherwise eligible for a license.

(B) The 90-day time period for a temporary license shall not be extended. Only one temporary license shall be issued during a regular license term and the term of the temporary license shall coincide with the first 90 days of the regular license term. A license for the full term or the remainder of the license term may be issued or renewed only upon compliance with this section.

(C) In the event that a license is suspended or an application for a license or the renewal of a license is denied pursuant to this section, any funds paid by the applicant or licensee shall not be refunded by the state governmental licensing entity.

(f) (1) A state governmental licensing entity shall refuse to issue or shall suspend a license pursuant to this section no sooner than 90 days and no later than 120 days of the mailing of the preliminary notice described in paragraph (2) of subdivision (e), unless the state governmental licensing entity has received a release pursuant to subdivision (h). The procedures in the administrative adjudication provisions of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code) shall not apply to the denial or suspension of, or refusal to renew, a license or the issuance of a temporary license pursuant to this section.

(2) Notwithstanding any other law, if a board, bureau, or commission listed in Section 101, other than the Contractors State License Board, fails to take action in accordance with this section, the Department of Consumer Affairs shall issue a temporary license or suspend or refuse to issue, reactivate, reinstate, or renew a license, as appropriate.

(g) Notices shall be developed by each state governmental licensing entity. For an applicant or licensee on the State Board of Equalization's certified list, the notice shall include the address and telephone number of the State Board of Equalization, and shall emphasize the necessity of obtaining a release from the State Board of Equalization as a condition for the issuance, renewal, or continued valid status of a license or licenses. For an applicant or licensee on the Franchise Tax Board's certified list, the notice shall include the address and telephone number of the Franchise Tax Board, and shall emphasize the necessity of obtaining a release from the Franchise Tax Board as a condition for the issuance, renewal, or continued valid status of a license or licenses.

(1) The notice shall inform the applicant that the state governmental licensing entity shall issue a temporary license, as provided in subparagraph (A) of paragraph (2) of subdivision (e), for 90 calendar days if the applicant is otherwise eligible and that upon expiration of that time period, the license will be denied unless the state governmental licensing entity has received a release from the State Board of Equalization or the Franchise Tax Board, whichever is applicable.

(2) The notice shall inform the licensee that any license suspended under this section will remain suspended until the state governmental licensing entity receives a release along with applications and fees, if applicable, to reinstate the license.

(3) The notice shall also inform the applicant or licensee that if an application is denied or a license is suspended pursuant to this section, any moneys paid by the applicant or licensee shall not be refunded by the state governmental licensing entity. The state governmental licensing entity shall also develop a form that the applicant or licensee shall use to request a release by the State Board of Equalization or the Franchise Tax Board. A copy of this form shall be included with every notice sent pursuant to this subdivision.

(h) If the applicant or licensee wishes to challenge the submission of their name on a certified list, the applicant or licensee shall make a timely written request for release to the State Board of Equalization or the Franchise Tax Board, whichever is applicable. The State Board of Equalization or the Franchise Tax Board shall immediately send a release to the appropriate state governmental licensing entity and the applicant or licensee, if any of the following conditions are met:

(1) The applicant or licensee has complied with the tax obligation, either by payment of the unpaid taxes or entry into an installment payment agreement, as described in Section 6832 or 19008 of the Revenue and Taxation Code, to satisfy the unpaid taxes.

(2) The applicant or licensee has submitted a request for release not later than 45 days after the applicant's or licensee's receipt of a preliminary notice described in paragraph (2) of subdivision (e), but the State Board of Equalization or the Franchise Tax Board, whichever is applicable, will be unable to complete the release review and send notice of its findings to the applicant or licensee and state governmental licensing entity within 45 days after the State Board of Equalization's or the Franchise Tax Board's receipt of the applicant's or licensee's request for release. Whenever a release is granted under this paragraph, and, notwithstanding that release, the applicable license or licenses have been suspended erroneously, the state governmental licensing entity shall reinstate the applicable licenses with retroactive effect back to the date of the erroneous suspension and that suspension shall not be reflected on any license record.

(3) The applicant or licensee is unable to pay the outstanding tax obligation due to a current financial hardship. "Financial hardship" means financial hardship as determined by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, where the applicant or licensee is unable to pay any part of the outstanding liability and the applicant or licensee is unable to qualify for an installment payment arrangement as provided for by Section 6832 or Section 19008 of the Revenue and Taxation Code. In order to establish the existence of a financial hardship, the applicant or licensee shall submit any information, including information related to reasonable business and personal expenses, requested by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, for purposes of making that determination.

(i) An applicant or licensee is required to act with diligence in responding to notices from the state governmental licensing entity and the State Board of Equalization or the Franchise Tax Board with the recognition that the temporary license will lapse or the license suspension will go into effect after 90 days and that the State Board of Equalization or the Franchise Tax Board must have time to act within that period. An applicant's or licensee's delay in acting, without good cause, which directly results in the inability of the State Board of Equalization or the Franchise Tax Board, whichever is applicable, to complete a review of the applicant's or licensee's request for release shall not constitute the diligence required under this section which would justify the issuance of a release. An applicant or licensee shall have the burden of establishing that they diligently responded to notices from the state governmental licensing entity or the State Board of Equalization or the Franchise Tax Board and that any delay was not without good cause.

(j) The State Board of Equalization or the Franchise Tax Board shall create release forms for use pursuant to this section. When the applicant or licensee has complied with the tax obligation by payment of the unpaid taxes, or entry into an installment payment agreement, or establishing the existence of a current financial hardship as defined in paragraph (3) of subdivision (h), the State Board of Equalization or the Franchise Tax Board, whichever is applicable, shall mail a release form to the applicant or licensee

and provide a release to the appropriate state governmental licensing entity. Any state governmental licensing entity that has received a release from the State Board of Equalization and the Franchise Tax Board pursuant to this subdivision shall process the release within five business days of its receipt. If the State Board of Equalization or the Franchise Tax Board determines subsequent to the issuance of a release that the licensee has not complied with their installment payment agreement, the State Board of Equalization or the Franchise Tax Board, whichever is applicable, shall notify the state governmental licensing entity and the licensee in a format prescribed by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, that the licensee is not in compliance and the release shall be rescinded. The State Board of Equalization and the Franchise Tax Board may, when it is economically feasible for the state governmental licensing entity to develop an automated process for complying with this subdivision, notify the state governmental licensing entity in a manner prescribed by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, that the licensee has not complied with the installment payment agreement. Upon receipt of this notice, the state governmental licensing entity shall immediately notify the licensee on a form prescribed by the state governmental licensing entity that the licensee's license will be suspended on a specific date, and this date shall be no longer than 30 days from the date the form is mailed. The licensee shall be further notified that the license will remain suspended until a new release is issued in accordance with this subdivision.

(k) The State Board of Equalization and the Franchise Tax Board may enter into interagency agreements with the state governmental licensing entities necessary to implement this section.

(l) Notwithstanding any other law, a state governmental licensing entity, with the approval of the appropriate department director or governing body, may impose a fee on a licensee whose license has been suspended pursuant to this section. The fee shall not exceed the amount necessary for the state governmental licensing entity to cover its costs in carrying out the provisions of this section. Fees imposed pursuant to this section shall be deposited in the fund in which other fees imposed by the state governmental licensing entity are deposited and shall be available to that entity upon appropriation in the annual Budget Act.

(m) The process described in subdivision (h) shall constitute the sole administrative remedy for contesting the issuance of a temporary license or the denial or suspension of a license under this section.

(n) Any state governmental licensing entity receiving an inquiry as to the licensed status of an applicant or licensee who has had a license denied or suspended under this section or who has been granted a temporary license under this section shall respond that the license was denied or suspended or the temporary license was issued only because the licensee appeared on a list of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code. Information collected pursuant to this section by any state agency, board, or department shall be subject to the

Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). Any state governmental licensing entity that discloses on its internet website or other publication that the licensee has had a license denied or suspended under this section or has been granted a temporary license under this section shall prominently disclose, in bold and adjacent to the information regarding the status of the license, that the only reason the license was denied, suspended, or temporarily issued is because the licensee failed to pay taxes.

(o) Any rules and regulations issued pursuant to this section by any state agency, board, or department may be adopted as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of these regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare. The regulations shall become effective immediately upon filing with the Secretary of State.

(p) The State Board of Equalization, the Franchise Tax Board, and state governmental licensing entities, as appropriate, shall adopt regulations as necessary to implement this section.

(q) (1) Neither the state governmental licensing entity, nor any officer, employee, or agent, or former officer, employee, or agent of a state governmental licensing entity, may disclose or use any information obtained from the State Board of Equalization or the Franchise Tax Board, pursuant to this section, except to inform the public of the denial, refusal to renew, or suspension of a license or the issuance of a temporary license pursuant to this section. The release or other use of information received by a state governmental licensing entity pursuant to this section, except as authorized by this section, is punishable as a misdemeanor. This subdivision may not be interpreted to prevent the State Bar of California from filing a request with the Supreme Court of California to suspend a member of the bar pursuant to this section.

(2) A suspension of, or refusal to renew, a license or issuance of a temporary license pursuant to this section does not constitute denial or discipline of a licensee for purposes of any reporting requirements to the National Practitioner Data Bank and shall not be reported to the National Practitioner Data Bank or the Healthcare Integrity and Protection Data Bank.

(3) Upon release from the certified list, the suspension or revocation of the applicant's or licensee's license shall be purged from the state governmental licensing entity's internet website or other publication within three business days. This paragraph shall not apply to the State Bar of California.

(r) If any provision of this section or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

(s) All rights to review afforded by this section to an applicant shall also be afforded to a licensee.

(t) Unless otherwise provided in this section, the policies, practices, and procedures of a state governmental licensing entity with respect to license suspensions under this section shall be the same as those applicable with respect to suspensions pursuant to Section 17520 of the Family Code.

(u) No provision of this section shall be interpreted to allow a court to review and prevent the collection of taxes prior to the payment of those taxes in violation of the California Constitution.

(v) This section shall apply to any licensee whose name appears on a list of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code on or after July 1, 2012.

SEC. 10. Section 1000 of the Business and Professions Code is amended to read:

1000. (a) The law governing practitioners of chiropractic is found in an initiative act entitled “An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith,” adopted by the electors November 7, 1922.

(b) The State Board of Chiropractic Examiners is within the Department of Consumer Affairs.

(c) Notwithstanding any other law, the powers and duties of the State Board of Chiropractic Examiners, as set forth in this article and under the act creating the board, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this chapter were scheduled to be repealed as of January 1, 2023.

SEC. 11. Section 1913 of the Business and Professions Code is amended to read:

1913. Unless otherwise specified in this chapter, a registered dental hygienist may perform any procedure or provide any service within the scope of their practice in any setting under the appropriate level of supervision required by this article, if the registered dental hygienist has completed the appropriate education and training required to perform the procedure or provide the service.

SEC. 12. Section 1917 of the Business and Professions Code is amended to read:

1917. The dental hygiene board shall grant initial licensure as a registered dental hygienist to a person who satisfies all of the following requirements:

(a) Completion of an educational program for registered dental hygienists, approved by the dental hygiene board, accredited by the Commission on Dental Accreditation, and conducted by a degree-granting, postsecondary institution.

(b) Within the preceding three years, satisfactory completion of the dental hygiene examination given by the Western Regional Examining Board or any other clinical or dental hygiene examination approved by the dental hygiene board.

(c) Satisfactory completion of the National Board Dental Hygiene Examination.

(d) Satisfactory completion of the examination in California law and ethics as prescribed by the dental hygiene board.

(e) Submission of a completed application form and all fees required by the dental hygiene board.

(f) Satisfactory completion of dental hygiene board-approved instruction in gingival soft-tissue curettage, nitrous oxide-oxygen analgesia, and local anesthesia.

SEC. 13. Section 1917.1 of the Business and Professions Code is amended to read:

1917.1. (a) The dental hygiene board may grant a license as a registered dental hygienist to an applicant who has not taken a clinical examination before the dental hygiene board, if the applicant submits all of the following to the dental hygiene board:

(1) A completed application form and all fees required by the dental hygiene board.

(2) Proof of a current license as a registered dental hygienist issued by another state that is not revoked, suspended, or otherwise restricted.

(3) Proof that the applicant has been in clinical practice as a registered dental hygienist or has been a full-time faculty member in an accredited dental hygiene education program for a minimum of 750 hours per year for at least five years immediately preceding the date of application under this section. The clinical practice requirement shall be deemed met if the applicant provides proof of at least three years of clinical practice and commits to completing the remaining two years of clinical practice by filing with the dental hygiene board a copy of a pending contract to practice dental hygiene in any of the following facilities:

(A) A primary care clinic licensed under subdivision (a) of Section 1204 of the Health and Safety Code.

(B) A primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code.

(C) A clinic owned or operated by a public hospital or health system.

(D) A clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code.

(4) Satisfactory performance on a California law and ethics examination and any examination that may be required by the dental hygiene board.

(5) Proof that the applicant has not been subject to disciplinary action by any state in which the applicant is or has been previously issued any professional or vocational license. If the applicant has been subject to disciplinary action, the dental hygiene board shall review that action to determine if it warrants refusal to issue a license to the applicant.

(6) Proof of graduation from a school of dental hygiene accredited by the Commission on Dental Accreditation.

(7) Proof of satisfactory completion of the National Board Dental Hygiene Examination and of a state clinical examination, regional clinical licensure

examination, or any other clinical dental hygiene examination approved by the dental hygiene board.

(8) Proof that the applicant has not failed the state clinical examination, the examination given by the Western Regional Examining Board, or any other clinical dental hygiene examination approved by the dental hygiene board for licensure to practice dental hygiene under this chapter more than once or once within five years prior to the date of application for a license under this section.

(9) Documentation of completion of a minimum of 25 units of continuing education earned in the two years preceding application, including completion of any continuing education requirements imposed by the dental hygiene board on registered dental hygienists licensed in this state at the time of application.

(10) Any other information as specified by the dental hygiene board to the extent that it is required of applicants for licensure by examination under this article.

(b) The dental hygiene board may periodically request verification of compliance with the requirements of paragraph (3) of subdivision (a) and may revoke the license upon a finding that the employment requirement or any other requirement of paragraph (3) of subdivision (a) has not been met.

(c) The dental hygiene board shall provide in the application packet to each out-of-state dental hygienist pursuant to this section the following information:

(1) The location of dental manpower shortage areas in the state.

(2) Any nonprofit clinics, public hospitals, and accredited dental hygiene education programs seeking to contract with licensees for dental hygiene service delivery or training purposes.

SEC. 14. Section 1922 of the Business and Professions Code is amended to read:

1922. The dental hygiene board shall license as a registered dental hygienist in alternative practice a person who demonstrates satisfactory performance on an examination in California law and ethics required by the dental hygiene board and who completes an application form and pays all application fees required by the dental hygiene board and meets either of the following requirements:

(a) Holds a current California license as a registered dental hygienist and meets the following requirements:

(1) Has been engaged in the practice of dental hygiene, as defined in Section 1908, as a registered dental hygienist in any setting, including, but not limited to, educational settings and public health settings, for a minimum of 2,000 hours during the immediately preceding 36 months.

(2) Has successfully completed a bachelor's degree or its equivalent, recognized as a minimum of 120 semester credit hours or 180 quarter credit hours in postsecondary education, from a college or institution of higher education that is accredited by a national or regional accrediting agency recognized by the United States Department of Education, and a minimum of 150 hours of additional educational requirements, as prescribed by the

dental hygiene board by regulation, that are consistent with good dental and dental hygiene practice, including, but not necessarily limited to, dental hygiene technique and theory including gerontology and medical emergencies, and business administration and practice management.

(b) Has received a letter of acceptance into the employment utilization phase of the Health Workforce Pilot Project No. 155 established by the Office of Statewide Health Planning and Development pursuant to Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 of the Health and Safety Code.

SEC. 15. Section 2065 of the Business and Professions Code is amended to read:

2065. (a) Unless otherwise provided by law, no postgraduate trainee, intern, resident, postdoctoral fellow, or instructor may engage in the practice of medicine, or receive compensation therefor, or offer to engage in the practice of medicine unless they hold a valid, unrevoked, and unsuspended physician's and surgeon's certificate issued by the board. However, a graduate of an approved medical school may engage in the practice of medicine whenever and wherever required as a part of a postgraduate training program under the following conditions:

(1) The medical school graduate has taken and passed the board-approved medical licensing examinations required to qualify the applicant to participate in an approved postgraduate training program.

(2) If the medical school graduate graduated from a foreign medical school approved by the board pursuant to Section 2084, the Educational Commission for Foreign Medical Graduates (ECFMG) has submitted an official ECFMG Certification Status Report directly to the board confirming the graduate is ECFMG certified.

(3) The medical school graduate is enrolled in a postgraduate training program approved by the board.

(4) The board-approved postgraduate training program has submitted the required board-approved form to the board documenting the medical school graduate is enrolled in an approved postgraduate training program.

(5) The medical school graduate obtains a physician's and surgeon's postgraduate training license in accordance with Section 2064.5.

(b) A medical school graduate enrolled in an approved first-year postgraduate training program in accordance with this section may engage in the practice of medicine whenever and wherever required as a part of the training program, and may receive compensation for that practice.

(c) A graduate who has completed the first year of postgraduate training may, in an approved residency or fellowship, engage in the practice of medicine whenever and wherever required as part of that residency or fellowship, and may receive compensation for that practice. The resident or fellow shall qualify for, take, and pass the next succeeding written examination for licensure. If the resident or fellow fails to receive a license to practice medicine under this chapter within 27 months from the commencement of the residency or fellowship, except as otherwise allowed under subdivision (g) or (h), or if the board denies their application for

licensure, all privileges and exemptions under this section shall automatically cease.

(d) All approved postgraduate training the medical school graduate has successfully completed in the United States or Canada shall count toward the 39-month license exemption, except as otherwise allowed under subdivision (h).

(e) A medical school graduate from a medical school approved by the board shall have successfully completed a minimum of 36 months of approved postgraduate training, which includes successful progression through 24 months in the same program, to be eligible for a California physician's and surgeon's certificate.

(f) The program director for an approved postgraduate training program in California shall report to the board, on a form approved by the board, and provide any supporting documents as required by the board, the following actions within 30 days of the action:

(1) A postgraduate trainee is notified that they have received partial or no credit for a period of postgraduate training, and their postgraduate training period is extended.

(2) A postgraduate trainee takes a leave of absence or any break from their postgraduate training, and they are notified that their postgraduate training period is extended.

(3) A postgraduate trainee is terminated from the postgraduate training program.

(4) A postgraduate trainee resigns, dies, or otherwise leaves the postgraduate training program.

(5) A postgraduate trainee has completed a one-year contract approved by the postgraduate training program.

(g) Upon review of supporting documentation, the board, in its discretion, may grant an extension beyond 39 months to a postgraduate training licensee to successfully complete the 36 months of required approved postgraduate training.

(h) An applicant for a physician's and surgeon's license who has successfully completed 36 months of approved postgraduate training in another state or in Canada and who is accepted into an approved postgraduate training program in California shall obtain their physician's and surgeon's license within 90 days after beginning that postgraduate training program or all privileges and exemptions under this section shall automatically cease.

(i) This section shall become operative on January 1, 2020.

SEC. 16. Section 2113 of the Business and Professions Code is amended to read:

2113. (a) Any person who does not immediately qualify for a physician's and surgeon's certificate under this chapter and who is offered by the dean of an approved medical school in this state a full-time faculty position may, after application to and approval by the board, be granted a certificate of registration to engage in the practice of medicine only to the extent that the practice is incident to and a necessary part of their duties as approved by the board in connection with the faculty position. A certificate of registration

does not authorize a registrant to admit patients to a nursing or a skilled or assisted living facility unless that facility is formally affiliated with the sponsoring medical school. A clinical fellowship shall not be submitted as a faculty service appointment.

(b) Application for a certificate of registration shall be made on a form prescribed by the board and shall be accompanied by a registration fee fixed by the board in an amount necessary to recover the actual application processing costs of the program. To qualify for the certificate, an applicant shall submit all of the following:

(1) If the applicant is a graduate of a medical school other than in the United States or Canada, documentary evidence satisfactory to the board that they have been licensed to practice medicine and surgery for not less than four years in another state or country whose requirements for licensure are satisfactory to the board, or has been engaged in the practice of medicine in the United States for at least four years in approved facilities, or has completed a combination of that licensure and training.

(2) If the applicant is a graduate of a medical school in the United States or Canada, documentary evidence that the medical school is approved by the board.

(3) Written certification by the head of the department in which the applicant is to be appointed of all of the following:

(A) The applicant will be under their direction.

(B) The applicant will not be permitted to practice medicine unless incident to and a necessary part of their duties as approved by the board in subdivision (a).

(C) The applicant will be accountable to the medical school's department chair or division chief for the specialty in which the applicant will practice.

(D) The applicant will be proctored in the same manner as other new faculty members, including, as appropriate, review by the medical staff of the school's medical center.

(E) The applicant will not be appointed to a supervisory position at the level of a medical school department chair or division chief.

(4) Demonstration by the dean of the medical school that the applicant has the requisite qualifications to assume the position to which they are to be appointed and that shall include a written statement of the recruitment procedures followed by the medical school before offering the faculty position to the applicant.

(c) A certificate of registration shall be issued only for a faculty position at one approved medical school, and no person shall be issued more than one certificate of registration for the same period of time.

(d) (1) A certificate of registration is valid for one year from its date of issuance and may be renewed twice.

A request for renewal shall be submitted on a form prescribed by the board and shall be accompanied by a renewal fee fixed by the board in an amount necessary to recover the actual application processing costs of the program.

(2) The dean of the medical school may request renewal of the registration by submitting a plan at the beginning of the third year of the registrant's appointment demonstrating the registrant's continued progress toward licensure and, if the registrant is a graduate of a medical school other than in the United States or Canada, that the registrant has been issued a certificate by the Educational Commission for Foreign Medical Graduates. The board may, in its discretion, extend the registration for a two-year period to facilitate the registrant's completion of the licensure process.

(e) If the registrant is a graduate of a medical school other than in the United States or Canada, they shall meet the requirements of Section 2065 or 2135, as appropriate, in order to obtain a physician's and surgeon's certificate. Notwithstanding any other provision of law, the board may accept clinical practice in an appointment pursuant to this section as qualifying time to meet the postgraduate training requirements in Section 2065, and, in its discretion, waive the examination and the Educational Commission for Foreign Medical Graduates certification requirements specified in paragraph (3) of subdivision (a) of Section 2065 in the event the registrant applies for a physician's and surgeon's certificate. As a condition to waiving any examination or the Educational Commission for Foreign Medical Graduates certification requirement, the board in its discretion, may require an applicant to pass a clinical competency examination approved by the board. The board shall not waive any examination for an applicant who has not completed at least one year in the faculty position.

(f) Except to the extent authorized by this section, the registrant shall not engage in the practice of medicine, bill individually for medical services provided by the registrant, or receive compensation therefor, unless they are issued a physician's and surgeon's certificate.

(g) When providing clinical services, the registrant shall wear a visible name tag containing the title "visiting professor" or "visiting faculty member," as appropriate, and the institution at which the services are provided shall obtain a signed statement from each patient to whom the registrant provides services acknowledging that the patient understands that the services are provided by a person who does not hold a physician's and surgeon's certificate but who is qualified to participate in a special program as a visiting professor or faculty member.

(h) The board shall notify both the registrant and the dean of the medical school of a complaint made about the registrant. The board may terminate a registration for any act that would be grounds for discipline if done by a licensee. The board shall provide both the registrant and the dean of the medical school with written notice of the termination and the basis for that termination. The registrant may, within 30 days after the date of the notice of termination, file a written appeal to the board. The appeal shall include any documentation the registrant wishes to present to the board.

(i) This section shall become operative on January 1, 2020.

SEC. 16.5. Section 2113 of the Business and Professions Code is amended to read:

2113. (a) Any person who does not immediately qualify for a physician's and surgeon's certificate under this chapter and who is offered by the dean of an approved medical school, or dean or chief medical officer of an academic medical center, in this state a full-time faculty position may, after application to and approval by the board, be granted a certificate of registration to engage in the practice of medicine only to the extent that the practice is incident to and a necessary part of that person's duties as approved by the board in connection with the faculty position. A certificate of registration does not authorize a registrant to admit patients to a nursing or a skilled or assisted living facility unless that facility is formally affiliated with the sponsoring medical school. A clinical fellowship shall not be submitted as a faculty service appointment.

(b) Application for a certificate of registration shall be made on a form prescribed by the board and shall be accompanied by a registration fee fixed by the board in an amount necessary to recover the actual application processing costs of the program. To qualify for the certificate, an applicant shall submit all of the following:

(1) If the applicant is a graduate of a medical school other than in the United States or Canada, documentary evidence satisfactory to the board that the applicant has been licensed to practice medicine and surgery for not less than four years in another state or country whose requirements for licensure are satisfactory to the board, or has been engaged in the practice of medicine in the United States for at least four years in approved facilities, or has completed a combination of that licensure and training.

(2) If the applicant is a graduate of a medical school in the United States or Canada, documentary evidence that the medical school is approved by the board.

(3) Written certification by the head of the department in which the applicant is to be appointed of all of the following:

(A) The applicant will be under the head of the department's direction.

(B) The applicant will not be permitted to practice medicine unless incident to and a necessary part of the applicant's duties as approved by the board in subdivision (a).

(C) The applicant will be accountable to the medical school's or academic medical center's chair or division chief for the specialty in which the applicant will practice.

(D) The applicant will be proctored in the same manner as other new faculty members, including, as appropriate, review by the medical staff of the sponsoring medical school or academic medical center.

(E) The applicant will not be appointed to a supervisory position at the level of a medical school or academic medical center's department chair or division chief.

(4) Demonstration by the dean of the medical school, or dean or chief medical officer or an academic medical center, that the applicant has the requisite qualifications to assume the position to which the applicant is to be appointed and that shall include a written statement of the recruitment

procedures followed by the medical school or academic medical center before offering the faculty position to the applicant.

(c) A certificate of registration shall be issued only for a faculty position at one approved medical school, or academic medical center, and a person shall not be issued more than one certificate of registration for the same period of time.

(d) (1) A certificate of registration is valid for one year from its date of issuance and may be renewed twice.

A request for renewal shall be submitted on a form prescribed by the board and shall be accompanied by a renewal fee fixed by the board in an amount necessary to recover the actual application processing costs of the program.

(2) The dean of the medical school, or the dean or chief medical officer of an academic medical center, may request renewal of the registration by submitting a plan at the beginning of the third year of the registrant's appointment demonstrating the registrant's continued progress toward licensure and, if the registrant is a graduate of a medical school other than in the United States or Canada, that the registrant has been issued a certificate by the Educational Commission for Foreign Medical Graduates. The board may, in its discretion, extend the registration for a two-year period to facilitate the registrant's completion of the licensure process.

(e) If the registrant is a graduate of a medical school other than in the United States or Canada, the registrant shall meet the requirements of Section 2065 or 2135, as appropriate, in order to obtain a physician's and surgeon's certificate. Notwithstanding any other provision of law, the board may accept clinical practice in an appointment pursuant to this section as qualifying time to meet the postgraduate training requirements in Section 2065, and, in its discretion, waive the examination and the Educational Commission for Foreign Medical Graduates certification requirements specified in paragraph (3) of subdivision (a) of Section 2065 in the event the registrant applies for a physician's and surgeon's certificate. As a condition to waiving any examination or the Educational Commission for Foreign Medical Graduates certification requirement, the board in its discretion, may require an applicant to pass a clinical competency examination approved by the board. The board shall not waive any examination for an applicant who has not completed at least one year in the faculty position.

(f) Except to the extent authorized by this section, the registrant shall not engage in the practice of medicine, bill individually for medical services provided by the registrant, or receive compensation therefor, unless the registrant is issued a physician's and surgeon's certificate.

(g) When providing clinical services, the registrant shall wear a visible name tag containing the title "visiting professor" or "visiting faculty member," as appropriate, and the institution at which the services are provided shall obtain a signed statement from each patient to whom the registrant provides services acknowledging that the patient understands that the services are provided by a person who does not hold a physician's and

surgeon's certificate but who is qualified to participate in a special program as a visiting professor or faculty member.

(h) The board shall notify both the registrant and the dean of the medical school, or the dean or chief medical officer of an academic medical center, of a complaint made about the registrant. The board may terminate a registration for any act that would be grounds for discipline if done by a licensee. The board shall provide both the registrant and the dean of the medical school, or the dean or chief medical officer of an academic medical center, with written notice of the termination and the basis for that termination. The registrant may, within 30 days after the date of the notice of termination, file a written appeal to the board. The appeal shall include any documentation the registrant wishes to present to the board.

(i) A registrant granted a certificate of registration before January 1, 2021, to engage in the practice of medicine pursuant to this section at an academic medical center shall be deemed to be authorized at that academic medical center as though the initial application had been sponsored by the academic medical center.

(j) As used in this section, "academic medical center" has the same meaning as defined in subdivision (a) of Section 2168.

SEC. 17. Section 2135.5 of the Business and Professions Code is amended to read:

2135.5. Upon review and recommendation, the board may determine that an applicant for a physician's and surgeon's certificate has satisfied the medical education requirements of Sections 2084 and 2135 and the examination requirements of Section 2170 if the applicant meets all of the following criteria:

(a) They hold an unlimited and unrestricted license as a physician and surgeon in another state and has held that license continuously for a minimum of four years prior to the date of application.

(b) They meet the postgraduate training requirements in Section 2096 and are certified by a specialty board that is a member board of the American Board of Medical Specialties.

(c) They are not subject to denial of licensure under Division 1.5 (commencing with Section 475) or Article 12 (commencing with Section 2220).

(d) They have not been the subject of a disciplinary action by a medical licensing authority or of an adverse judgment or settlement resulting from the practice of medicine that, as determined by the board, constitutes a pattern of negligence or incompetence.

(e) This section shall become operative on January 1, 2020.

SEC. 18. Section 2460 of the Business and Professions Code is amended to read:

2460. (a) There is created in the Department of Consumer Affairs the California Board of Podiatric Medicine. Commencing July 1, 2019, the California Board of Podiatric Medicine is renamed the Podiatric Medical Board of California. Any reference in any provision of law to the California

Board of Podiatric Medicine shall, commencing July 1, 2019, be deemed to refer to the Podiatric Medical Board of California.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the California Board of Podiatric Medicine subject to review by the appropriate policy committees of the Legislature.

(c) The amendments made by Chapter 775 of the Statutes of 2017 relating to podiatrists shall not be construed to change any rights or privileges held by podiatrists prior to the enactment of that act.

SEC. 19. Section 2531 of the Business and Professions Code is amended to read:

2531. (a) There is in the Department of Consumer Affairs the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board in which the enforcement and administration of this chapter are vested. The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board shall consist of nine members, three of whom shall be public members.

(b) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 20. Section 2531.75 of the Business and Professions Code is amended to read:

2531.75. (a) The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in them by this chapter.

(b) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 21. Section 2570.19 of the Business and Professions Code is amended to read:

2570.19. (a) There is hereby created a California Board of Occupational Therapy, hereafter referred to as the board. The board shall enforce and administer this chapter.

(b) The members of the board shall consist of the following:

(1) Three occupational therapists who shall have practiced occupational therapy for five years.

(2) One occupational therapy assistant who shall have assisted in the practice of occupational therapy for five years.

(3) Three public members who shall not be licentiates of the board, of any other board under this division, or of any board referred to in Section 1000 or 3600.

(c) The Governor shall appoint the three occupational therapists and one occupational therapy assistant to be members of the board. The Governor, the Senate Committee on Rules, and the Speaker of the Assembly shall each appoint a public member. Not more than one member of the board shall be

appointed from the full-time faculty of any university, college, or other educational institution.

(d) All members shall be residents of California at the time of their appointment. The occupational therapist and occupational therapy assistant members shall have been engaged in rendering occupational therapy services to the public, teaching, or research in occupational therapy for at least five years preceding their appointments.

(e) The public members may not be or have ever been occupational therapists or occupational therapy assistants or in training to become occupational therapists or occupational therapy assistants. The public members may not be related to, or have a household member who is, an occupational therapist or an occupational therapy assistant, and may not have had, within two years of the appointment, a substantial financial interest in a person regulated by the board.

(f) The Governor shall appoint two board members for a term of one year, two board members for a term of two years, and one board member for a term of three years. Appointments made thereafter shall be for four-year terms, but no person shall be appointed to serve more than two consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first appointed members who shall serve through the last calendar day of the year in which they are appointed, before commencing the terms prescribed by this section. Vacancies shall be filled by appointment for the unexpired term. The board shall annually elect one of its members as president.

(g) The board shall meet and hold at least one regular meeting annually in the Cities of Sacramento, Los Angeles, and San Francisco. The board may convene from time to time until its business is concluded. Special meetings of the board may be held at any time and place designated by the board.

(h) Notice of each meeting of the board shall be given in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(i) Members of the board shall receive no compensation for their services, but shall be entitled to reasonable travel and other expenses incurred in the execution of their powers and duties in accordance with Section 103.

(j) The appointing power shall have the power to remove any member of the board from office for neglect of any duty imposed by state law, for incompetency, or for unprofessional or dishonorable conduct.

(k) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

(l) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 22. Section 2602 of the Business and Professions Code is amended to read:

2602. (a) The Physical Therapy Board of California, hereafter referred to as the board, shall enforce and administer this chapter.

(b) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 23. Section 2607.5 of the Business and Professions Code is amended to read:

2607.5. (a) The board may employ an executive officer exempt from the provisions of the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code) and may also employ investigators, legal counsel, physical therapist consultants, and other assistance as it may deem necessary to carry out this chapter. The board may fix the compensation to be paid for services and may incur other expenses as it may deem necessary. Investigators employed by the board shall be provided special training in investigating physical therapy practice activities.

(b) The Attorney General shall act as legal counsel for the board for any judicial and administrative proceedings and their services shall be a charge against it.

(c) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 24. Section 2841 of the Business and Professions Code is amended to read:

2841. (a) There is in the Department of Consumer Affairs a Board of Vocational Nursing and Psychiatric Technicians of the State of California, which consists of 11 members.

(b) Within the meaning of this chapter, “board,” or “the board,” refers to the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

(c) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 25. Section 2847.1 of the Business and Professions Code is amended to read:

2847.1. (a) The board shall select an executive officer who shall perform duties as are delegated by the board and who shall be responsible to it for the accomplishment of those duties. The executive officer shall not be a member of the board.

(b) With the approval of the Director of Finance, the board shall fix the salary of the executive officer.

(c) The executive officer shall be entitled to traveling and other necessary expenses in the performance of their duties. The executive officer shall make a statement, certified before a duly authorized person, that the expenses have been actually incurred.

(d) Commencing January 1, 2018, the executive officer appointed by the board pursuant to subdivision (a) is abolished. Thereafter, until January 1,

2022, the executive officer shall be appointed as set forth in Section 2847.3. Commencing January 1, 2022, the executive officer shall, again, be appointed by the board as set forth in subdivision (a).

(e) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 26. Section 2847.3 of the Business and Professions Code is amended to read:

2847.3. (a) Commencing January 1, 2018, the executive officer position established pursuant to subdivision (a) of Section 2847.1 is temporarily abolished. Commencing January 1, 2018, the Governor shall appoint an executive officer who shall perform duties as are delegated by the board and who shall be responsible for the accomplishment of those duties. The executive officer shall exercise all powers, discharge all responsibilities, and administer and enforce all laws pursuant to this chapter and Chapter 10 (commencing with Section 4500) of Division 2 that are necessary to perform the duties delegated by the board.

(b) The executive officer shall serve at the pleasure of the Governor and the Governor shall fix the salary of the executive officer. The executive officer shall not be a member of the board.

(c) The executive officer shall be entitled to traveling and other necessary expenses in the performance of their duties.

(d) This section shall become operative on January 1, 2018, and shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 27. Section 2920 of the Business and Professions Code is amended to read:

2920. (a) The Board of Psychology shall enforce and administer this chapter. The board shall consist of nine members, four of whom shall be public members.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 28. Section 2933 of the Business and Professions Code is amended to read:

2933. (a) Except as provided by Section 159.5, the board shall employ and shall make available to the board within the limits of the funds received by the board all personnel necessary to carry out this chapter. The board may employ, exempt from the State Civil Service Act, an executive officer to the Board of Psychology. The board shall make all expenditures to carry out this chapter. The board may accept contributions to effectuate the purposes of this chapter.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 29. Section 3504 of the Business and Professions Code is amended to read:

3504. There is established a Physician Assistant Board within the jurisdiction of the Medical Board of California. The board consists of nine members. This section shall remain in effect only until January 1, 2022, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 30. Section 3512 of the Business and Professions Code is amended to read:

3512. (a) Except as provided in Sections 159.5 and 2020, the board shall employ within the limits of the Physician Assistant Fund all personnel necessary to carry out this chapter including an executive officer who shall be exempt from civil service. The Medical Board of California and board shall make all necessary expenditures to carry out this chapter from the funds established by Section 3520. The board may accept contributions to effect the purposes of this chapter.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 31. Section 3686 of the Business and Professions Code is amended to read:

3686. This chapter shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 32. Section 3710 of the Business and Professions Code is amended to read:

3710. (a) The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter.

(b) This section shall remain in effect only until January 1, 2023, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 33. Section 3716 of the Business and Professions Code is amended to read:

3716. (a) The board may employ an executive officer exempt from civil service and, subject to the provisions of law relating to civil service, clerical assistants and, except as provided in Section 159.5, other employees as it may deem necessary to carry out its powers and duties.

(b) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 34. Section 4001 of the Business and Professions Code is amended to read:

4001. (a) There is in the Department of Consumer Affairs a California State Board of Pharmacy in which the administration and enforcement of this chapter is vested. The board consists of 13 members.

(b) The Governor shall appoint seven competent pharmacists who reside in different parts of the state to serve as members of the board. The Governor shall appoint four public members, and the Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member who shall

not be a licensee of the board, any other board under this division, or any board referred to in Section 1000 or 3600.

(c) At least five of the seven pharmacist appointees to the board shall be pharmacists who are actively engaged in the practice of pharmacy. Additionally, the membership of the board shall include at least one pharmacist representative from each of the following practice settings: an acute care hospital, an independent community pharmacy, a chain community pharmacy, and a long-term health care or skilled nursing facility. The pharmacist appointees shall also include a pharmacist who is a member of a labor union that represents pharmacists. For the purposes of this subdivision, a “chain community pharmacy” means a chain of 75 or more stores in California under the same ownership, and an “independent community pharmacy” means a pharmacy owned by a person or entity who owns no more than four pharmacies in California.

(d) Members of the board shall be appointed for a term of four years. No person shall serve as a member of the board for more than two consecutive terms. Each member shall hold office until the appointment and qualification of their successor or until one year shall have elapsed since the expiration of the term for which the member was appointed, whichever first occurs. Vacancies occurring shall be filled by appointment for the unexpired term.

(e) Each member of the board shall receive a per diem and expenses as provided in Section 103.

(f) This section shall remain in effect only until January 1, 2022, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 35. Section 4003 of the Business and Professions Code is amended to read:

4003. (a) The board, with the approval of the director, may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in them by this chapter. The executive officer may or may not be a member of the board as the board may determine.

(b) The executive officer shall receive the compensation as established by the board with the approval of the Director of Finance. The executive officer shall also be entitled to travel and other expenses necessary in the performance of their duties.

(c) The executive officer shall maintain and update in a timely fashion records containing the names, titles, qualifications, and places of business of all persons subject to this chapter.

(d) The executive officer shall give receipts for all money received by them and pay it to the department, taking its receipt therefor. Besides the duties required by this chapter, the executive officer shall perform other duties pertaining to the office as may be required of them by the board.

(e) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 36. Section 4501 of the Business and Professions Code is amended to read:

4501. (a) “Board,” as used in this chapter, means the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 37. Section 4503 of the Business and Professions Code is amended to read:

4503. (a) The board shall administer and enforce this chapter.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 38. Section 4604 of the Business and Professions Code is amended to read:

4604. (a) In order to obtain certification as a massage therapist, an applicant shall submit a written application and provide the council with satisfactory evidence that the applicant meets all of the following requirements:

(1) The applicant is 18 years of age or older.

(2) The applicant has successfully completed the curricula in massage and related subjects totaling a minimum of 500 hours, or the credit unit equivalent, that incorporates appropriate school assessment of student knowledge and skills.

(A) Of the 500 hours, a minimum of 100 hours of instruction shall address anatomy and physiology, contraindications, health and hygiene, and business and ethics.

(B) All of the 500 hours shall be from approved schools. The council shall accept the 500 hours if, at the time all of the hours were completed, the school or schools were approved. The 500 hours may be completed at more than one approved school. Notwithstanding any other law, pursuant to its policies and procedures for approval of schools, the council shall accept hours earned by an applicant for certification as a massage therapist if those hours were completed before July 1, 2016, and were earned from a school providing education in this state that was unapproved by the council after July 1, 2016, based solely on the fact that the National Certification Board for Therapeutic Massage and Bodywork took denial or disciplinary action against the school. For purposes of this section, “unapproved” means that the council determined that it will not accept hours from a school toward certification.

(3) The applicant has passed a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards and that is approved by the council. The successful completion of this examination may have been accomplished before the date the council is authorized by this chapter to begin issuing certificates. This paragraph shall be inoperative commencing on January 1, 2019, and shall become operative on January 1, 2022.

(4) The applicant has successfully passed a background investigation pursuant to Section 4606, and has not violated any of the provisions of this chapter.

(5) All fees required by the council have been paid.

(6) The council may issue a certificate to an applicant who meets the qualifications of this chapter if the applicant holds a current and valid registration, certification, or license from any other state whose licensure requirements meet or exceed those defined within this chapter. If an applicant has received education at a school that is not approved by the council, the council shall have the discretion to give credit for comparable academic work completed by an applicant in a program outside of California.

(b) A certificate issued pursuant to this chapter and any identification card issued by the council shall be surrendered to the council by any certificate holder whose certificate is suspended or revoked.

SEC. 39. Section 4621 of the Business and Professions Code is amended to read:

4621. (a) This chapter shall remain in effect only until January 1, 2022, and as of that date is repealed.

(b) Notwithstanding any other law, the powers and duties of the council shall be subject to review by the appropriate policy committees of the Legislature.

SEC. 40. Section 4800 of the Business and Professions Code is amended to read:

4800. (a) There is in the Department of Consumer Affairs a Veterinary Medical Board in which the administration of this chapter is vested. The board consists of the following members:

- (1) Four licensed veterinarians.
- (2) One registered veterinary technician.
- (3) Three public members.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature. However, the review of the board shall be limited to those issues identified by the appropriate policy committees of the Legislature and shall not involve the preparation or submission of a sunset review document or evaluative questionnaire.

SEC. 41. Section 4804.5 of the Business and Professions Code is amended to read:

4804.5. The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in them by this chapter.

This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 42. Section 4990 of the Business and Professions Code is amended to read:

4990. (a) There is in the Department of Consumer Affairs, a Board of Behavioral Sciences that consists of the following members:

- (1) Two state licensed clinical social workers.
- (2) One state licensed educational psychologist.
- (3) Two state licensed marriage and family therapists.
- (4) One state licensed professional clinical counselor.
- (5) Seven public members.

(b) Each member, except the seven public members, shall have at least two years of experience in their profession.

(c) Each member shall reside in the State of California.

(d) The Governor shall appoint five of the public members and the six licensed members with the advice and consent of the Senate. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.

(e) Each member of the board shall be appointed for a term of four years. A member appointed by the Senate Committee on Rules or the Speaker of the Assembly shall hold office until the appointment and qualification of their successor or until one year from the expiration date of the term for which they were appointed, whichever first occurs. Pursuant to Section 1774 of the Government Code, a member appointed by the Governor shall hold office until the appointment and qualification of their successor or until 60 days from the expiration date of the term for which they were appointed, whichever first occurs.

(f) A vacancy on the board shall be filled by appointment for the unexpired term by the authority who appointed the member whose membership was vacated.

(g) Not later than the first of June of each calendar year, the board shall elect a chairperson and a vice chairperson from its membership.

(h) Each member of the board shall receive a per diem and reimbursement of expenses as provided in Section 103.

(i) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

(j) Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 43. Section 4990.04 of the Business and Professions Code is amended to read:

4990.04. (a) The board shall appoint an executive officer. This position is designated as a confidential position and is exempt from civil service under subdivision (e) of Section 4 of Article VII of the California Constitution.

(b) The executive officer serves at the pleasure of the board.

(c) The executive officer shall exercise the powers and perform the duties delegated by the board and vested in them by this chapter.

(d) With the approval of the director, the board shall fix the salary of the executive officer.

(e) The chairperson and executive officer may call meetings of the board and any duly appointed committee at a specified time and place. For purposes of this section, “call meetings” means setting the agenda, time, date, or place for any meeting of the board or any committee.

(f) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 44. Section 5600.4 of the Business and Professions Code is amended to read:

5600.4. (a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to an architect who holds a license that is current and active or capable of being renewed pursuant to Section 5600.2 and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active architect’s license is required. An architect holding a retired license shall be permitted to use the title “architect retired” or “retired architect.”

(c) The holder of a retired license shall not be required to renew that license.

(d) In order for the holder of a retired license issued pursuant to this section to restore their license to active status, the holder of a retired license shall comply with Section 5600.2 or 5600.3, as applicable.

SEC. 45. Section 5810 of the Business and Professions Code is amended to read:

5810. (a) This chapter shall be subject to review by the appropriate policy committees of the Legislature.

(b) This chapter shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 46. Section 7000 of the Business and Professions Code is amended to read:

7000. This chapter constitutes, and may be cited as, the Contractors State License Law.

SEC. 47. Section 7000.5 of the Business and Professions Code is amended to read:

7000.5. (a) There is in the Department of Consumer Affairs a Contractors State License Board, which consists of 15 members.

(b) Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

(c) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 48. Section 7000.6 of the Business and Professions Code is amended to read:

7000.6. Protection of the public shall be the highest priority for the Contractors State License Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent

with other interests sought to be promoted, the protection of the public shall be paramount.

SEC. 49. Section 7011.4 of the Business and Professions Code is amended to read:

7011.4. (a) Notwithstanding Section 7011, there is in the Contractors State License Board, a separate enforcement division that shall rigorously enforce this chapter prohibiting all forms of unlicensed activity and shall enforce the obligation to secure the payment of valid and current workers' compensation insurance in accordance with Section 3700.5 of the Labor Code.

(b) Persons employed as enforcement representatives of the Contractors State License Board and designated by the Director of Consumer Affairs shall have the authority to issue a written notice to appear in court pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code. An employee so designated is not a peace officer and is not entitled to safety member retirement benefits as a result of that designation. They do not have the power of arrest.

(c) When participating in the activities of the Joint Enforcement Strike Force on the Underground Economy pursuant to Section 329 of the Unemployment Insurance Code, the enforcement division shall have free access to all places of labor.

SEC. 50. Section 7011.5 of the Business and Professions Code is amended to read:

7011.5. Persons employed as investigators of the Special Investigations Unit of the Contractors State License Board and designated by the Director of Consumer Affairs have the authority of peace officers while engaged in exercising the powers granted or performing the duties imposed upon them in investigating the laws administered by the Contractors State License Board or commencing directly or indirectly any criminal prosecution arising from any investigation conducted under these laws. All persons herein referred to shall be deemed to be acting within the scope of employment with respect to all acts and matters in this section set forth.

SEC. 51. Section 7011.8 of the Business and Professions Code is amended to read:

7011.8. (a) Any person subject to licensure under this chapter who reports to, or causes a complaint to be filed with, the Contractors State License Board that a person licensed by that entity has engaged in professional misconduct, knowing the report or complaint to be false, may be issued a citation by the registrar.

(b) The board may notify the appropriate district attorney or city attorney that a person subject to licensure under this chapter has made or filed what the entity believes to be a false report or complaint against a licensee.

SEC. 52. Section 7015 of the Business and Professions Code is amended to read:

7015. The board shall adopt a seal for its own use. The seal shall have the words "Contractors State License Board, State of California, Department

of Consumer Affairs,” and the care and custody thereof shall be in the hands of the registrar.

SEC. 53. Section 7017.3 of the Business and Professions Code is amended to read:

7017.3. The Contractors State License Board shall report annually to the Legislature, not later than October 1 of each year, the following statistical information for the prior fiscal year. The following data shall be reported on complaints filed with the board against licensed contractors, registered home improvement salespersons, and unlicensed persons acting as licensees or registrants:

(a) The number of complaints received by the board categorized by source, such as public, trade, profession, government agency, or board-initiated, and by type of complaint, such as licensee or nonlicensee.

(b) The number of complaints closed prior to referral for field investigation, categorized by the reason for the closure, such as settled, referred for mandatory arbitration, or referred for voluntary arbitration.

(c) The number of complaints referred for field investigation categorized by the type of complaint, such as licensee or nonlicensee.

(d) The number of complaints closed after referral for field investigation categorized by the reason for the closure, such as settled, referred for mandatory arbitration, or referred for voluntary arbitration.

(e) For the board’s Intake/Mediation Center and the board’s Investigation Center closures, respectively, the total number of complaints closed prior to a field investigation per consumer services representative, and the total number of complaints closed after referral for a field investigation per enforcement representative. Additionally, the board shall report the total number of complaints closed by other board staff during the year.

(f) The number of complaints pending at the end of the fiscal year grouped in 90-day increments, and the percentage of total complaints pending, represented by the number of complaints in each grouping.

(g) The number of citations issued to licensees categorized by the type of citation such as order of correction only or order of correction and fine, and the number of citations issued to licensees that were vacated or withdrawn.

(h) The number of citations issued to nonlicensees and the number of these citations that were vacated or withdrawn.

(i) The number of complaints referred to a local prosecutor for criminal investigation or prosecution, the number of complaints referred to the Attorney General for the filing of an accusation, and the number of complaints referred to both a local prosecutor and the Attorney General, categorized by type of complaint, such as licensee and nonlicensee.

(j) Actions taken by the board, including, but not limited to, the following:

(1) The number of disciplinary actions categorized by type, such as revocations or suspensions, categorized by whether the disciplinary action resulted from an accusation, failure to comply with a citation, or failure to comply with an arbitration award.

(2) The number of accusations dismissed or withdrawn.

(k) For subdivisions (g) and (j), the number of cases containing violations of Sections 7121 and 7121.5, and paragraph (5) of subdivision (a) of Section 7159.5, categorized by section.

(l) The number of interim suspension orders sought, the number of interim suspension orders granted, the number of temporary restraining orders sought, and the number of temporary restraining orders granted.

(m) The amount of cost recovery ordered and the amount collected.

(n) Case aging data, including data for each major stage of the enforcement process, including the following:

(1) The average number of days from the filing of a complaint to its closure by the board's Intake/Mediation Center prior to the referral for an investigation categorized by the type of complaint, such as licensee or nonlicensee.

(2) The average number of days from the referral of a complaint for an investigation to its closure by the Investigation Center categorized by the type of complaint, such as licensee or nonlicensee.

(3) The average number of days from the filing of a complaint to the referral of the completed investigation to the Attorney General.

(4) The average number of days from the referral of a completed investigation to the Attorney General to the filing of an accusation by the Attorney General.

(5) The average number of days from the filing of an accusation to the first hearing date or date of a stipulated settlement.

(6) The average number of days from the receipt of the Administrative Law Judge's proposed decision to the registrar's final decision.

SEC. 54. Section 7028.7 of the Business and Professions Code is amended to read:

7028.7. (a) If upon inspection or investigation, either upon complaint or otherwise, the registrar has probable cause to believe that a person is acting in the capacity of or engaging in the business of a contractor or salesperson within this state without having a license or registration in good standing to so act or engage, and the person is not otherwise exempted from this chapter, the registrar shall issue a citation to that person.

(b) Within 72 hours of receiving notice that a public entity is intending to award, or has awarded, a contract to an unlicensed contractor, the registrar shall give written notice to the public entity that a citation may be issued if a contract is awarded to an unlicensed contractor. If after receiving the written notice from the registrar that the public entity has awarded or awards the contract to an unlicensed contractor, the registrar may issue a citation to the responsible officer or employee of the public entity as specified in Section 7028.15.

(c) Each citation shall be in writing and shall describe with particularity the basis of the citation. Notwithstanding Sections 125.9 and 148, each citation shall contain an order of abatement and an assessment of a civil penalty in an amount not less than two hundred dollars (\$200) nor more than fifteen thousand dollars (\$15,000).

(d) With the approval of the Contractors State License Board, the registrar shall prescribe procedures for the issuance of a citation under this section. The board shall adopt regulations covering the assessment of a civil penalty that shall give due consideration to the gravity of the violation, and any history of previous violations.

(e) The sanctions authorized under this section shall be separate from, and in addition to, all other remedies either civil or criminal.

SEC. 55. Section 7030 of the Business and Professions Code is amended to read:

7030. (a) Except for contractors writing home improvement contracts pursuant to Section 7151.2 and contractors writing service and repair contracts pursuant to Section 7159.10, every person licensed pursuant to this chapter shall include the following statement in at least 10-point type on all written contracts with respect to which the person is a prime contractor:

“Contractors are required by law to be licensed and regulated by the Contractors State License Board which has jurisdiction to investigate complaints against contractors if a complaint regarding a patent act or omission is filed within four years of the date of the alleged violation. A complaint regarding a latent act or omission pertaining to structural defects must be filed within 10 years of the date of the alleged violation. Any questions concerning a contractor may be referred to the Registrar, Contractors State License Board, P.O. Box 26000, Sacramento, CA 95826.”

(b) Every person licensed pursuant to this chapter shall include the following statement in at least 12-point type in all home improvement contracts written pursuant to Section 7151.2 and service and repair contracts written pursuant to Section 7159.10:

“Information about the Contractors State License Board (CSLB): CSLB is the state consumer protection agency that licenses and regulates construction contractors.

Contact CSLB for information about the licensed contractor you are considering, including information about disclosable complaints, disciplinary actions and civil judgments that are reported to CSLB.

Use only licensed contractors. If you file a complaint against a licensed contractor within the legal deadline (usually four years), CSLB has authority to investigate the complaint. If you use an unlicensed contractor, CSLB may not be able to help you resolve your complaint. Your only remedy may be in civil court, and you may be liable for damages arising out of any injuries to the unlicensed contractor or the unlicensed contractor’s employees.

For more information:

Visit CSLB’s internet website at www.cslb.ca.gov

Call CSLB at 800-321-CSLB (2752)

Write CSLB at P.O. Box 26000, Sacramento, CA 95826.”

(c) Failure to comply with the notice requirements set forth in subdivision (a) or (b) of this section is cause for disciplinary action.

SEC. 56. Section 7031 of the Business and Professions Code is amended to read:

7031. (a) Except as provided in subdivision (e), no person engaged in the business or acting in the capacity of a contractor, may bring or maintain any action, or recover in law or equity in any action, in any court of this state for the collection of compensation for the performance of any act or contract where a license is required by this chapter without alleging that they were a duly licensed contractor at all times during the performance of that act or contract regardless of the merits of the cause of action brought by the person, except that this prohibition shall not apply to contractors who are each individually licensed under this chapter but who fail to comply with Section 7029.

(b) Except as provided in subdivision (e), a person who utilizes the services of an unlicensed contractor may bring an action in any court of competent jurisdiction in this state to recover all compensation paid to the unlicensed contractor for performance of any act or contract.

(c) A security interest taken to secure any payment for the performance of any act or contract for which a license is required by this chapter is unenforceable if the person performing the act or contract was not a duly licensed contractor at all times during the performance of the act or contract.

(d) If licensure or proper licensure is controverted, then proof of licensure pursuant to this section shall be made by production of a verified certificate of licensure from the Contractors State License Board which establishes that the individual or entity bringing the action was duly licensed in the proper classification of contractors at all times during the performance of any act or contract covered by the action. Nothing in this subdivision shall require any person or entity controverting licensure or proper licensure to produce a verified certificate. When licensure or proper licensure is controverted, the burden of proof to establish licensure or proper licensure shall be on the licensee.

(e) The judicial doctrine of substantial compliance shall not apply under this section where the person who engaged in the business or acted in the capacity of a contractor has never been a duly licensed contractor in this state. However, notwithstanding subdivision (b) of Section 143, the court may determine that there has been substantial compliance with licensure requirements under this section if it is shown at an evidentiary hearing that the person who engaged in the business or acted in the capacity of a contractor (1) had been duly licensed as a contractor in this state prior to the performance of the act or contract, (2) acted reasonably and in good faith to maintain proper licensure, and (3) acted promptly and in good faith to remedy the failure to comply with the licensure requirements upon learning of the failure.

(f) The exceptions to the prohibition against the application of the judicial doctrine of substantial compliance found in subdivision (e) shall apply to all contracts entered into on or after January 1, 1992, and to all actions or

arbitrations arising therefrom, except that the amendments to subdivisions (e) and (f) enacted during the 1994 portion of the 1993–94 Regular Session of the Legislature shall not apply to either of the following:

(1) Any legal action or arbitration commenced prior to January 1, 1995, regardless of the date on which the parties entered into the contract.

(2) Any legal action or arbitration commenced on or after January 1, 1995, if the legal action or arbitration was commenced prior to January 1, 1995, and was subsequently dismissed.

SEC. 57. Section 7058.7 of the Business and Professions Code is amended to read:

7058.7. (a) No contractor may engage in a removal or remedial action, as defined in subdivision (d), unless the qualifier for the license has passed an approved hazardous substance certification examination.

(b) (1) The Contractors State License Board, the Division of Occupational Safety and Health of the Department of Industrial Relations, and the Department of Toxic Substances Control shall jointly select an advisory committee, which shall be composed of two representatives of hazardous substance removal workers in California, two general engineering contractors in California, and two representatives of insurance companies in California who shall be selected by the Insurance Commissioner.

(2) The Contractors State License Board shall develop a written test for the certification of contractors engaged in hazardous substance removal or remedial action, in consultation with the Division of Occupational Safety and Health, the State Water Resources Control Board, the Department of Toxic Substances Control, and the advisory committee.

(c) The Contractors State License Board may require additional updated approved hazardous substance certification examinations of licensees currently certified based on new public or occupational health and safety information. The Contractors State License Board, in consultation with the Department of Toxic Substances Control and the State Water Resources Control Board, shall approve other initial and updated hazardous substance certification examinations and determine whether to require an updated certification examination of all current certificate holders.

(d) For purposes of this section “removal or remedial action” has the same meaning as found in Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code, if the action requires the contractor to dig into the surface of the earth and remove the dug material and the action is at a site listed pursuant to Section 25356 of the Health and Safety Code or any other site listed as a hazardous substance release site by the Department of Toxic Substances Control or a site listed on the National Priorities List compiled pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.). “Removal or remedial action” does not include asbestos-related work, as defined in Section 6501.8 of the Labor Code, or work related to a hazardous substance spill on a highway.

(e) (1) A contractor may not install or remove an underground storage tank, unless the contractor has passed the hazardous substance certification examination developed pursuant to this section.

(2) A contractor who is not certified may bid on or contract for the installation or removal of an underground tank, if the work is performed by a contractor who is certified pursuant to this section.

(3) For purposes of this subdivision, “underground storage tank” has the same meaning as defined in subdivision (y) of Section 25281 of the Health and Safety Code.

SEC. 58. Section 7071.4 of the Business and Professions Code is amended to read:

7071.4. (a) Each person licensed under the provisions of this chapter and subject to any of the bonding provisions of this article shall maintain the requisite bond as executed by an admitted surety insurer or as deposited with the registrar pursuant to paragraph (1) of subdivision (a) of Section 995.710 of the Code of Civil Procedure in the appropriate amount. Notwithstanding Article 7 (commencing with Section 995.710) of Chapter 2 of Title 14 of Part 2 of the Code of Civil Procedure, no other method of deposit, including, but not limited to, a certificate of deposit, shall satisfy a bond requirement under this article.

(b) All existing alternatives in lieu of a bond currently filed with the registrar shall be replaced for a surety bond or the deposit prescribed by paragraph (1) of subdivision (a) of Section 995.710 of the Code of Civil Procedure by January 1, 2020.

(c) (1) If the board is notified, in writing, of a civil action against the deposit authorized under this section, the deposit or any portion thereof shall not be released for any purpose, except as determined by the court.

(2) If any deposit authorized under this section is insufficient to pay, in full, all claims that have been adjudicated under any action filed in accordance with this section, the amount of the deposit shall be distributed to all claimants in proportion to the amount of their respective claims.

(d) Notwithstanding subdivision (a), this section shall not apply to the bond equivalents described in Section 7159.5 of this chapter.

(e) (1) This section shall be operative on and after January 1, 2019, upon which date the registrar shall thereafter no longer accept alternatives in lieu of a bond, other than as provided in this section.

(2) Notwithstanding any other law, in order to comply with the bonding provisions of this article, a person shall only be required to provide information consistent with the requirements for an applicant under Section 30.

(f) All alternatives in lieu of a bond filed with the registrar before January 1, 2019, and any lawful money or cashier’s check deposited pursuant to paragraph (1) of subdivision (a) of Section 995.710 of the Code of Civil Procedure after January 1, 2019, shall be subject to the following limitations periods:

(1) Any action, other than an action to recover wages or fringe benefits, against a deposit given in lieu of a contractor’s bond or bond of a qualifying

individual filed by an active licensee shall be brought within three years after the expiration of the license period during which the act or omission occurred, or within three years of the date the license of the active licensee was inactivated, canceled, or revoked by the board, whichever occurs first.

(2) Any action, other than an action to recover wages or fringe benefits, against a deposit given in lieu of a disciplinary bond filed by an active licensee pursuant to Section 7071.8 shall be brought within three years after the expiration of the license period during which the act or omission occurred, or within three years of the date the license of the active licensee was inactivated, canceled, or revoked by the board, or within three years after the last date for which a deposit given in lieu of a disciplinary bond filed pursuant to Section 7071.8 was required, whichever date is first.

(3) A claim to recover wages or fringe benefits shall be brought within six months from the date that the wage or fringe benefit delinquencies were discovered, but in no event shall a civil action thereon be brought later than two years from the date the wage or fringe benefit contributions were due.

(g) In any case in which a claim is filed against an alternative given in lieu of a bond filed with the registrar before January 1, 2019, or deposited with the registrar pursuant to subdivision (a), by any employee or by an employee organization on behalf of an employee, concerning wages or fringe benefits based upon the employee's employment, claims for the nonpayment shall be filed with the Labor Commissioner. The Labor Commissioner shall, pursuant to the authority vested by Section 96.5 of the Labor Code, conduct hearings to determine whether or not the wages or fringe benefits should be paid to the complainant. Upon a finding by the commissioner that the wages or fringe benefits should be paid to the complainant, the commissioner shall notify the registrar of the findings. The registrar shall not make payment from the deposit on the basis of findings by the commissioner for a period of 10 days following determination of the findings. If, within the period, the complainant or the contractor files written notice with the registrar and the commissioner of an intention to seek judicial review of the findings pursuant to Section 11523 of the Government Code, the registrar shall not make payment if an action is actually filed, except as determined by the court. If, thereafter, no action is filed within 60 days following determination of findings by the commissioner, the registrar shall make payment from the deposit to the complainant.

(h) Legal fees may not be charged by the board against any alternative given in lieu of a bond filed with the registrar before January 1, 2019, or deposited with the registrar pursuant to subdivision (a).

SEC. 59. Section 7080.5 of the Business and Professions Code is amended to read:

7080.5. When an application has been accepted by the registrar, the name and address of the applicant, every classification for which the applicant has applied, and the names and titles of all personnel who have signed the application shall be publicly posted by the registrar, on the day

following acceptance, in the office of the Contractors State License Board in Sacramento.

SEC. 60. Section 7085.5 of the Business and Professions Code is amended to read:

7085.5. Arbitrations of disputes arising out of cases filed with or by the board shall be conducted in accordance with the following rules:

(a) All “agreements to arbitrate” shall include the names, addresses, and telephone numbers of the parties to the dispute, the issue in dispute, and the amount in dollars or any other remedy sought. The appropriate fee shall be paid by the board from the Contractors License Fund.

(b) (1) The board or appointed arbitration association shall appoint an arbitrator in the following manner: immediately after the filing of the agreement to arbitrate, the board or appointed arbitration association shall submit simultaneously to each party to the dispute, an identical list of names of persons chosen from the panel. Each party to the dispute shall have seven days from the mailing date in which to cross off any names to which it objects, number the remaining names to indicate the order of preference, and return the list to the board or appointed arbitration association. If a party does not return the list within the time specified, all persons named in the list are acceptable. From among the persons who have been approved on both lists, and in accordance with the designated order of mutual preference, the board or appointed arbitration association shall appoint an arbitrator to serve. If the parties fail to agree on any of the parties named, if acceptable arbitrators are unable to act, or if, for any other reason, the appointment cannot be made from the submitted lists, the board or appointed arbitration association shall have the power to make the appointment from among other members of the panel without the submission of any additional lists. Each dispute shall be heard and determined by one arbitrator unless the board or appointed arbitration association, in its discretion, directs that a greater number of arbitrators be appointed.

(2) In all cases in which a complaint has been referred to arbitration pursuant to subdivision (b) of Section 7085, the board or the appointed arbitration association shall have the power to appoint an arbitrator to hear the matter.

(3) The board shall adopt regulations setting minimum qualification standards for listed arbitrators based upon relevant training, experience, and performance.

(c) No person shall serve as an arbitrator in any arbitration in which that person has any financial or personal interest in the result of the arbitration. Prior to accepting an appointment, the prospective arbitrator shall disclose any circumstances likely to prevent a prompt hearing or to create a presumption of bias. Upon receipt of that information, the board or appointed arbitration association shall immediately replace the arbitrator or communicate the information to the parties for their comments. Thereafter, the board or appointed arbitration association shall determine whether the arbitrator should be disqualified and shall inform the parties of its decision, which shall be conclusive.

(d) The board or appointed arbitration association may appoint another arbitrator if a vacancy occurs, or if an appointed arbitrator is unable to serve in a timely manner.

(e) (1) The board or appointed arbitration association shall provide the parties with a list of the times and dates, and locations of the hearing to be held. The parties shall notify the arbitrator, within seven calendar days of the mailing of the list, of the times and dates convenient to each party. If the parties fail to respond to the arbitrator within the seven-day period, the arbitrator shall fix the time, place, and location of the hearing. An arbitrator may, at the arbitrator's sole discretion, make an inspection of the construction site which is the subject of the arbitration. The arbitrator shall notify the parties of the time and date set for the inspection. Any party who so desires may be present at the inspection.

(2) The board or appointed arbitration association shall fix the time, place, and location of the hearing for all cases referred to arbitration pursuant to subdivision (b) of Section 7085. An arbitrator may, at the arbitrator's sole discretion, make an inspection of the construction site which is the subject of the arbitration. The arbitrator shall notify the parties of the time and date set for the inspection. Any party who desires may be present at the inspection.

(f) Any person having a direct interest in the arbitration is entitled to attend the hearing. The arbitrator shall otherwise have the power to require the exclusion of any witness, other than a party or other essential person, during the testimony of any other witness. It shall be discretionary with the arbitrator to determine the propriety of the attendance of any other person.

(g) Hearings shall be adjourned by the arbitrator only for good cause.

(h) A record is not required to be taken of the proceedings. However, any party to the proceeding may have a record made at its own expense. The parties may make appropriate notes of the proceedings.

(i) The hearing shall be conducted by the arbitrator in any manner which will permit full and expeditious presentation of the case by both parties. Consistent with the expedited nature of arbitration, the arbitrator shall establish the extent of, and schedule for, the production of relevant documents and other information, the identification of any witnesses to be called, and a schedule for any hearings to elicit facts solely within the knowledge of one party. The complaining party shall present its claims, proofs, and witnesses, who shall submit to questions or other examination. The defending party shall then present its defenses, proofs, and witnesses, who shall submit to questions or other examination. The arbitrator has discretion to vary this procedure but shall afford full and equal opportunity to the parties for the presentation of any material or relevant proofs.

(j) The arbitration may proceed in the absence of any party who, after due notice, fails to be present. The arbitrator shall require the attending party to submit supporting evidence in order to make an award. An award for the attending party shall not be based solely on the fact that the other party has failed to appear at the arbitration hearing.

(k) The arbitrator shall be the sole judge of the relevancy and materiality of the evidence offered and conformity to legal rules of evidence shall not be required.

(l) The arbitrator may receive and consider documentary evidence. Documents to be considered by the arbitrator may be submitted prior to the hearing. However, a copy shall be simultaneously transmitted to all other parties and to the board or appointed arbitration association for transmittal to the arbitrator or board appointed arbitrator.

(m) The arbitrator shall specifically inquire of the parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies, the arbitrator shall declare the hearing closed and minutes thereof shall be recorded. If briefs are to be filed, the hearing shall be declared closed as of the final date set by the arbitrator for the receipt of briefs. If documents are to be filed as requested by the arbitrator and the date set for their receipt is later than that set for the receipt of briefs, the later date shall be the date of closing the hearings. The time limit within which the arbitrator is required to make the award shall commence to run, in the absence of other agreements by the parties, upon the closing of the hearings.

(n) The hearing may be reopened on the arbitrator's own motion.

(o) Any party who proceeds with the arbitration after knowledge that any provision or requirement of these rules has not been complied with, and who fails to state their objections to the arbitrator in writing, within 10 calendar days of close of hearing, shall be deemed to have waived their right to object.

(p) (1) Except as provided in paragraph (2), any papers or process necessary or proper for the initiation or continuation of an arbitration under these rules and for any court action in connection therewith, or for the entry of judgment on an award made thereunder, may be served upon any party (A) by regular mail addressed to that party or their attorney at the party's last known address, or (B) by personal service.

(2) Notwithstanding paragraph (1), in all cases referred to arbitration pursuant to subdivision (b) of Section 7085 in which the contractor fails or refuses to return an executed copy of the notice to arbitrate within the time specified, any papers or process specified in paragraph (1) to be sent to the contractor, including the notice of hearing, shall be mailed by certified mail to the contractor's address of record.

(q) The award shall be made promptly by the arbitrator, and unless otherwise agreed by the parties, no later than 30 calendar days from the date of closing the hearing, closing a reopened hearing, or if oral hearing has been waived, from the date of transmitting the final statements and proofs to the arbitrator.

The arbitrator may for good cause extend any period of time established by these rules, except the time for making the award. The arbitrator shall notify the parties of any extension and the reason therefor.

(r) (1) The arbitrator may grant any remedy or relief that the arbitrator deems just and equitable and within the scope of the board's referral and

the requirements of the board. The arbitrator, in their sole discretion, may award costs or expenses.

(2) The amendments made in paragraph (1) during the 2003–04 Regular Session shall not be interpreted to prevent an arbitrator from awarding a complainant all direct costs and expenses for the completion or repair of the project.

(s) The award shall become final 30 calendar days from the date the arbitration award is issued. The arbitrator, upon written application of a party to the arbitration, may correct the award upon the following grounds:

(1) There was an evident miscalculation of figures or an evident mistake in the description of any person, things, or property referred to in the award.

(2) There is any other clerical error in the award, not affecting the merits of the controversy.

An application for correction of the award shall be made within 10 calendar days of the date of service of the award by serving a copy of the application on the arbitrator, and all other parties to the arbitration. Any party to the arbitration may make a written objection to the application for correction by serving a copy of the written objection on the arbitrator, the board, and all other parties to the arbitration, within 10 calendar days of the date of service of the application for correction.

The arbitrator shall either deny the application or correct the award within 30 calendar days of the date of service of the original award by mailing a copy of the denial or correction to all parties to the arbitration. Any appeal from the denial or correction shall be filed with a court of competent jurisdiction and a true copy thereof shall be filed with the arbitrator or appointed arbitration association within 30 calendar days after the award has become final. The award shall be in writing, and shall be signed by the arbitrator or a majority of them. If no appeal is filed within the 30-calendar day period, it shall become a final order of the registrar.

(t) Service of the award by certified mail shall be effective if a certified letter containing the award, or a true copy thereof, is mailed by the arbitrator or arbitration association to each party or to a party's attorney of record at their last known address, address of record, or by personally serving any party. Service may be proved in the manner authorized in civil actions.

(u) The board shall pay the expenses of one expert witness appointed by the board when the services of an expert witness are requested by either party involved in arbitration pursuant to this article and the case involves workmanship issues that are itemized in the complaint and have not been repaired or replaced. Parties who choose to present the findings of another expert witness as evidence shall pay for those services. Payment for expert witnesses appointed by the board shall be limited to the expert witness costs for inspection of the problem at the construction site, preparation of the expert witness' report, and expert witness fees for appearing or testifying at a hearing. All requests for payment to an expert witness shall be submitted on a form that has been approved by the registrar. All requests for payment to an expert witness shall be reviewed and approved by the board prior to

payment. The registrar shall advise the parties that names of industry experts may be obtained by requesting this information from the registrar.

(v) The arbitrator shall interpret and apply these rules insofar as they relate to their powers and duties.

(w) The following shall apply as to court procedure and exclusion of liability:

(1) The board, the appointed arbitration association, or any arbitrator in a proceeding under these rules is not a necessary party in judicial proceedings relating to the arbitration.

(2) Parties to these rules shall be deemed to have consented that judgment upon the arbitration award may be entered in any federal or state court having jurisdiction thereof.

(3) The board, the appointed arbitration association, or any arbitrator is not liable to any party for any act or omission in connection with any arbitration conducted under these rules.

SEC. 61. Section 7099.2 of the Business and Professions Code is amended to read:

7099.2. (a) The board shall promulgate regulations covering the assessment of civil penalties under this article that give due consideration to the appropriateness of the penalty with respect to the following factors:

(1) The gravity of the violation.

(2) The good faith of the licensee or applicant for licensure being charged.

(3) The history of previous violations.

(b) Except as otherwise provided by this chapter, no civil penalty shall be assessed in an amount greater than five thousand dollars (\$5,000).

Notwithstanding Section 125.9, a civil penalty not to exceed fifteen thousand dollars (\$15,000) may be assessed for a violation of Section 7114 or 7118.

SEC. 62. Section 7099.9 is added to the Business and Professions Code, to read:

7099.9. (a) If, upon investigation, the registrar has probable cause to believe that a licensee, registrant, or applicant has committed acts or omissions that are grounds for denial, suspension, or revocation of a license or registration, the registrar, or their designee, may issue a letter of admonishment to an applicant, licensee, or registrant in lieu of issuing a citation. Nothing in this article shall in any way limit the registrar's discretionary authority or ability to issue a letter of admonishment as prescribed by this subdivision.

(b) The letter of admonishment shall be in writing and shall describe in detail the nature and facts of the violation, including a reference to the statutes or regulations violated. The letter of admonishment shall inform the licensee, registrant, or applicant that within 30 days of service of the letter of admonishment the licensee, registrant, or applicant may do either of the following:

(1) Submit a written request for an office conference to the registrar to contest the letter of admonishment. Upon a timely request, the registrar, or their designee, shall hold an office conference with the licensee, registrant,

or applicant and, if applicable, their legal counsel or authorized representative.

(A) No individual other than the legal counsel or authorized representative of the licensee, registrant, or applicant may accompany the licensee, registrant, or applicant to the office conference.

(B) Prior to or at the office conference, the licensee, registrant, or applicant may submit to the registrar declarations and documents pertinent to the subject matter of the letter of admonishment.

(C) The office conference is intended to be informal and shall not be subject to the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) or Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

(D) After the office conference, the registrar, or their designee, may affirm, modify, or withdraw the letter of admonishment. Within 14 calendar days from the date of the office conference, the registrar, or their designee, shall personally serve or send the written decision by certified mail to the licensee's, registrant's, or applicant's address of record. This decision shall be deemed the final administrative decision concerning the letter of admonishment.

(E) Judicial review of the decision may be had by filing a petition for a writ of mandate in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure within 30 days after the date the decision was personally served or sent by certified mail. The judicial review shall extend to the question of whether or not there was a prejudicial abuse of discretion in the issuance of the letter of admonishment or in the decision after the office conference.

(2) Comply with the letter of admonishment and, if required, submit a written corrective action plan to the registrar documenting compliance. If an office conference is not requested pursuant to this section, compliance with the letter of admonishment shall not constitute an admission of the violation noted in the letter of admonishment.

(c) The letter of admonishment shall be served upon the licensee, registrant, or applicant personally or by certified mail at their address of record with the board. If the licensee, registrant, or applicant is served by certified mail, service shall be effective upon deposit in the United States mail.

(d) The licensee, registrant, or applicant shall maintain and have readily available a copy of the letter of admonishment and corrective action plan, if any, for at least one year from the date of issuance of the letter of admonishment.

(e) Nothing in this subdivision shall in any way limit the board's authority or ability to do either of the following:

(1) Issue a citation pursuant to Section 125.9, 148, or 7099.

(2) Institute disciplinary proceedings pursuant to this article.

(f) The issuance of a letter of admonishment shall not be construed as a disciplinary action or discipline for purposes of licensure or the reporting of discipline for licensure.

(g) The board shall not issue a letter of admonishment when any one of the following factors is present:

- (1) The licensee, registrant, or applicant was unlicensed at the time of the violation.
 - (2) Multiple violations have been established.
 - (3) The licensee, registrant, or applicant has a history of the same or similar violations.
 - (4) The violation resulted in financial harm to another.
 - (5) The victim is an elder or dependent adult as defined in Section 368 of the Penal Code.
 - (6) The violation is related to the repair of damage caused by a natural disaster.
- (h) The board may adopt regulations to further define the circumstances under which a letter of admonishment may be issued.

SEC. 63. Section 7123.5 of the Business and Professions Code is amended to read:

7123.5. If a contractor is convicted of violating Section 396 of the Penal Code or any substantially similar local ordinance in connection with the sale, or offer for sale, of repair or reconstruction services, as defined in Section 396 of the Penal Code, the Contractors State License Board shall take disciplinary action against the contractor, which shall include a suspension of at least six months or the permanent revocation of the contractor's license.

SEC. 64. Section 7135 of the Business and Professions Code is amended to read:

7135. (a) The fees and civil penalties received under this chapter shall be deposited in the Contractors License Fund. All moneys in the fund are hereby appropriated for the purposes of this chapter.

(b) It is the intent of the Legislature that the board shall use moneys appropriated from the fund to improve its administrative and investigative oversight activities and capacity.

SEC. 65. Section 7136 of the Business and Professions Code is amended to read:

7136. The director shall designate a sum not to exceed 10 percent of the total income of the Contractors State License Board for each fiscal year to be transferred to the Consumer Affairs Fund as the board's share of the cost of administration of the department.

SEC. 66. Section 7137 of the Business and Professions Code is amended to read:

7137. The board may set fees by regulation. These fees shall be set according to the following schedule:

- (a) (1) The application fee for an original license in a single classification shall be three hundred thirty dollars (\$330) and may be increased to not more than three hundred seventy-five dollars (\$375).
- (2) The application fee for each additional classification applied for in connection with an original license shall not be more than eighty-five dollars (\$85).

(3) The application fee for each additional classification pursuant to Section 7059 shall be one hundred fifty dollars (\$150) and may be increased to not more than one hundred seventy-five dollars (\$175).

(4) The application fee to replace a responsible managing officer, responsible managing manager, responsible managing member, or responsible managing employee pursuant to Section 7068.2 shall be one hundred fifty dollars (\$150) and may be increased to not more than one hundred seventy-five dollars (\$175).

(5) The application fee to add personnel, other than a qualifying individual, to an existing license shall be one hundred dollars (\$100) and may be increased to not more than one hundred fifteen dollars (\$115).

(b) The fee for rescheduling an examination for an applicant who has applied for an original license, additional classification, a change of responsible managing officer, responsible managing manager, responsible managing member, or responsible managing employee, or for an asbestos certification or hazardous substance removal certification, shall not be more than seventy dollars (\$70).

(c) The fee for scheduling or rescheduling an examination for a licensee who is required to take the examination as a condition of probation shall not be more than seventy dollars (\$70).

(d) The initial license fee for an active or inactive license shall be two hundred dollars (\$200) and may be increased to not more than two hundred twenty-five dollars (\$225).

(e) (1) The renewal fee for an active license shall be four hundred dollars (\$400) and may be increased to not more than four hundred fifty dollars (\$450).

(2) The renewal fee for an inactive license shall be two hundred dollars (\$200) and may be increased to not more than two hundred twenty-five dollars (\$225).

(f) The delinquency fee is an amount equal to 50 percent of the renewal fee, if the license is renewed after its expiration.

(g) The registration fee for a home improvement salesperson shall be eighty-three dollars (\$83) and may be increased to not more than ninety-five dollars (\$95).

(h) The renewal fee for a home improvement salesperson registration shall be eighty-three dollars (\$83) and may be increased to not more than ninety-five dollars (\$95).

(i) The application fee for an asbestos certification examination shall be eighty-three dollars (\$83) and may be increased to not more than ninety-five dollars (\$95).

(j) The application fee for a hazardous substance removal or remedial action certification examination shall be eighty-three dollars (\$83) and may be increased to not more than ninety-five dollars (\$95).

(k) In addition to any other fees charged to C-10 contractors, the board shall charge a fee of twenty dollars (\$20), to be assessed with the renewal fee for an active license, which shall be used by the board to enforce provisions of the Labor Code related to electrician certification.

(l) The service fee to deposit with the registrar lawful money or cashier's check pursuant to paragraph (1) of subdivision (a) of Section 995.710 of the Code of Civil Procedure for purposes of compliance with any provision of Article 5 (commencing with Section 7065) shall be one hundred dollars (\$100), which shall be used by the board only to process each deposit filed with the registrar, to cover the reasonable costs to the registrar for holding money or cashier's checks in trust in interest bearing deposit or share accounts, and to offset the costs of processing payment of lawful claims against a deposit in a civil action.

(m) The board shall, by regulation, establish criteria for the approval of expedited processing of applications. Approved expedited processing of applications for licensure or registration, as required by other provisions of law, shall not be subject to this subdivision.

SEC. 67. Section 7137.5 of the Business and Professions Code is amended to read:

7137.5. The sum of ten thousand dollars (\$10,000) shall be transferred from the Contractors License Fund to the Controller for the exclusive use of the California Uniform Construction Cost Accounting Commission.

The commission shall prepare a recommendation to the Legislature for a local public agency source to fund the commission beginning July 1, 1991, which will provide revenue supported by the contract activities represented by the commission's authority.

Upon adoption of this funding program, the commission shall reimburse the Contractors License Fund in the amount of ten thousand dollars (\$10,000).

SEC. 68. Section 7138 of the Business and Professions Code is amended to read:

7138. Notwithstanding any other provision of law, a fee paid in connection with a service or application covered by Section 7137 shall accrue to the Contractors License Fund as an earned fee and shall not be refunded.

SEC. 69. Section 7139.1 of the Business and Professions Code is amended to read:

7139.1. The Legislature hereby finds and declares all of the following:

(a) There is a demand and increasing need for construction management education programs and resources within the postsecondary education system that prepare graduates for the management of construction operations and companies regulated by the Contractors State License Law and enforced by the Contractors State License Board.

(b) Although construction management programs do exist within the state university system, these programs are woefully underfunded and insufficiently funded to provide training on state-of-the-art management information systems for either graduates or extension programs for continuing education of licensed contractors. Construction industry associations have provided some assistance through direct grants and scholarships, but the industrywide service of these programs and the need for additional assistance mandates broad based industrywide support.

(c) It is the intent of the Legislature that by enabling contractors to designate a portion of their licensure fee and providing a format for contractors to contribute funds to construction management education, this article will receive broad based industry support. In addition, this article allows the contractor to demonstrate the importance of construction management education. This assistance will enable greater development of construction management curricula and will improve the overall quality of construction by providing construction management training to California licensed contractors and their current and future management personnel.

SEC. 70. Section 7139.2 of the Business and Professions Code is amended to read:

7139.2. (a) There is hereby created the Construction Management Education Account (CMEA) as a separate account in the Contractors License Fund for the purposes of construction management education. Funds in the account shall be available for the purposes of this article upon appropriation by the Legislature.

(b) The Contractors State License Board shall allow a contractor to make a contribution to the Construction Management Education Account at the time of the contractor license fee payment. The license fee form shall clearly display this alternative on its face and shall clearly inform the licensee that this provision is a contribution to the Construction Management Education Account and is in addition to the fees.

(c) The board may accept grants from federal, state, or local public agencies, or from private foundations or individuals, in order to assist it in carrying out its duties, functions, and powers under this article. Grant moneys shall be deposited into the Construction Management Education Account.

SEC. 71. Section 7141.5 of the Business and Professions Code is amended to read:

7141.5. The registrar shall grant the retroactive renewal of a license if, within 90 days of the expiration of the license, the otherwise eligible licensee submits a completed application for renewal on a form prescribed by the registrar, and pays the appropriate renewal fee and delinquency fee prescribed by this chapter. For the purposes of this section, an application shall be deemed submitted if it is delivered to the board's headquarters or postmarked within 90 days of the expiration of the license.

SEC. 72. Section 7145.5 of the Business and Professions Code is amended to read:

7145.5. (a) The registrar may refuse to issue, reinstate, reactivate, or renew a license or may suspend a license for the failure of a licensee to resolve all outstanding final liabilities, which include taxes, additions to tax, penalties, interest, and any fees that may be assessed by the board, the Department of Industrial Relations, the Employment Development Department, the Franchise Tax Board, or the State Board of Equalization.

(1) Until the debts covered by this section are satisfied, the qualifying person and any other personnel of record named on a license that has been suspended under this section shall be prohibited from serving in any capacity

that is subject to licensure under this chapter, but shall be permitted to act in the capacity of a nonsupervising bona fide employee.

(2) The license of any other renewable licensed entity with any of the same personnel of record that have been assessed an outstanding liability covered by this section shall be suspended until the debt has been satisfied or until the same personnel of record disassociate themselves from the renewable licensed entity.

(b) The refusal to issue a license or the suspension of a license as provided by this section shall be applicable only if the registrar has mailed a notice preliminary to the refusal or suspension that indicates that the license will be refused or suspended by a date certain. This preliminary notice shall be mailed to the licensee at least 60 days before the date certain.

(c) In the case of outstanding final liabilities assessed by the Franchise Tax Board, this section shall be operative within 60 days after the Contractors State License Board has provided the Franchise Tax Board with the information required under Section 30, relating to licensing information that includes the federal employer identification number, individual taxpayer identification number, or social security number.

(d) All versions of the application for a contractor's license shall include, as part of the application, an authorization by the applicant, in the form and manner mutually agreeable to the Franchise Tax Board and the board, for the Franchise Tax Board to disclose the tax information that is required for the registrar to administer this section. The Franchise Tax Board may from time to time audit these authorizations.

(e) In the case of outstanding final liabilities assessed by the State Board of Equalization, this section shall not apply to any outstanding final liability if the licensee has entered into an installment payment agreement for that liability with the State Board of Equalization and is in compliance with the terms of that agreement.

SEC. 73. Section 7159 of the Business and Professions Code is amended to read:

7159. (a) (1) This section identifies the projects for which a home improvement contract is required, outlines the contract requirements, and lists the items that shall be included in the contract, or may be provided as an attachment.

(2) This section does not apply to service and repair contracts that are subject to Section 7159.10, if the contract for the applicable services complies with Sections 7159.10 to 7159.14, inclusive.

(3) This section does not apply to the sale, installation, and servicing of a fire alarm sold in conjunction with an alarm system, as defined in Section 7590.1, if all costs attributable to making the fire alarm system operable, including sale and installation costs, do not exceed five hundred dollars (\$500), and the licensee complies with the requirements set forth in Section 7159.9.

(4) This section does not apply to any costs associated with monitoring a burglar or fire alarm system.

(5) Failure by the licensee, their agent or salesperson, or by a person subject to be licensed under this chapter, to provide the specified information, notices, and disclosures in the contract, or to otherwise fail to comply with any provision of this section, is cause for discipline.

(b) For purposes of this section, “home improvement contract” means an agreement, whether oral or written, or contained in one or more documents, between a contractor and an owner or between a contractor and a tenant, regardless of the number of residence or dwelling units contained in the building in which the tenant resides, if the work is to be performed in, to, or upon the residence or dwelling unit of the tenant, for the performance of a home improvement, as defined in Section 7151, and includes all labor, services, and materials to be furnished and performed thereunder, if the aggregate contract price specified in one or more improvement contracts, including all labor, services, and materials to be furnished by the contractor, exceeds five hundred dollars (\$500). “Home improvement contract” also means an agreement, whether oral or written, or contained in one or more documents, between a salesperson, whether or not they are a home improvement salesperson, and an owner or a tenant, regardless of the number of residence or dwelling units contained in the building in which the tenant resides, which provides for the sale, installation, or furnishing of home improvement goods or services.

(c) In addition to the specific requirements listed under this section, every home improvement contract and any person subject to licensure under this chapter or their agent or salesperson shall comply with all of the following:

(1) The writing shall be legible.

(2) Any printed form shall be readable. Unless a larger typeface is specified in this article, text in any printed form shall be in at least 10-point typeface and the headings shall be in at least 10-point boldface type.

(3) (A) Before any work is started, the contractor shall give the buyer a copy of the contract signed and dated by both the contractor and the buyer. The buyer’s receipt of the copy of the contract initiates the buyer’s rights to cancel the contract pursuant to Sections 1689.5 to 1689.14, inclusive, of the Civil Code.

(B) The contract shall contain on the first page, in a typeface no smaller than that generally used in the body of the document, both of the following:

(i) The date the buyer signed the contract.

(ii) The name and address of the contractor to which the applicable “Notice of Cancellation” is to be mailed, immediately preceded by a statement advising the buyer that the “Notice of Cancellation” may be sent to the contractor at the address noted on the contract.

(4) The contract shall include a statement that, upon satisfactory payment being made for any portion of the work performed, the contractor, prior to any further payment being made, shall furnish to the person contracting for the home improvement or swimming pool work a full and unconditional release from any potential lien claimant claim or mechanics lien authorized pursuant to Sections 8400 and 8404 of the Civil Code for that portion of the work for which payment has been made.

(5) A change-order form for changes or extra work shall be incorporated into the contract and shall become part of the contract only if it is in writing and signed by the parties prior to the commencement of any work covered by a change order.

(6) The contract shall contain, in close proximity to the signatures of the owner and contractor, a notice stating that the owner or tenant has the right to require the contractor to have a performance and payment bond.

(7) If the contract provides for a contractor to furnish joint control, the contractor shall not have any financial or other interest in the joint control.

(8) The provisions of this section are not exclusive and do not relieve the contractor from compliance with any other applicable provision of law.

(d) A home improvement contract and any changes to the contract shall be in writing and signed by the parties to the contract prior to the commencement of work covered by the contract or an applicable change order and, except as provided in paragraph (8) of subdivision (a) of Section 7159.5, shall include or comply with all of the following:

(1) The name, business address, and license number of the contractor.

(2) If applicable, the name and registration number of the home improvement salesperson that solicited or negotiated the contract.

(3) The following heading on the contract form that identifies the type of contract in at least 10-point boldface type: “Home Improvement.”

(4) The following statement in at least 12-point boldface type: “You are entitled to a completely filled in copy of this agreement, signed by both you and the contractor, before any work may be started.”

(5) The heading: “Contract Price,” followed by the amount of the contract in dollars and cents.

(6) If a finance charge will be charged, the heading: “Finance Charge,” followed by the amount in dollars and cents. The finance charge is to be set out separately from the contract amount.

(7) The heading: “Description of the Project and Description of the Significant Materials to be Used and Equipment to be Installed,” followed by a description of the project and a description of the significant materials to be used and equipment to be installed. For swimming pools, the project description required under this paragraph also shall include a plan and scale drawing showing the shape, size, dimensions, and the construction and equipment specifications.

(8) If a downpayment will be charged, the details of the downpayment shall be expressed in substantially the following form, and shall include the text of the notice as specified in subparagraph (C):

(A) The heading: “Downpayment.”

(B) A space where the actual downpayment appears.

(C) The following statement in at least 12-point boldface type:

“THE DOWNPAYMENT MAY NOT EXCEED \$1,000 OR 10 PERCENT OF THE CONTRACT PRICE, WHICHEVER IS LESS.”

(9) If payments, other than the downpayment, are to be made before the project is completed, the details of these payments, known as progress payments, shall be expressed in substantially the following form, and shall include the text of the statement as specified in subparagraph (C):

(A) A schedule of progress payments shall be preceded by the heading: “Schedule of Progress Payments.”

(B) Each progress payment shall be stated in dollars and cents and specifically reference the amount of work or services to be performed and materials and equipment to be supplied.

(C) The section of the contract reserved for the progress payments shall include the following statement in at least 12-point boldface type:

“The schedule of progress payments must specifically describe each phase of work, including the type and amount of work or services scheduled to be supplied in each phase, along with the amount of each proposed progress payment. IT IS AGAINST THE LAW FOR A CONTRACTOR TO COLLECT PAYMENT FOR WORK NOT YET COMPLETED, OR FOR MATERIALS NOT YET DELIVERED. HOWEVER, A CONTRACTOR MAY REQUIRE A DOWNPAYMENT.”

(10) The contract shall address the commencement of work to be performed in substantially the following form:

(A) A statement that describes what constitutes substantial commencement of work under the contract.

(B) The heading: “Approximate Start Date.”

(C) The approximate date on which work will be commenced.

(11) The estimated completion date of the work shall be referenced in the contract in substantially the following form:

(A) The heading: “Approximate Completion Date.”

(B) The approximate date of completion.

(12) If applicable, the heading: “List of Documents to be Incorporated into the Contract,” followed by the list of documents incorporated into the contract.

(13) The heading: “Note About Extra Work and Change Orders,” followed by the following statement:

“Extra Work and Change Orders become part of the contract once the order is prepared in writing and signed by the parties prior to the commencement of work covered by the new change order. The order must describe the scope of the extra work or change, the cost to be added or subtracted from the contract, and the effect the order will have on the schedule of progress payments.”

(e) Except as provided in paragraph (8) of subdivision (a) of Section 7159.5, all of the following notices shall be provided to the owner as part of the contract form as specified or, if otherwise authorized under this subdivision, may be provided as an attachment to the contract:

(1) A notice concerning commercial general liability insurance. This notice may be provided as an attachment to the contract if the contract includes the following statement: “A notice concerning commercial general liability insurance is attached to this contract.” The notice shall include the heading “Commercial General Liability Insurance (CGL),” followed by whichever of the following statements is both relevant and correct:

(A) “(The name on the license or ‘This contractor’) does not carry commercial general liability insurance.”

(B) “(The name on the license or ‘This contractor’) carries commercial general liability insurance written by (the insurance company). You may call (the insurance company) at _____ to check the contractor’s insurance coverage.”

(C) “(The name on the license or ‘This contractor’) is self-insured.”

(D) “(The name on the license or ‘This contractor’) is a limited liability company that carries liability insurance or maintains other security as required by law. You may call (the insurance company or trust company or bank) at to check on the contractor’s insurance coverage or security.”

(2) A notice concerning workers’ compensation insurance. This notice may be provided as an attachment to the contract if the contract includes the statement: “A notice concerning workers’ compensation insurance is attached to this contract.” The notice shall include the heading “Workers’ Compensation Insurance” followed by whichever of the following statements is correct:

(A) “(The name on the license or ‘This contractor’) has no employees and is exempt from workers’ compensation requirements.”

(B) “(The name on the license or ‘This contractor’) carries workers’ compensation insurance for all employees.”

(3) A notice that provides the buyer with the following information about the performance of extra or change-order work:

(A) A statement that the buyer may not require a contractor to perform extra or change-order work without providing written authorization prior to the commencement of work covered by the new change order.

(B) A statement informing the buyer that extra work or a change order is not enforceable against a buyer unless the change order also identifies all of the following in writing prior to the commencement of work covered by the new change order:

(i) The scope of work encompassed by the order.

(ii) The amount to be added or subtracted from the contract.

(iii) The effect the order will make in the progress payments or the completion date.

(C) A statement informing the buyer that the contractor’s failure to comply with the requirements of this paragraph does not preclude the recovery of compensation for work performed based upon legal or equitable remedies designed to prevent unjust enrichment.

(4) A notice with the heading “Mechanics Lien Warning” written as follows:

“MECHANICS LIEN WARNING:

Anyone who helps improve your property, but who is not paid, may record what is called a mechanics lien on your property. A mechanics lien is a claim, like a mortgage or home equity loan, made against your property and recorded with the county recorder.

Even if you pay your contractor in full, unpaid subcontractors, suppliers, and laborers who helped to improve your property may record mechanics liens and sue you in court to foreclose the lien. If a court finds the lien is valid, you could be forced to pay twice or have a court officer sell your home to pay the lien. Liens can also affect your credit.

To preserve their right to record a lien, each subcontractor and material supplier must provide you with a document called a ‘Preliminary Notice.’ This notice is not a lien. The purpose of the notice is to let you know that the person who sends you the notice has the right to record a lien on your property if they are not paid.

BE CAREFUL. The Preliminary Notice can be sent up to 20 days after the subcontractor starts work or the supplier provides material. This can be a big problem if you pay your contractor before you have received the Preliminary Notices.

You will not get Preliminary Notices from your prime contractor or from laborers who work on your project. The law assumes that you already know they are improving your property.

PROTECT YOURSELF FROM LIENS. You can protect yourself from liens by getting a list from your contractor of all the subcontractors and material suppliers that work on your project. Find out from your contractor when these subcontractors started work and when these suppliers delivered goods or materials. Then wait 20 days, paying attention to the Preliminary Notices you receive.

PAY WITH JOINT CHECKS. One way to protect yourself is to pay with a joint check. When your contractor tells you it is time to pay for the work of a subcontractor or supplier who has provided you with a Preliminary Notice, write a joint check payable to both the contractor and the subcontractor or material supplier.

For other ways to prevent liens, visit CSLB’s internet website at www.cslb.ca.gov or call CSLB at 800-321-CSLB (2752).

REMEMBER, IF YOU DO NOTHING, YOU RISK HAVING A LIEN PLACED ON YOUR HOME. This can mean that you may have to pay twice, or face the forced sale of your home to pay what you owe.”

(5) The following notice shall be provided in at least 12-point typeface:

“Information about the Contractors State License Board (CSLB): CSLB is the state consumer protection agency that licenses and regulates construction contractors.

Contact CSLB for information about the licensed contractor you are considering, including information about disclosable complaints, disciplinary actions, and civil judgments that are reported to CSLB.

Use only licensed contractors. If you file a complaint against a licensed contractor within the legal deadline (usually four years), CSLB has authority to investigate the complaint. If you use an unlicensed contractor, CSLB may not be able to help you resolve your complaint. Your only remedy may be in civil court, and you may be liable for damages arising out of any injuries to the unlicensed contractor or the unlicensed contractor's employees.

For more information:

Visit CSLB's internet website at www.cslb.ca.gov

Call CSLB at 800-321-CSLB (2752)

Write CSLB at P.O. Box 26000, Sacramento, CA 95826."

(6) (A) The notice set forth in subparagraph (B) and entitled "Three-Day Right to Cancel," shall be provided to the buyer unless the contract is:

(i) Negotiated at the contractor's place of business.

(ii) Subject to the "Seven-Day Right to Cancel," as set forth in paragraph (7).

(iii) Subject to licensure under the Alarm Company Act (Chapter 11.6 (commencing with Section 7590)), provided the alarm company licensee complies with Sections 1689.5, 1689.6, and 1689.7 of the Civil Code, as applicable.

(B) "Three-Day Right to Cancel

You, the buyer, have the right to cancel this contract within three business days. You may cancel by emailing, mailing, faxing, or delivering a written notice to the contractor at the contractor's place of business by midnight of the third business day after you received a signed and dated copy of the contract that includes this notice. Include your name, your address, and the date you received the signed copy of the contract and this notice.

If you cancel, the contractor must return to you anything you paid within 10 days of receiving the notice of cancellation. For your part, you must make available to the contractor at your residence, in substantially as good condition as you received them, goods delivered to you under this contract or sale. Or, you may, if you wish, comply with the contractor's instructions on how to return the goods at the contractor's expense and risk. If you do make the goods available to the contractor and the contractor does not pick them up within 20 days of the date of your notice of cancellation, you may keep them without any further obligation. If you fail to make the goods available to the contractor, or if you agree to return the goods to the contractor and fail to do so, then you remain liable for performance of all obligations under the contract."

(C) The "Three-Day Right to Cancel" notice required by this paragraph shall comply with all of the following:

- (i) The text of the notice is at least 12-point boldface type.
- (ii) The notice is in immediate proximity to a space reserved for the owner’s signature.
- (iii) The owner acknowledges receipt of the notice by signing and dating the notice form in the signature space.
- (iv) The notice is written in the same language, e.g., Spanish, as that principally used in any oral sales presentation.
- (v) The notice may be attached to the contract if the contract includes, in at least 12-point boldface type, a checkbox with the following statement: “The law requires that the contractor give you a notice explaining your right to cancel. Initial the checkbox if the contractor has given you a ‘Notice of the Three-Day Right to Cancel.’”
- (vi) The notice shall be accompanied by a completed form in duplicate, captioned “Notice of Cancellation,” which also shall be attached to the agreement or offer to purchase and be easily detachable, and which shall contain the following statement written in the same language, e.g., Spanish, as used in the contract:

“Notice of Cancellation”

/enter date of transaction/

(Date)

“You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale, or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller’s expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.”

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice, or send a telegram

to _____,
/name of seller/

at _____

/address of seller’s place of business/
not later than midnight of _____
(Date)

I hereby cancel this transaction. _____
(Date)

(Buyer’s signature)

(7) (A) The following notice entitled “Seven-Day Right to Cancel” shall be provided to the buyer for any contract that is written for the repair or restoration of residential premises damaged by any sudden or catastrophic event for which a state of emergency has been declared by the President of the United States or the Governor, or for which a local emergency has been declared by the executive officer or governing body of any city, county, or city and county:

“Seven-Day Right to Cancel

You, the buyer, have the right to cancel this contract within seven business days. You may cancel by emailing, mailing, faxing, or delivering a written notice to the contractor at the contractor’s place of business by midnight of the seventh business day after you received a signed and dated copy of the contract that includes this notice. Include your name, your address, and the date you received the signed copy of the contract and this notice.

If you cancel, the contractor must return to you anything you paid within 10 days of receiving the notice of cancellation. For your part, you must make available to the contractor at your residence, in substantially as good condition as you received them, goods delivered to you under this contract or sale. Or, you may, if you wish, comply with the contractor’s instructions on how to return the goods at the contractor’s expense and risk. If you do make the goods available to the contractor and the contractor does not pick them up within 20 days of the date of your notice of cancellation, you may keep them without any further obligation. If you fail to make the goods available to the contractor, or if you agree to return the goods to the contractor and fail to do so, then you remain liable for performance of all obligations under the contract.”

(B) The “Seven-Day Right to Cancel” notice required by this subdivision shall comply with all of the following:

- (i) The text of the notice is at least 12-point boldface type.
- (ii) The notice is in immediate proximity to a space reserved for the owner’s signature.
- (iii) The owner acknowledges receipt of the notice by signing and dating the notice form in the signature space.
- (iv) The notice is written in the same language, e.g., Spanish, as that principally used in any oral sales presentation.
- (v) The notice may be attached to the contract if the contract includes, in at least 12-point boldface type, a checkbox with the following statement:

“The law requires that the contractor give you a notice explaining your right to cancel. Initial the checkbox if the contractor has given you a ‘Notice of the Seven-Day Right to Cancel.’”

(vi) The notice shall be accompanied by a completed form in duplicate, captioned “Notice of Cancellation,” which shall also be attached to the agreement or offer to purchase and be easily detachable, and which shall contain the following statement written in the same language, e.g., Spanish, as used in the contract:

“Notice of Cancellation”

/enter date of transaction/

(Date)

“You may cancel this transaction, without any penalty or obligation, within seven business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale, or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller’s expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.”

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice, or send a telegram

to _____,
/name of seller/

at _____
/address of seller’s place of business/

not later than midnight of _____.
(Date)

I hereby cancel this transaction. _____
(Date)

(Buyer’s signature)

SEC. 73.5. Section 7159 of the Business and Professions Code is amended to read:

7159. (a) (1) This section identifies the projects for which a home improvement contract is required, outlines the contract requirements, and lists the items that shall be included in the contract, or may be provided as an attachment.

(2) This section does not apply to service and repair contracts that are subject to Section 7159.10, if the contract for the applicable services complies with Sections 7159.10 to 7159.14, inclusive.

(3) This section does not apply to the sale, installation, and servicing of a fire alarm sold in conjunction with an alarm system, as defined in Section 7590.1, if all costs attributable to making the fire alarm system operable, including sale and installation costs, do not exceed five hundred dollars (\$500), and the licensee complies with the requirements set forth in Section 7159.9.

(4) This section does not apply to any costs associated with monitoring a burglar or fire alarm system.

(5) Failure by the licensee, their agent or salesperson, or by a person subject to be licensed under this chapter, to provide the specified information, notices, and disclosures in the contract, or to otherwise fail to comply with any provision of this section, is cause for discipline.

(b) For purposes of this section, “home improvement contract” means an agreement, whether oral or written, or contained in one or more documents, between a contractor and an owner or between a contractor and a tenant, regardless of the number of residence or dwelling units contained in the building in which the tenant resides, if the work is to be performed in, to, or upon the residence or dwelling unit of the tenant, for the performance of a home improvement, as defined in Section 7151, and includes all labor, services, and materials to be furnished and performed thereunder, if the aggregate contract price specified in one or more improvement contracts, including all labor, services, and materials to be furnished by the contractor, exceeds five hundred dollars (\$500). “Home improvement contract” also means an agreement, whether oral or written, or contained in one or more documents, between a salesperson, whether or not they are a home improvement salesperson, and an owner or a tenant, regardless of the number of residence or dwelling units contained in the building in which the tenant resides, which provides for the sale, installation, or furnishing of home improvement goods or services.

(c) In addition to the specific requirements listed under this section, every home improvement contract and any person subject to licensure under this chapter or their agent or salesperson shall comply with all of the following:

(1) The writing shall be legible.

(2) Any printed form shall be readable. Unless a larger typeface is specified in this article, text in any printed form shall be in at least 10-point typeface and the headings shall be in at least 10-point boldface type.

(3) (A) Before any work is started, the contractor shall give the buyer a copy of the contract signed and dated by both the contractor and the buyer.

The buyer's receipt of the copy of the contract initiates the buyer's rights to cancel the contract pursuant to Sections 1689.5 to 1689.14, inclusive, of the Civil Code.

(B) The contract shall contain on the first page, in a typeface no smaller than that generally used in the body of the document, both of the following:

(i) The date the buyer signed the contract.

(ii) The name and address of the contractor to which the applicable "Notice of Cancellation" is to be mailed, immediately preceded by a statement advising the buyer that the "Notice of Cancellation" may be sent to the contractor at the address noted on the contract.

(4) The contract shall include a statement that, upon satisfactory payment being made for any portion of the work performed, the contractor, prior to any further payment being made, shall furnish to the person contracting for the home improvement or swimming pool work a full and unconditional release from any potential lien claimant claim or mechanics lien authorized pursuant to Sections 8400 and 8404 of the Civil Code for that portion of the work for which payment has been made.

(5) A change-order form for changes or extra work shall be incorporated into the contract and shall become part of the contract only if it is in writing and signed by the parties prior to the commencement of any work covered by a change order.

(6) The contract shall contain, in close proximity to the signatures of the owner and contractor, a notice stating that the owner or tenant has the right to require the contractor to have a performance and payment bond.

(7) If the contract provides for a contractor to furnish joint control, the contractor shall not have any financial or other interest in the joint control.

(8) The provisions of this section are not exclusive and do not relieve the contractor from compliance with any other applicable provision of law.

(d) A home improvement contract and any changes to the contract shall be in writing and signed by the parties to the contract prior to the commencement of work covered by the contract or an applicable change order and, except as provided in paragraph (8) of subdivision (a) of Section 7159.5, shall include or comply with all of the following:

(1) The name, business address, and license number of the contractor.

(2) If applicable, the name and registration number of the home improvement salesperson that solicited or negotiated the contract.

(3) The following heading on the contract form that identifies the type of contract in at least 10-point boldface type: "Home Improvement."

(4) The following statement in at least 12-point boldface type: "You are entitled to a completely filled in copy of this agreement, signed by both you and the contractor, before any work may be started."

(5) The heading: "Contract Price," followed by the amount of the contract in dollars and cents.

(6) If a finance charge will be charged, the heading: "Finance Charge," followed by the amount in dollars and cents. The finance charge is to be set out separately from the contract amount.

(7) The heading: “Description of the Project and Description of the Significant Materials to be Used and Equipment to be Installed,” followed by a description of the project and a description of the significant materials to be used and equipment to be installed. For swimming pools, the project description required under this paragraph also shall include a plan and scale drawing showing the shape, size, dimensions, and the construction and equipment specifications.

(8) If a downpayment will be charged, the details of the downpayment shall be expressed in substantially the following form, and shall include the text of the notice as specified in subparagraph (C):

- (A) The heading: “Downpayment.”
- (B) A space where the actual downpayment appears.
- (C) The following statement in at least 12-point boldface type:

“THE DOWNPAYMENT MAY NOT EXCEED \$1,000 OR 10 PERCENT OF THE CONTRACT PRICE, WHICHEVER IS LESS.”

(9) If payments, other than the downpayment, are to be made before the project is completed, the details of these payments, known as progress payments, shall be expressed in substantially the following form, and shall include the text of the statement as specified in subparagraph (C):

- (A) A schedule of progress payments shall be preceded by the heading: “Schedule of Progress Payments.”
- (B) Each progress payment shall be stated in dollars and cents and specifically reference the amount of work or services to be performed and materials and equipment to be supplied.
- (C) The section of the contract reserved for the progress payments shall include the following statement in at least 12-point boldface type:

“The schedule of progress payments must specifically describe each phase of work, including the type and amount of work or services scheduled to be supplied in each phase, along with the amount of each proposed progress payment. IT IS AGAINST THE LAW FOR A CONTRACTOR TO COLLECT PAYMENT FOR WORK NOT YET COMPLETED, OR FOR MATERIALS NOT YET DELIVERED. HOWEVER, A CONTRACTOR MAY REQUIRE A DOWNPAYMENT.”

(10) The contract shall address the commencement of work to be performed in substantially the following form:

- (A) A statement that describes what constitutes substantial commencement of work under the contract.
- (B) The heading: “Approximate Start Date.”
- (C) The approximate date on which work will be commenced.

(11) The estimated completion date of the work shall be referenced in the contract in substantially the following form:

- (A) The heading: “Approximate Completion Date.”
- (B) The approximate date of completion.

(12) If applicable, the heading: “List of Documents to be Incorporated into the Contract,” followed by the list of documents incorporated into the contract.

(13) The heading: “Note About Extra Work and Change Orders,” followed by the following statement:

“Extra Work and Change Orders become part of the contract once the order is prepared in writing and signed by the parties prior to the commencement of work covered by the new change order. The order must describe the scope of the extra work or change, the cost to be added or subtracted from the contract, and the effect the order will have on the schedule of progress payments.”

(e) Except as provided in paragraph (8) of subdivision (a) of Section 7159.5, all of the following notices shall be provided to the owner as part of the contract form as specified or, if otherwise authorized under this subdivision, may be provided as an attachment to the contract:

(1) A notice concerning commercial general liability insurance. This notice may be provided as an attachment to the contract if the contract includes the following statement: “A notice concerning commercial general liability insurance is attached to this contract.” The notice shall include the heading “Commercial General Liability Insurance (CGL),” followed by whichever of the following statements is both relevant and correct:

(A) “(The name on the license or ‘This contractor’) does not carry commercial general liability insurance.”

(B) “(The name on the license or ‘This contractor’) carries commercial general liability insurance written by (the insurance company). You may call (the insurance company) at _____ to check the contractor’s insurance coverage.”

(C) “(The name on the license or ‘This contractor’) is self-insured.”

(D) “(The name on the license or ‘This contractor’) is a limited liability company that carries liability insurance or maintains other security as required by law. You may call (the insurance company or trust company or bank) at _____ to check on the contractor’s insurance coverage or security.”

(2) A notice concerning workers’ compensation insurance. This notice may be provided as an attachment to the contract if the contract includes the statement: “A notice concerning workers’ compensation insurance is attached to this contract.” The notice shall include the heading “Workers’ Compensation Insurance” followed by whichever of the following statements is correct:

(A) “(The name on the license or ‘This contractor’) has no employees and is exempt from workers’ compensation requirements.”

(B) “(The name on the license or ‘This contractor’) carries workers’ compensation insurance for all employees.”

(3) A notice that provides the buyer with the following information about the performance of extra or change-order work:

(A) A statement that the buyer may not require a contractor to perform extra or change-order work without providing written authorization prior to the commencement of work covered by the new change order.

(B) A statement informing the buyer that extra work or a change order is not enforceable against a buyer unless the change order also identifies all of the following in writing prior to the commencement of work covered by the new change order:

- (i) The scope of work encompassed by the order.
- (ii) The amount to be added or subtracted from the contract.
- (iii) The effect the order will make in the progress payments or the completion date.

(C) A statement informing the buyer that the contractor's failure to comply with the requirements of this paragraph does not preclude the recovery of compensation for work performed based upon legal or equitable remedies designed to prevent unjust enrichment.

(4) A notice with the heading "Mechanics Lien Warning" written as follows:

"MECHANICS LIEN WARNING:

Anyone who helps improve your property, but who is not paid, may record what is called a mechanics lien on your property. A mechanics lien is a claim, like a mortgage or home equity loan, made against your property and recorded with the county recorder.

Even if you pay your contractor in full, unpaid subcontractors, suppliers, and laborers who helped to improve your property may record mechanics liens and sue you in court to foreclose the lien. If a court finds the lien is valid, you could be forced to pay twice or have a court officer sell your home to pay the lien. Liens can also affect your credit.

To preserve their right to record a lien, each subcontractor and material supplier must provide you with a document called a 'Preliminary Notice.' This notice is not a lien. The purpose of the notice is to let you know that the person who sends you the notice has the right to record a lien on your property if they are not paid.

BE CAREFUL. The Preliminary Notice can be sent up to 20 days after the subcontractor starts work or the supplier provides material. This can be a big problem if you pay your contractor before you have received the Preliminary Notices.

You will not get Preliminary Notices from your prime contractor or from laborers who work on your project. The law assumes that you already know they are improving your property.

PROTECT YOURSELF FROM LIENS. You can protect yourself from liens by getting a list from your contractor of all the subcontractors and material suppliers that work on your project. Find out from your contractor when these subcontractors started work and when these suppliers delivered goods or materials. Then wait 20 days, paying attention to the Preliminary Notices you receive.

PAY WITH JOINT CHECKS. One way to protect yourself is to pay with a joint check. When your contractor tells you it is time to pay for the work of a subcontractor or supplier who has provided you with a Preliminary Notice, write a joint check payable to both the contractor and the subcontractor or material supplier.

For other ways to prevent liens, visit CSLB’s internet website at www.cslb.ca.gov or call CSLB at 800-321-CSLB (2752).

REMEMBER, IF YOU DO NOTHING, YOU RISK HAVING A LIEN PLACED ON YOUR HOME. This can mean that you may have to pay twice, or face the forced sale of your home to pay what you owe.”

(5) The following notice shall be provided in at least 12-point typeface:

“Information about the Contractors State License Board (CSLB): CSLB is the state consumer protection agency that licenses and regulates construction contractors.

Contact CSLB for information about the licensed contractor you are considering, including information about disclosable complaints, disciplinary actions, and civil judgments that are reported to CSLB.

Use only licensed contractors. If you file a complaint against a licensed contractor within the legal deadline (usually four years), CSLB has authority to investigate the complaint. If you use an unlicensed contractor, CSLB may not be able to help you resolve your complaint. Your only remedy may be in civil court, and you may be liable for damages arising out of any injuries to the unlicensed contractor or the unlicensed contractor’s employees.

For more information:

Visit CSLB’s internet website at www.cslb.ca.gov

Call CSLB at 800-321-CSLB (2752)

Write CSLB at P.O. Box 26000, Sacramento, CA 95826.”

(6) (A) The notice set forth in subparagraph (B) and entitled “Three-Day Right to Cancel,” or entitled “Five-Day Right to Cancel” for contracts with a senior citizen, shall be provided to the buyer unless the contract is:

- (i) Negotiated at the contractor’s place of business.
- (ii) Subject to the “Seven-Day Right to Cancel,” as set forth in paragraph (7).
- (iii) Subject to licensure under the Alarm Company Act (Chapter 11.6 (commencing with Section 7590)), provided the alarm company licensee complies with Sections 1689.5, 1689.6, and 1689.7 of the Civil Code, as applicable.

(B) (i) “Three-Day Right to Cancel

You, the buyer, have the right to cancel this contract within three business days. You may cancel by emailing, mailing, faxing, or delivering a written notice to the contractor at the contractor’s place of business by midnight of the third business day after you received a signed and dated copy of the

contract that includes this notice. Include your name, your address, and the date you received the signed copy of the contract and this notice.

If you cancel, the contractor must return to you anything you paid within 10 days of receiving the notice of cancellation. For your part, you must make available to the contractor at your residence, in substantially as good condition as you received them, goods delivered to you under this contract or sale. Or, you may, if you wish, comply with the contractor’s instructions on how to return the goods at the contractor’s expense and risk. If you do make the goods available to the contractor and the contractor does not pick them up within 20 days of the date of your notice of cancellation, you may keep them without any further obligation. If you fail to make the goods available to the contractor, or if you agree to return the goods to the contractor and fail to do so, then you remain liable for performance of all obligations under the contract.”

(ii) References to “three” and “third” in the notice set forth in clause (i) shall be changed to “five” and “fifth,” respectively, for a buyer who is a senior citizen.

(C) The notice required by this paragraph shall comply with all of the following:

(i) The text of the notice is at least 12-point boldface type.

(ii) The notice is in immediate proximity to a space reserved for the owner’s signature.

(iii) The owner acknowledges receipt of the notice by signing and dating the notice form in the signature space.

(iv) The notice is written in the same language, e.g., Spanish, as that principally used in any oral sales presentation.

(v) The notice may be attached to the contract if the contract includes, in at least 12-point boldface type, a checkbox with one of the following statements, as applicable:

(I) For a contract with a senior citizen: “The law requires that the contractor give you a notice explaining your right to cancel. Initial the checkbox if the contractor has given you a ‘Notice of the Five-Day Right to Cancel.’”

(II) For all other contracts: “The law requires that the contractor give you a notice explaining your right to cancel. Initial the checkbox if the contractor has given you a ‘Notice of the Three-Day Right to Cancel.’”

(vi) (I) The notice shall be accompanied by a completed form in duplicate, captioned “Notice of Cancellation,” which also shall be attached to the agreement or offer to purchase and be easily detachable, and which shall contain the following statement written in the same language, e.g., Spanish, as used in the contract:

“Notice of Cancellation”

/enter date of transaction/

(Date)

“You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale, or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller’s expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.”

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice, or send a telegram to _____, /name of seller/ at _____ /address of seller’s place of business/ not later than midnight of _____ (Date)

I hereby cancel this transaction. _____ (Date) _____ (Buyer’s signature)

(II) The reference to “three” in the statement set forth in subclause (I) shall be changed to “five” for a buyer who is a senior citizen.

(7) (A) The following notice entitled “Seven-Day Right to Cancel” shall be provided to the buyer for any contract that is written for the repair or restoration of residential premises damaged by any sudden or catastrophic event for which a state of emergency has been declared by the President of the United States or the Governor, or for which a local emergency has been declared by the executive officer or governing body of any city, county, or city and county:

“Seven-Day Right to Cancel

You, the buyer, have the right to cancel this contract within seven business days. You may cancel by emailing, mailing, faxing, or delivering a written notice to the contractor at the contractor’s place of business by midnight of the seventh business day after you received a signed and dated copy of the

contract that includes this notice. Include your name, your address, and the date you received the signed copy of the contract and this notice.

If you cancel, the contractor must return to you anything you paid within 10 days of receiving the notice of cancellation. For your part, you must make available to the contractor at your residence, in substantially as good condition as you received them, goods delivered to you under this contract or sale. Or, you may, if you wish, comply with the contractor’s instructions on how to return the goods at the contractor’s expense and risk. If you do make the goods available to the contractor and the contractor does not pick them up within 20 days of the date of your notice of cancellation, you may keep them without any further obligation. If you fail to make the goods available to the contractor, or if you agree to return the goods to the contractor and fail to do so, then you remain liable for performance of all obligations under the contract.”

(B) The “Seven-Day Right to Cancel” notice required by this subdivision shall comply with all of the following:

- (i) The text of the notice is at least 12-point boldface type.
- (ii) The notice is in immediate proximity to a space reserved for the owner’s signature.
- (iii) The owner acknowledges receipt of the notice by signing and dating the notice form in the signature space.
- (iv) The notice is written in the same language, e.g., Spanish, as that principally used in any oral sales presentation.
- (v) The notice may be attached to the contract if the contract includes, in at least 12-point boldface type, a checkbox with the following statement: “The law requires that the contractor give you a notice explaining your right to cancel. Initial the checkbox if the contractor has given you a ‘Notice of the Seven-Day Right to Cancel.’”
- (vi) The notice shall be accompanied by a completed form in duplicate, captioned “Notice of Cancellation,” which shall also be attached to the agreement or offer to purchase and be easily detachable, and which shall contain the following statement written in the same language, e.g., Spanish, as used in the contract:

“Notice of Cancellation”

/enter date of transaction/

(Date)

“You may cancel this transaction, without any penalty or obligation, within seven business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale, or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller’s expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.”

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice, or send a telegram to _____, /name of seller/ at _____ /address of seller’s place of business/ not later than midnight of _____ (Date).

I hereby cancel this transaction. _____ (Date)

(Buyer’s signature)

(f) The five-day right to cancel added by the act that amended paragraph (6) of subdivision (e) shall apply to contracts entered into on or after January 1, 2021.

SEC. 74. Section 7170 of the Business and Professions Code is amended to read:

7170. (a) The Contractors State License Board shall receive and review complaints and consumer questions regarding solar energy systems companies and solar contractors. The board shall also receive complaints received from state agencies regarding solar energy systems companies and solar contractors.

(b) Beginning on July 1, 2019, the board annually shall compile a report documenting consumer complaints relating to solar contractors. The report shall be made available publicly on the board’s and the Public Utilities Commission’s internet websites. The report shall contain all of the following:

- (1) The number and types of complaints.
- (2) The ZIP Code where the consumer complaint originated.
- (3) The disposition of all complaints received against a solar contractor.

(c) For purposes of this section, “solar energy system” means a solar energy device to be installed on a residential building that has the primary purpose of providing for the collection and distribution of solar energy for the generation of electricity, that produces at least one kW, and not more than five MW, alternating current rated peak electricity, and that meets or

exceeds the eligibility criteria established pursuant to Section 25782 of the Public Resources Code.

SEC. 75. Section 7303 of the Business and Professions Code is amended to read:

7303. (a) Notwithstanding Article 8 (commencing with Section 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, there is in the Department of Consumer Affairs the State Board of Barbering and Cosmetology in which the administration of this chapter is vested.

(b) The board shall consist of nine members. Five members shall be public members, and four members shall represent the professions. The Governor shall appoint three of the public members and the four professional members. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint one public member. Members of the board shall be appointed for a term of four years, except that of the members appointed by the Governor, two of the public members and two of the professions members shall be appointed for an initial term of two years. No board member may serve longer than two consecutive terms.

(c) The board may appoint an executive officer who is exempt from civil service. The executive officer shall exercise the powers and perform the duties delegated by the board and vested in the executive officer by this chapter. The appointment of the executive officer is subject to the approval of the director. In the event that a newly authorized board replaces an existing or previous bureau, the director may appoint an interim executive officer for the board who shall serve temporarily until the new board appoints a permanent executive officer.

(d) The executive officer shall provide examiners, inspectors, and other personnel necessary to carry out the provisions of this chapter.

(e) This section shall remain in effect only until January 1, 2022, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 76. Section 7512.3 of the Business and Professions Code, as amended by Section 1 of Chapter 569 of the Statutes of 2017, is amended to read:

7512.3. (a) As used in this chapter, “person” includes any individual, firm, company, limited liability company, association, organization, partnership, and corporation.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 77. Section 7512.3 of the Business and Professions Code, as amended by Section 2 of Chapter 569 of the Statutes of 2017, is amended to read:

7512.3. (a) As used in this chapter, “person” includes any individual, firm, company, association, organization, partnership, and corporation.

(b) This section shall become operative on January 1, 2024.

SEC. 78. Section 7512.14 of the Business and Professions Code is amended to read:

7512.14. (a) As used in this chapter, “member” means an individual who is a member of a limited liability company as specified in Section 17704.01 of the Corporations Code.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 79. Section 7512.15 of the Business and Professions Code is amended to read:

7512.15. (a) As used in this chapter, “manager” means an individual designated under an operating agreement of a manager-managed limited liability company who is responsible for performing the management functions for the limited liability company specified in subdivision (c) of Section 17704.07 of the Corporations Code.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 80. Section 7520.3 of the Business and Professions Code is amended to read:

7520.3. (a) As a condition of the issuance, reinstatement, reactivation, or continued valid use of a license under this chapter, a limited liability company shall, in accordance with this section, maintain a policy or policies of insurance against liability imposed on or against it by law for damages arising out of claims based upon acts, errors, or omissions arising out of the private investigator services it provides.

(b) The total aggregate limit of liability under the policy or policies of insurance required under this section shall be as follows:

(1) For a limited liability company licensee with five or fewer persons named as members pursuant to subdivision (i) of Section 7525.1, the aggregate limit shall not be less than one million dollars (\$1,000,000).

(2) For a limited liability company licensee with more than five persons named as members pursuant to subdivision (i) of Section 7525.1, an additional one hundred thousand dollars (\$100,000) of insurance shall be obtained for each person named as members of the licensee except that the maximum amount of insurance is not required to exceed five million dollars (\$5,000,000) in any one designated period, less amounts paid in defending, settling, or discharging claims as set forth under this section.

(c) Prior to the issuance, reinstatement, or reactivation of a limited liability company license as provided under this chapter, the applicant or licensee shall, in the manner prescribed by the bureau, submit the information and documentation required by this section and requested by the bureau, demonstrating compliance with the financial security requirements specified by this section.

(d) For any insurance policy secured by a licensee in satisfaction of this section, a Certificate of Liability Insurance, signed by an authorized agent or employee of the insurer, shall be submitted electronically or otherwise to the bureau. The insurer issuing the certificate shall report to the bureau the following information for any policy required under this section: name, license number, policy number, dates that coverage is scheduled to commence and lapse, and cancellation date if applicable. The insurer shall

list the bureau as the certificate holder for the purposes of receiving notifications related to the policy's status.

(e) (1) If a licensee fails to maintain sufficient insurance as required by this section, or fails to provide proof of the required insurance upon request by the bureau, the license is subject to suspension and shall be automatically suspended pursuant to this subdivision until the date that the licensee provides proof to the bureau of compliance with the insurance coverage requirement.

(2) Prior to an automatic suspension, the bureau shall notify the licensee, in writing, that it has 30 days to provide proof to the bureau of having the required insurance or the license shall be automatically suspended.

(3) If the licensee fails to provide proof of insurance coverage within this period, the bureau may automatically suspend the license.

(f) If the license of a limited liability company is suspended pursuant to subdivision (e), each member of the limited liability company shall be personally liable up to one million dollars (\$1,000,000) each for damages resulting to third parties in connection with the company's performance, during the period of suspension, of any act or contract when a license is required by this chapter.

(g) On and after July 1, 2018, a licensee organized as a limited liability company shall report a paid or pending claim against its liability insurance to the bureau, which shall post a notice of the claim on the Department of Consumer Affairs BreZE License Verification Internet Webpage.

(h) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 81. Section 7525.1 of the Business and Professions Code, as amended by Section 11 of Chapter 569 of the Statutes of 2017, is amended to read:

7525.1. An application shall be verified and shall include:

- (a) The full name and business address of the applicant.
- (b) The name under which the applicant intends to do business.
- (c) A statement as to the general nature of the business in which the applicant intends to engage.
- (d) A verified statement of their experience qualifications.

(e) (1) If the applicant is an individual, a qualified manager, a partner of a partnership, an officer of a corporation designated in subdivision (h), or a member, officer, or manager of a limited liability company designated in subdivision (i), one personal identification form provided by the bureau upon which shall appear a photograph taken within one year immediately preceding the date of the filing of the application together with two legible sets of fingerprints, one set of which shall be forwarded to the Federal Bureau of Investigation for purposes of a background check, on a form approved by the Department of Justice, and a personal description of each person, respectively. The identification form shall include residence addresses and employment history for the previous five years and be signed under penalty of perjury.

(2) The bureau may impose a fee not to exceed three dollars (\$3) for processing classifiable fingerprint cards submitted by applicants, excluding those submitted into an electronic fingerprint system using electronic fingerprint technology.

(f) In addition, if the applicant for a license is an individual, the application shall list all other names known as or used during the past 10 years and shall state that the applicant is to be personally and actively in charge of the business for which the license is sought. If any other qualified manager is to be actively in charge of the business, the application shall be subscribed, verified, and signed by the applicant, under penalty of perjury. If any other person is to be actively in charge of the business, the application shall also be subscribed, verified, and signed by that person under penalty of perjury.

(g) If the applicants for a license are copartners, the application shall state the true names and addresses of all partners and the name of the partner to be actively in charge of the business for which the license is sought and list all other names known as or used during the past 10 years. If a qualified manager other than a partner is to be actively in charge of the business, then the application shall be subscribed, verified, and signed by all of the partners under penalty of perjury. If any other person is to be actively in charge of the business, the application shall also be subscribed, verified, and signed by that person, under penalty of perjury, under penalty of perjury by all of the partners and the qualified manager, or by all of the partners or the qualified manager.

(h) If the applicant for a license is a corporation, the application shall state the true names and complete residence addresses of the chief executive officer, secretary, chief financial officer, and any other corporate officer who will be active in the business to be licensed. The application shall also state the name and address of the designated person to be actively in charge of the business for which the license is sought. The application shall be subscribed, verified, and signed by a duly authorized officer of the applicant and by the qualified manager thereof, under penalty of perjury.

(i) If the applicant for a license is a limited liability company, the application shall state the true name and complete residence address of each member, manager, and any officer who will be active in the business to be licensed. A certified copy of the articles of organization, as filed by the Secretary of State, shall be supplied to the bureau upon request. In the case of a manager-managed limited liability company, the application shall be subscribed, verified, and signed by a manager; otherwise, in the case of a member-managed limited liability company, the application shall be subscribed, verified, and signed by a duly authorized member of the applicant and by the qualified manager thereof. The application shall also state whether any of the members, managers, officers, or the qualified manager has ever used an alias.

(j) Any other information, evidence, statements, or documents as may be required by the director.

(k) At the discretion of the applicant, a valid email address.

(l) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 82. Section 7525.1 of the Business and Professions Code, as amended by Section 12 of Chapter 569 of the Statutes of 2017, is amended to read:

7525.1. An application shall be verified and shall include:

- (a) The full name and business address of the applicant.
- (b) The name under which the applicant intends to do business.
- (c) A statement as to the general nature of the business in which the applicant intends to engage.

(d) A verified statement of their experience qualifications.

(e) (1) If the applicant is an individual, a qualified manager, a partner of a partnership, or an officer of a corporation designated in subdivision (h), one personal identification form provided by the bureau upon which shall appear a photograph taken within one year immediately preceding the date of the filing of the application together with two legible sets of fingerprints, one set of which shall be forwarded to the Federal Bureau of Investigation for purposes of a background check, on a form approved by the Department of Justice, and a personal description of each person, respectively. The identification form shall include residence addresses and employment history for the previous five years and be signed under penalty of perjury.

(2) The bureau may impose a fee not to exceed three dollars (\$3) for processing classifiable fingerprint cards submitted by applicants, excluding those submitted into an electronic fingerprint system using electronic fingerprint technology.

(f) In addition, if the applicant for a license is an individual, the application shall list all other names known as or used during the past 10 years and shall state that the applicant is to be personally and actively in charge of the business for which the license is sought. If any other qualified manager is to be actively in charge of the business, the application shall be subscribed, verified, and signed by the applicant, under penalty of perjury. If any other person is to be actively in charge of the business, the application shall also be subscribed, verified, and signed by that person under penalty of perjury.

(g) If the applicants for a license are copartners, the application shall state the true names and addresses of all partners and the name of the partner to be actively in charge of the business for which the license is sought and list all other names known as or used during the past 10 years. If a qualified manager other than a partner is to be actively in charge of the business, then the application shall be subscribed, verified, and signed by all of the partners under penalty of perjury. If any other person is to be actively in charge of the business, the application shall also be subscribed, verified, and signed under penalty of perjury by that person, by all of the partners and the qualified manager, or by all of the partners or the qualified manager.

(h) If the applicant for a license is a corporation, the application shall state the true names and complete residence addresses of the chief executive

officer, secretary, chief financial officer, and any other corporate officer who will be active in the business to be licensed. The application shall also state the name and address of the designated person to be actively in charge of the business for which the license is sought. The application shall be subscribed, verified, and signed by a duly authorized officer of the applicant and by the qualified manager thereof, under penalty of perjury.

(i) Any other information, evidence, statements, or documents as may be required by the director.

(j) At the discretion of the applicant, a valid email address.

(k) This section shall become operative on January 1, 2024.

SEC. 83. Section 7529 of the Business and Professions Code, as amended by Section 2 of Chapter 326 of the Statutes of 2019, is amended to read:

7529. (a) (1) Upon the issuance of and with each biennial renewal of a license, a license in the form of an enhanced photo identification card of the size, design, and content as may be determined by the director or the director's designee shall be issued by the bureau to each licensee, as follows:

(A) If the licensee is an individual, the enhanced photo identification card shall be issued to the licensee and to the licensee's qualified manager.

(B) If the licensee is a partnership, the enhanced photo identification card shall be issued to each partner of the partnership licensee active in the business and to the licensee's qualified manager.

(C) If the licensee is a corporation, the enhanced photo identification card shall be issued to each officer active in the business and to the licensee's qualified manager.

(D) If the licensee is a limited liability company, the enhanced photo identification card shall be issued to each member, officer, and manager of the licensee active in the business and to the licensee's qualified manager.

(2) The enhanced photo identification card is evidence that the licensee is licensed pursuant to this chapter. The card shall contain the name of the licensee, license expiration date, and a photograph of the licensee. The enhanced photo identification card shall clearly state that the person is licensed as a private investigator or is the qualified manager or officer of the licensee. The enhanced photo identification card is to be composed of a durable material and may incorporate technologically advanced security features. The bureau may recover its costs in an amount sufficient to reimburse the department's costs for furnishing the enhanced photo identification card. The fee charged shall not exceed the actual direct costs for system development, maintenance, and processing necessary to provide this service. The total amount of costs shall be recovered by including that amount in the fee charged for the initial application of and renewal of licensure. When the position, office, or association with a licensee belonging to a person to whom a card is issued is terminated, the person shall surrender the card to the licensee and, within five days thereafter, the licensee shall mail or deliver the card to the bureau for cancellation. Every person, while engaged in any activity for which licensure is required, shall display the person's valid enhanced photo identification card as provided by regulation.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 84. Section 7529 of the Business and Professions Code, as amended by Section 3 of Chapter 326 of the Statutes of 2019, is amended to read:

7529. (a) Upon the issuance of and with each biennial renewal of a license, a license in the form of an enhanced photo identification card of the size, design, and content as may be determined by the director or the director's designee shall be issued by the bureau to each licensee, as follows:

(1) If the licensee is an individual, the enhanced photo identification card shall be issued to the licensee and to the licensee's qualified manager.

(2) If the licensee is a partnership, the enhanced photo identification card shall be issued to each partner of the partnership licensee active in the business and to the licensee's qualified manager.

(3) If the licensee is a corporation, the enhanced photo identification card shall be issued to each officer active in the business and to the licensee's qualified manager.

(b) The enhanced photo identification card is evidence that the licensee is licensed pursuant to this chapter. The card shall contain the name of the licensee, license expiration date, and a photograph of the licensee. The enhanced photo identification card shall clearly state that the person is licensed as a private investigator or is the qualified manager or officer of the licensee. The enhanced photo identification card is to be composed of a durable material and may incorporate technologically advanced security features. The bureau may recover its costs in an amount sufficient to reimburse the department's costs for furnishing the enhanced photo identification card. The fee charged shall not exceed the actual direct costs for system development, maintenance, and processing necessary to provide this service. The total amount of costs shall be recovered by including that amount in the fee charged for the initial application of and renewal of licensure. When the position, office, or association with a licensee belonging to a person to whom a card is issued is terminated, the person shall surrender the card to the licensee and, within five days thereafter, the licensee shall mail or deliver the card to the bureau for cancellation. Every person, while engaged in any activity for which licensure is required, shall display the person's valid enhanced photo identification card as provided by regulation.

(c) This section shall become operative on January 1, 2024.

SEC. 85. Section 7533.5 of the Business and Professions Code, as amended by Section 21 of Chapter 569 of the Statutes of 2017, is amended to read:

7533.5. (a) A licensee shall notify the bureau within 30 days of any change in its corporate officers required to be named pursuant to subdivision (h) of Section 7525.1 or members or managers required to be named pursuant to subdivision (i) of Section 7525.1, and of any addition of a new partner.

(b) Applications, on forms prescribed by the director, shall be submitted by all new officers, members or managers, and partners. The director may suspend or revoke a license issued under this chapter if the director determines that the new officer, member or manager, or partner of a licensee

has committed any of the acts constituting grounds to deny an application for a license or to take disciplinary action against a licensee pursuant to Section 7538 or 7538.5, respectively.

(c) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 86. Section 7533.5 of the Business and Professions Code, as amended by Section 22 of Chapter 569 of the Statutes of 2017, is amended to read:

7533.5. (a) A licensee shall notify the bureau within 30 days of any change in its corporate officers required to be named pursuant to subdivision (h) of Section 7525.1, and of any addition of a new partner.

(b) Applications, on forms prescribed by the director, shall be submitted by all new officers and partners. The director may suspend or revoke a license issued under this chapter if the director determines that the new officer or partner of a licensee has committed any of the acts constituting grounds to deny an application for a license or to take disciplinary action against a licensee pursuant to Section 7538 or 7538.5, respectively.

(c) This section shall become operative on January 1, 2024.

SEC. 87. Section 7538 of the Business and Professions Code, as amended by Section 25 of Chapter 569 of the Statutes of 2017, is amended to read:

7538. (a) After a hearing the director may deny a license unless the applicant makes a showing satisfactory to the director that the applicant, if an individual, and the applicant's qualified manager have not, or, if the applicant is a person other than an individual, that its qualified manager and each of its officers, partners, members, or managers have not:

(1) Committed any act that, if committed by a licensee, would be a ground for the suspension or revocation of a license under this chapter.

(2) Committed any act constituting dishonesty or fraud.

(3) Committed any act or crime constituting grounds for denial of licensure under Section 480, including illegally using, carrying, or possessing a deadly weapon.

(4) Been refused a license under this chapter or had a license revoked.

(5) Been an officer, partner, qualified manager, member, or manager of any person who has been refused a license under this chapter or whose license has been revoked.

(6) While unlicensed committed, or aided and abetted the commission of, any act for which a license is required by this chapter.

(7) Knowingly made any false statement in their application.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 88. Section 7538 of the Business and Professions Code, as amended by Section 26 of Chapter 569 of the Statutes of 2017, is amended to read:

7538. (a) After a hearing the director may deny a license unless the applicant makes a showing satisfactory to the director that the applicant, if an individual, and the applicant's qualified manager have not, or, if the applicant is a person other than an individual, that its qualified manager and each of its officers and partners have not:

- (1) Committed any act that, if committed by a licensee, would be a ground for the suspension or revocation of a license under this chapter.
 - (2) Committed any act constituting dishonesty or fraud.
 - (3) Committed any act or crime constituting grounds for denial of licensure under Section 480, including illegally using, carrying, or possessing a deadly weapon.
 - (4) Been refused a license under this chapter or had a license revoked.
 - (5) Been an officer, partner, or qualified manager of any person who has been refused a license under this chapter or whose license has been revoked.
 - (6) While unlicensed committed, or aided and abetted the commission of, any act for which a license is required by this chapter.
 - (7) Knowingly made any false statement in their application.
- (b) This section shall become operative on January 1, 2024.

SEC. 89. Section 7538.5 of the Business and Professions Code, as amended by Section 27 of Chapter 569 of the Statutes of 2017, is amended to read:

7538.5. (a) The director may refuse to issue any license provided for in this chapter to any of the following:

- (1) An individual who has had any license revoked, has a license currently under suspension, or failed to renew their license while under suspension.
- (2) An individual who, while acting as a partner of a partnership, an officer or director of a corporation, or a member, manager, or officer of a limited liability company, had their license revoked, has a license currently under suspension, or failed to renew their license while under suspension.
- (3) An individual who, while acting as a partner of the partnership, an officer, director of the corporation, or a member, manager, or officer of a limited liability company meets both of the following conditions:
 - (A) The individual was a partner of any partnership, an officer or director of any corporation, or a member, manager, or officer of any limited liability company whose license was revoked, is currently under suspension, or was not renewed while under suspension.
 - (B) While acting as a partner, officer, director, member, or manager, they participated in any of the prohibited acts for which the license was revoked or suspended.
- (4) An individual who is serving or has served as the qualified manager for any licensee that has had its license revoked, is currently under suspension, or failed to renew while under suspension.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 90. Section 7538.5 of the Business and Professions Code, as amended by Section 8 of Chapter 92 of the Statutes of 2018, is amended to read:

7538.5. (a) The director may refuse to issue any license provided for in this chapter to any of the following:

- (1) An individual who has had any license revoked, has a license currently under suspension, or failed to renew their license while under suspension.

(2) An individual who, while acting as a partner of a partnership, or an officer or director of a corporation, had their license revoked, has a license currently under suspension, or failed to renew their license while under suspension.

(3) An individual, who, while acting as a partner of the partnership, or an officer or director of the corporation, meets both of the following conditions:

(A) The individual was a partner of any partnership, or an officer or director of any corporation, whose license was revoked, is currently under suspension, or was not renewed while under suspension.

(B) The individual, while acting as a partner, officer, or director, participated in any of the prohibited acts for which the license was revoked or suspended.

(4) An individual who is serving or has served as the qualified manager for any licensee that has had its license revoked, is currently under suspension, or failed to renew while under suspension.

(b) This section shall become operative on January 1, 2024.

SEC. 91. Section 7539 of the Business and Professions Code, as amended by Section 29 of Chapter 569 of the Statutes of 2017, is amended to read:

7539. (a) Any licensee or officer, director, partner, member, manager, or qualified manager of a licensee may divulge to any law enforcement officer or district attorney, or their representative, any information they may acquire as to any criminal offense, but they shall not divulge to any other person, except as otherwise required by law, any information acquired by them except at the direction of the employer or client for whom the information was obtained.

(b) A licensee or officer, director, partner, member, manager, qualified manager, or employee of a licensee shall not knowingly make any false report to their employer or client for whom information was being obtained.

(c) A written report shall not be submitted to a client except by the licensee, qualified manager, or a person authorized by one or either of them, and the person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in the report are true and correct.

(d) A licensee, or officer, director, partner, manager, member, qualified manager, or employee of a licensee shall not use a badge in connection with the official activities of the licensee's business.

(e) A licensee, or officer, director, partner, manager, member, qualified manager, or employee of a licensee, shall not use a title, or wear a uniform, or use an insignia, or use an identification card, or make any statement with the intent to give an impression that they are connected in any way with the federal government, a state government, or any political subdivision of a state government.

(f) A licensee, or officer, partner, manager, member, qualified manager, or employee of a licensee shall not use any identification to indicate that they are licensed as a private investigator other than the official identification card issued by the bureau or the business card regularly used by the business. However, a licensee may issue an employer identification card.

(g) A licensee, or officer, director, partner, manager, member, qualified manager, or employee of a licensee, shall not enter any private building or portion thereof, except premises commonly accessible to the public, without the consent of the owner or of the person in legal possession thereof.

(h) A licensee shall not permit an employee or agent in their own name to advertise, engage clients, furnish reports or present bills to clients, or in any manner conduct business for which a license is required under this chapter. All business of the licensee shall be conducted in the name of and under the control of the licensee.

(i) A licensee, or officer, director, partner, manager, member, qualified manager, or employee of a licensee shall not knowingly and directly solicit employment from any person who has directly sustained bodily injury or from that person's spouse or other family member to obtain authorization on behalf of the injured person as an investigator to investigate the accident or act that resulted in injury or death to that person or damage to the property of that person. Nothing in this subdivision shall prohibit the soliciting of employment from that injured person's attorney, insurance company, self-insured administrator, insurance adjuster, employer, or any other person having an indirect interest in the investigation of the injury. This subdivision shall not apply to any business agent or attorney employed by a labor organization. A licensee, or officer, director, partner, manager, member, or qualified manager of a licensee shall not pay or compensate any of their employees or agents on the basis of a bonus, bounty, or quota system whereby a premium is placed on the number of employer or client rule violations or infractions purportedly discovered as a result of any investigation made by a licensee.

(j) A licensee shall not use a fictitious business name in connection with the official activities of the licensee's business, except as provided by the bureau.

(k) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 92. Section 7539 of the Business and Professions Code, as amended by Section 9 of Chapter 92 of the Statutes of 2018, is amended to read:

7539. (a) A licensee or officer, director, partner, or qualified manager of a licensee may divulge to any law enforcement officer or district attorney, or their representative, any information they may acquire as to any criminal offense, but they shall not divulge to any other person, except as otherwise required by law, any information acquired by them except at the direction of the employer or client for whom the information was obtained.

(b) A licensee or officer, director, partner, qualified manager, or employee of a licensee shall not knowingly make any false report to their employer or client for whom information was being obtained.

(c) A written report shall not be submitted to a client except by the licensee, qualified manager, or a person authorized by one or either of them, and the person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in the report are true and correct.

(d) A licensee, or officer, director, partner, qualified manager, or employee of a licensee shall not use a badge in connection with the official activities of the licensee's business.

(e) A licensee, or officer, director, partner, qualified manager, or employee of a licensee, shall not use a title, or wear a uniform, or use an insignia, or use an identification card, or make any statement with the intent to give an impression that they are connected in any way with the federal government, a state government, or any political subdivision of a state government.

(f) A licensee, or officer, partner, qualified manager, or employee of a licensee shall not use any identification to indicate that they are licensed as a private investigator other than the official identification card issued by the bureau or the business card regularly used by the business. However, a licensee may issue an employer identification card.

(g) A licensee, or officer, director, partner, qualified manager, or employee of a licensee, shall not enter any private building or portion thereof, except premises commonly accessible to the public, without the consent of the owner or of the person in legal possession thereof.

(h) A licensee shall not permit an employee or agent in their own name to advertise, engage clients, furnish reports or present bills to clients, or in any manner conduct business for which a license is required under this chapter. All business of the licensee shall be conducted in the name of and under the control of the licensee.

(i) A licensee, or officer, director, partner, qualified manager, or employee of a licensee, shall not knowingly and directly solicit employment from any person who has directly sustained bodily injury or from that person's spouse or other family member to obtain authorization on behalf of the injured person as an investigator to investigate the accident or act that resulted in injury or death to that person or damage to the property of that person. This subdivision does not prohibit the soliciting of employment from that injured person's attorney, insurance company, self-insured administrator, insurance adjuster, employer, or any other person having an indirect interest in the investigation of the injury. This subdivision does not apply to any business agent or attorney employed by a labor organization. A licensee, officer, director, partner, or qualified manager of a licensee shall not pay or compensate any of their employees or agents on the basis of a bonus, bounty, or quota system whereby a premium is placed on the number of employer or client rule violations or infractions purportedly discovered as a result of any investigation made by a licensee.

(j) A licensee shall not use a fictitious business name in connection with the official activities of the licensee's business, except as provided by the bureau.

(k) This section shall become operative on January 1, 2024.

SEC. 93. Section 8516 of the Business and Professions Code is amended to read:

8516. (a) This section, and Section 8519, apply only to wood destroying pests or organisms.

(b) A registered company or licensee shall not commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the absence or presence of wood destroying pests or organisms until an inspection has been made by a licensed Branch 3 field representative or operator employed by a registered company, except as provided in Section 8519.5. The address of each property inspected or upon which work is completed shall be reported on a form prescribed by the board and shall be filed with the board no later than 10 business days after the commencement of an inspection or upon completed work.

Every property inspected pursuant to this subdivision or Section 8518 shall be assessed a filing fee pursuant to Section 8674.

Failure of a registered company to report and file with the board the address of any property inspected or work completed pursuant to Section 8518 or this section is grounds for disciplinary action and shall subject the registered company to a fine of not more than two thousand five hundred dollars (\$2,500). The address of an inspection report prepared for use by an attorney for litigation purposes shall not be required to be reported to the board and shall not be assessed a filing fee.

A written inspection report conforming to this section and a form approved by the board shall be prepared and delivered to the person requesting the inspection and the property owner, or to the property owner's designated agent, within 10 business days from the start of the inspection, except that an inspection report prepared for use by an attorney for litigation purposes is not required to be reported to the board or the property owner. An inspection report may be a complete, limited, supplemental, or reinspection report, as defined by Section 1993 of Title 16 of the California Code of Regulations. The report shall be delivered before work is commenced on any property. The registered company shall retain for three years all inspection reports, field notes, and activity forms.

Reports shall be made available for inspection and reproduction to the executive officer of the board or their duly authorized representative during business hours. All inspection reports or copies thereof shall be submitted to the board upon demand within two business days. The following shall be set forth in the report:

- (1) The start date of the inspection and the name of the licensed field representative or operator making the inspection.
- (2) The name and address of the person or firm ordering the report.
- (3) The name and address of the property owner and any person who is a party in interest.
- (4) The address or location of the property.
- (5) A general description of the building or premises inspected.
- (6) A foundation diagram or sketch of the structure or structures or portions of the structure or structures inspected, including the approximate location of any infested or infected areas evident, and the parts of the structure where conditions that would ordinarily subject those parts to attack by wood destroying pests or organisms exist. Reporting of the infested or infected wood members, or parts of the structure identified, shall be listed

in the inspection report to clearly identify them, as is typical in standard construction components, including, but not limited to, siding, studs, rafters, floor joists, fascia, subfloor, sheathing, and trim boards.

(7) Information regarding the substructure, foundation walls and footings, porches, patios and steps, air vents, abutments, attic spaces, roof framing that includes the eaves, rafters, fascias, exposed timbers, exposed sheathing, ceiling joists, and attic walls, or other parts subject to attack by wood destroying pests or organisms. Conditions usually deemed likely to lead to infestation or infection, such as earth-wood contacts, excessive cellulose debris, faulty grade levels, excessive moisture conditions, evidence of roof leaks, and insufficient ventilation are to be reported.

(8) One of the following statements, as appropriate, printed in bold type:

(A) The exterior surface of the roof was not inspected. If you want the water tightness of the roof determined, you should contact a roofing contractor who is licensed by the Contractors State License Board.

(B) The exterior surface of the roof was inspected to determine whether or not wood destroying pests or organisms are present.

(9) Indication or description of any areas that are inaccessible or not inspected with recommendation for further inspection if practicable. If, after the report has been made in compliance with this section, authority is given later to open inaccessible areas, a supplemental report on conditions in these areas shall be made.

(10) Recommendations for corrective measures.

(11) Information regarding the pesticide or pesticides to be used for their control or prevention as set forth in subdivision (a) of Section 8538.

(12) The inspection report shall clearly disclose that if requested by the person ordering the original report, a reinspection of the structure will be performed if an estimate or bid for making repairs was given with the original inspection report, or thereafter.

An estimate or bid shall be given separately allocating the costs to perform each and every recommendation for corrective measures as specified in subdivision (c) with the original inspection report if the person who ordered the original inspection report so requests, and if the registered company is regularly in the business of performing each corrective measure.

If no estimate or bid was given with the original inspection report, or thereafter, then the registered company shall not be required to perform a reinspection.

A reinspection shall be an inspection of those items previously listed on an original report to determine if the recommendations have been completed. Each reinspection shall be reported on an original inspection report form and shall be labeled "Reinspection." Each reinspection shall also identify the original report by date.

After four months from an original inspection, all inspections shall be original inspections and not reinspections.

Any reinspection shall be performed for not more than the price of the registered company's original inspection price and shall be completed within 10 business days after a reinspection has been ordered.

(13) The inspection report shall contain the following statement, printed in boldface type:

“NOTICE: Reports on this structure prepared by various registered companies should list the same findings (i.e. termite infestations, termite damage, fungus damage, etc.). However, recommendations to correct these findings may vary from company to company. You have a right to seek a second opinion from another company.”

(c) At the time a report is ordered, the registered company or licensee shall inform the person or entity ordering the report, that a separate report is available pursuant to this subdivision. If a separate report is requested at the time the inspection report is ordered, the registered company or licensee shall separately identify on the report each recommendation for corrective measures as follows:

(1) The infestation or infection that is evident.

(2) The conditions that are present that are deemed likely to lead to infestation or infection.

If a registered company or licensee fails to inform as required by this subdivision and a dispute arises, or if any other dispute arises as to whether this subdivision has been complied with, a separate report shall be provided within 24 hours of the request but, in no event, later than the next business day, and at no additional cost.

(d) When a corrective condition is identified, either as paragraph (1) or (2) of subdivision (c), and the property owner or the property owner’s designated agent chooses not to correct those conditions, the registered company or licensee shall not be liable for damages resulting from a failure to correct those conditions or subject to any disciplinary action by the board. Nothing in this subdivision, however, shall relieve a registered company or a licensee of any liability resulting from negligence, fraud, dishonest dealing, other violations pursuant to this chapter, or contractual obligations between the registered company or licensee and the responsible parties.

(e) The inspection report form prescribed by the board shall separately identify the infestation or infection that is evident and the conditions that are present that are deemed likely to lead to infestation or infection. If a separate form is requested, the form shall explain the infestation or infection that is evident and the conditions that are present that are deemed likely to lead to infestation or infection and the difference between those conditions. In no event, however, shall conditions deemed likely to lead to infestation or infection be characterized as actual “defects” or as actual “active” infestations or infections or in need of correction as a precondition to issuing a certification pursuant to Section 8519.

(f) The report and any contract entered into shall also state specifically when any guarantee for the work is made, and if so, the specific terms of the guarantee and the period of time for which the guarantee shall be in effect. If a guarantee extends beyond three years, the registered company shall maintain all original inspection reports, field notes, activity forms, and

notices of completion for the duration of the guarantee period and for one year after the guarantee expires.

(g) For purposes of this section, “control service agreement” means an agreement, including extended warranties, to have a licensee conduct over a period of time regular inspections and other activities related to the control or eradication of wood destroying pests and organisms. Under a control service agreement a registered company shall refer to the original report and contract in a manner as to identify them clearly, and the report shall be assumed to be a true report of conditions as originally issued, except it may be modified after a control service inspection. A registered company is not required to issue a report as outlined in paragraphs (1) to (11), inclusive, of subdivision (b) after each control service inspection. If after control service inspection, no modification of the original report is made in writing, then it will be assumed that conditions are as originally reported. A control service contract shall state specifically the particular wood destroying pests or organisms and the portions of the buildings or structures covered by the contract.

(h) A registered company or licensee may enter into and maintain a control service agreement provided the following requirements are met:

(1) The control service agreement shall be in writing, signed by both parties, and shall specifically include the following:

(A) The wood destroying pests and organisms covered by the control service agreement.

(B) Any wood destroying pest or organism that is not covered must be specifically listed.

(C) The type and manner of treatment to be used to correct the infestations or infections.

(D) The structures or buildings, or portions thereof, covered by the agreement, including a statement specifying whether the coverage for purposes of periodic inspections is limited or full. Any exclusions from those described in the original report must be specifically listed.

(E) A reference to the original inspection report.

(F) The frequency of the inspections to be provided, the fee to be charged for each renewal, and the duration of the agreement.

(G) Whether the fee includes structural repairs.

(H) If the services provided are guaranteed, and, if so, the terms of the guarantee.

(I) A statement that all corrections of infestations or infections covered by the control service agreement shall be completed within six months of discovery, unless otherwise agreed to in writing by both parties.

(2) The original inspection report, the control service agreement, and completion report shall be maintained for three years after the cancellation of the control service agreement.

(3) Inspections made pursuant to a control service agreement shall be conducted by a Branch 3 licensee. Section 8506.1 does not modify this provision.

(4) A full inspection of the property covered by the control service agreement shall be conducted and a report filed pursuant to subdivision (b) at least once every three years from the date that the agreement was entered into, unless the consumer cancels the contract within three years from the date the agreement was entered into.

(5) Under a control service agreement, a written report shall be required for the correction of any infestation or infection unless all of the following conditions are met:

(A) The infestation or infection has been previously reported.

(B) The infestation or infection is covered by the control service agreement.

(C) There is no additional charge for correcting the infestation or infection.

(D) Correction of the infestation or infection takes place within 45 days of its discovery.

(E) Correction of the infestation or infection does not include fumigation.

(6) All notice requirements pursuant to Section 8538 shall apply to all pesticide treatments conducted under control service agreements.

(i) All work recommended by a registered company, where an estimate or bid for making repairs was given with the original inspection report, or thereafter, shall be recorded on this report or a separate work agreement and shall specify a price for each recommendation. This information shall be provided to the person requesting the inspection, and shall be retained by the registered company with the inspection report copy for three years.

SEC. 94. Section 10050 of the Business and Professions Code is amended to read:

10050. (a) (1) There is in the Business, Consumer Services, and Housing Agency a Department of Real Estate, the chief officer of which department is named the Real Estate Commissioner.

(2) Notwithstanding any other law, the powers and duties of the department, as set forth in this part and Chapter 1 (commencing with Section 11000) of Part 2, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this part and that chapter were scheduled to be repealed as of January 1, 2022.

(b) It shall be the principal responsibility of the commissioner to enforce all laws in this part and Chapter 1 (commencing with Section 11000) of Part 2 in a manner that achieves the maximum protection for the buyers of real property and those persons dealing with real estate licensees.

(c) Wherever the term “commissioner” is used in this division, it means the Real Estate Commissioner.

(d) This section shall become operative on July 1, 2018.

SEC. 95. Section 11301 of the Business and Professions Code is amended to read:

11301. (a) (1) There is hereby created within the Department of Consumer Affairs a Bureau of Real Estate Appraisers to administer and enforce this part.

(2) Notwithstanding any other law, the powers and duties of the bureau, as set forth in this part, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this part were scheduled to be repealed as of January 1, 2022.

(b) Whenever the term “Office of Real Estate Appraisers” appears in any other law, it means the “Bureau of Real Estate Appraisers.”

SEC. 96. Section 16100 of the Business and Professions Code is amended to read:

16100. (a) The board of supervisors may in the exercise of its police powers, and for the purpose of regulation, as herein provided, and not otherwise, license any kind of business not prohibited by law, transacted and carried on within the limits of its jurisdiction, including all shows, exhibitions, and lawful games, and may fix the rate of the license fee and provide for its collection by suit or otherwise.

(b) No license fee levied pursuant to subdivision (a) that is measured by the licensee’s income or gross receipts, whether levied by a charter or general law county, shall apply to any nonprofit organization that is exempted from taxes by Chapter 4 (commencing with Section 23701) of Part 11 of Division 2 of the Revenue and Taxation Code or Subchapter F (commencing with Section 501) of Chapter 1 of Subtitle A of the Internal Revenue Code of 1986, or the successor of either, or to any minister, clergyman, Christian Science practitioner, rabbi, or priest of any religious organization that has been granted an exemption from federal income tax by the United States Commissioner of Internal Revenue as an organization described in Section 501(c)(3) of the Internal Revenue Code or a successor to that section.

(c) Before a county issues a business license to a person to conduct business as a contractor, as defined by Section 7026, the county shall verify that the person is licensed by the Contractors State License Board.

SEC. 97. Section 19164 of the Business and Professions Code is amended to read:

19164. The bureau may, by regulation, establish insulation material standards governing the quality of all insulation material sold or installed within this state, including those properties that affect the safety and thermal performance of insulation material during application and in the use intended. The standards shall specify the initial performance of the insulation material and the performance expected during the design life of the insulation material. Until the bureau has adopted these regulations, the regulations of the State Energy Resources Conservation and Development Commission in effect on the effective date of this section relating to those standards shall remain in full force and effect. However, wherever those regulations specify that the commission shall perform an act, the bureau instead shall perform the act.

Prior to establishing the standards and procedures required by this chapter, the bureau shall conduct at least two public hearings, and shall invite the State Energy Resources Conservation and Development Commission, the State Fire Marshal, manufacturers, distributors, and licensed installers of insulation materials, and appropriate members of the public to participate

in the hearings. Immediately upon adoption of the standards and procedures, the bureau shall provide a copy of the standards to the State Energy Resources Conservation and Development Commission, and the Contractors State License Board. Within 30 days after receipt of the bureau’s standards, the Contractors State License Board shall notify all state licensed contractors who install insulation of the standards.

Insulation standards adopted by the bureau, pursuant to this section, and by the State Energy Resources Conservation and Development Commission, pursuant to Section 25402 of the Public Resources Code, which are building standards, as defined in Section 25488.5 of the Public Resources Code, shall be submitted to the California Building Standards Commission for approval pursuant to, and are governed by, the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code). The building standards adopted by the bureau and published in the California Building Standards Code shall comply with, and be enforced as provided in, this section.

SEC. 98. Section 1670.8.5 is added to the Civil Code, to read:

1670.8.5. (a) A contract or proposed contract for the provision of a consumer service by a licensee regulated by a licensing board shall not include a provision limiting the consumer’s ability to file a complaint with that board or to participate in the board’s investigation into the licensee.

(b) Any waiver of the provisions of this section is contrary to public policy, and is void and unenforceable.

(c) For purposes of this section, the following terms apply:

(1) “Consumer service” means any service that is obtained for use primarily for personal, family, or household purposes.

(2) “Licensing board” means any entity described in Section 101 of the Business and Professions Code, the State Bar of California, the Department of Real Estate, or any other state agency that issues a license, certificate, or registration authorizing a person to engage in a business or profession.

(d) Violation of this section by a licensee shall constitute unprofessional conduct subject to discipline by the licensee’s licensing board.

SEC. 99. Section 94950 of the Education Code is amended to read:

94950. This chapter shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 100. Section 8.5 of this bill incorporates amendments to Section 205 of the Business and Professions Code, as added by Section 3 of Chapter 865 of the Statutes of 2019, proposed by this bill and Assembly Bill 896. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2021, (2) each bill amends Section 205 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 896, in which case Section 205 of the Business and Professions Code, as amended by Assembly Bill 896, shall remain operative only until the operative date of this bill, at which time Section 8.5 of this bill shall become operative, and Section 8 of this bill shall not become operative.

SEC. 101. Section 16.5 of this bill incorporates amendments to Section 2113 of the Business and Professions Code proposed by both this bill and Assembly Bill 2273. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2021, (2) each bill amends Section 2113 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2273, in which case Section 16 of this bill shall not become operative.

SEC. 102. Section 73.5 of this bill incorporates amendments to Section 7159 of the Business and Professions Code proposed by both this bill and Assembly Bill 2471. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2021, (2) each bill amends Section 7159 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2471, in which case Section 73 of this bill shall not become operative.

SEC. 103. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

AGENDA ITEM H: DISCUSS AND POSSIBLE ACTION ON THE COMMITTEE'S ANNUAL BUDGET – DCA, BUDGET OFFICE

Summary

Paul McDermott, Budget Analyst with the Department of Consumer Affairs Budget Office, will provide an overview of the LATC's budget and fund condition.

Action Requested

To review and discuss the LATC's budget for Fiscal Year 2019/20.

Attachments

1. LATC Overview Revenues and Expenditures
2. LATC Fiscal Year 2019/20 Expenditures
3. LATC Fund Condition



DEPARTMENT OF CONSUMER AFFAIRS • BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY

CALIFORNIA ARCHITECTS BOARD

Landscape Architects Technical Committee

Public Protection through Examination, Licensure, and Regulation

Gavin Newsom,
Governor

Landscape Architects Technical Committee (LATC)

Authorized Positions:

LATC: 5.0

Vacancies: (as of June 30, 2020)

LATC: 0

Revenues:

	<u>Estimated Revenues</u>	<u>Projected YE \$</u>
<u>LATC:</u> FY 2019-20 <i>*projected figures</i>	\$875,000	\$803,000*

Expenditures:

	<u>Appropriation \$</u>	<u>Projected YE \$</u>	<u>%</u>	<u>Reverted Savings:</u>
<u>LATC:</u> FY 2019-20: <i>*projected figures</i>	\$1,082,000	\$879,817*	18.69%*	\$202,183*

Fund Condition Statement: FY 2019-20

- LATC's fund is scheduled to have **\$1,315** in reserves equating to **13.5** operating months.

Department of Consumer Affairs

Expenditure Projection Report

California Architects Board

Reporting Structure(s): 11110320 Landscape Architects Committee

Fiscal Month: 13

Fiscal Year: 2019 - 2020

Run Date: 10/13/2020

PERSONAL SERVICES

	2019-20	FM 13	Savings
Fiscal Code	Budget	Projections to Year End	
5100 PERMANENT POSITIONS	\$297,000	\$288,189	
5100 TEMPORARY POSITIONS	\$6,000	\$0	
5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$3,000	\$6,619	
5150 STAFF BENEFITS	\$191,000	\$174,104	
PERSONAL SERVICES	\$497,000	\$468,912	\$28,088

OPERATING EXPENSES & EQUIPMENT

	2019-20	FM 13	Savings
Fiscal Code	Budget	Projections to Year End	
5301 GENERAL EXPENSE	\$44,000	\$3,687	
5302 PRINTING	\$17,000	\$974	
5304 COMMUNICATIONS	\$5,000	\$898	
5306 POSTAGE	\$12,000	\$7,994	
5308 INSURANCE	\$0	\$12	
53202-204 IN STATE TRAVEL	\$14,000	\$5,105	
53206-208 OUT OF STATE TRAVEL	\$0	\$3,025	
5322 TRAINING	\$3,000	\$5,741	
5324 FACILITIES	\$25,000	\$56,416	
53402-53403 C/P SERVICES (INTERNAL)	\$21,000	\$25,375	
53404-53405 C/P SERVICES (EXTERNAL)	\$235,000	\$46,801	
5342 DEPARTMENT PRORATA	\$169,000	\$160,008	
5342 DEPARTMENTAL SERVICES	\$30,000	\$87,364	
5344 CONSOLIDATED DATA CENTERS	\$1,000	\$719	
5346 INFORMATION TECHNOLOGY	\$1,000	\$2,025	
5362-5368 EQUIPMENT	\$8,000	\$3,685	
54 SPECIAL ITEMS OF EXPENSE	\$0	\$1,077	
OPERATING EXPENSES & EQUIPMENT	\$585,000	\$410,905	\$174,095

OVERALL TOTALS

	\$1,082,000	\$879,817	\$202,183
			18.69%

0757 - Landscape Architects Technical Committee
Analysis of Fund Condition
(Dollars in Thousands)
2020-21 Budget Act

	PY	CY	BY
	2019-20	2020-21	2021-22
BEGINNING BALANCE	\$1,474	\$1,315	\$1,024
Prior Year Adjustment	-\$7	\$0	\$0
Adjusted Beginning Balance	\$1,467	\$1,315	\$1,024
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS			
Revenues			
4121200 - Delinquent fees	\$11	\$13	\$13
4127400 - Renewal fees	\$684	\$718	\$718
4129200 - Other regulatory fees	\$4	\$4	\$4
4129400 - Other regulatory licenses and permits	\$76	\$129	\$129
4163000 - Income from surplus money investments	\$28	\$11	\$11
4170400 - Sale of fixed assets	\$0	\$0	\$0
4171400 - Escheat of unclaimed checks and warrants	\$0	\$0	\$0
Totals, Revenues	\$803	\$875	\$875
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$803	\$875	\$875
TOTAL RESOURCES	\$2,270	\$2,190	\$1,899
EXPENDITURES AND EXPENDITURE ADJUSTMENTS	CY	BY	BY+1
	2019-20	2020-21	2021-22
Expenditures:			
1111 Program Expenditures (State Operations)	\$880	\$1,092	\$1,092
8880 Financial Information System for California (State Operations)	\$0	\$0	\$0
9892 Supplemental Pension Payments (State Operations)	\$16	\$16	\$16
9900 Statewide Pro Rata	\$59	\$58	\$58
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$955	\$1,166	\$1,166
FUND BALANCE			
Reserve for economic uncertainties	\$1,315	\$1,024	\$733
Months in Reserve	13.5	10.5	7.5

AGENDA ITEM I: DISCUSS AND POSSIBLE ACTION ON THE AUGUST 2020 OCCUPATIONAL ANALYSIS (OA) OF THE LANDSCAPE ARCHITECT PROFESSION – DCA, OFFICE OF PROFESSIONAL EXAMINATION SERVICES (OPES)

Summary

The purpose of the OA is to define practice for landscape architects in terms of actual job tasks that new licensees must be able to perform safely and competently at the time of licensure. The DCA Office of Professional Examination Services (OPES) recommends that an OA be conducted routinely every five to seven years. Since the last OA was completed in May 2014, the Landscape Architects Technical Committee (LATC) contracted with OPES in July 2019 to conduct a new OA of the landscape architect profession. The results of this OA serve as the basis for the examination program for the licensed landscape architect profession in California.

OPES initiated the OA process by inviting subject matter experts (SMEs), who were currently active in the field, consisting of various backgrounds and years licensed, to participate in workshops. In January 2020, two of three workshops were conducted. Using the information gathered during the two workshops, OPES developed an OA questionnaire and administered it to licensees with valid email addresses in March 2020. The questionnaires were due back to OPES by April 30, 2020. From the total 3,215 landscape architects with a valid email address that were sent the questionnaire, 571 or approximately 18% valid responses were collected. On June 5-6, 2020, OPES held the third and final workshop with the purpose of defining the association between data collected from the questionnaire and actual tasks performed in the landscape architect practice.

In August 2020, OPES completed the OA. The results of this OA will be used by OPES to perform a linkage study, once a review of the national Landscape Architect Registration Examination (LARE) is completed. The findings of the linkage study will be used to define the content of the California Supplemental Examination (CSE), form the basis for determining “minimum acceptable competence” as it relates to safe practice at the time of initial licensure, and develop a Test Plan.

Action Requested

At today’s meeting, OPES will present the results of the August 2020 OA of the Landscape Architect Profession. LATC is asked to review and approve the results of the OA.

Attachments

1. OA of the Landscape Architect Profession, August 2020
2. LATC OA Results, August 2020 – PowerPoint Slides



DEPARTMENT OF CONSUMER AFFAIRS

CALIFORNIA ARCHITECTS BOARD

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

Public Protection through Examination, Licensure, and Regulation

OCCUPATIONAL ANALYSIS OF THE
LANDSCAPE ARCHITECT PROFESSION

STATE OF CALIFORNIA



DEPARTMENT OF CONSUMER AFFAIRS

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

OCCUPATIONAL ANALYSIS OF THE LANDSCAPE ARCHITECT PROFESSION



August 2020

Brian Knox, Research Data Analyst II

Karen Okicich, M.A., Research Data Supervisor II



This occupational analysis report is mandated by California Business and Professions (B&P) Code § 139 and by DCA Licensure Examination Validation Policy OPES 18-02.

EXECUTIVE SUMMARY

The Landscape Architects Technical Committee (LATC) requested that the Department of Consumer Affairs' Office of Professional Examination Services (OPES) conduct an occupational analysis (OA) of landscape architect practice in California. The purpose of the OA is to define practice for landscape architects in terms of the tasks that new landscape architects must be able to perform safely and competently at the time of licensure. The results of this OA provide a description of practice for the landscape architect profession that can be used to review the Landscape Architect Registration Examination (LARE) for continued use in California. The description can also be used to develop the California Supplemental Examination (CSE).

OPES test specialists began by researching the profession and conducting telephone interviews with licensed landscape architects working in locations throughout California. The purpose of these interviews was to identify the tasks performed by landscape architects and to specify the knowledge required to perform those tasks in a safe and competent manner. Using the information gathered from the research and the interviews, OPES test specialists developed a preliminary list of tasks performed in landscape architect practice and statements representing the knowledge needed to perform those tasks.

In January 2020, OPES convened a workshop to review and refine the preliminary lists of task and knowledge statements derived from the telephone interviews. The workshop comprised licensed landscape architects, or subject matter experts (SMEs), with diverse backgrounds in the profession (i.e., location of practice, years licensed, specialty). These SMEs identified changes and trends in landscape architect practice, determined demographic questions for the OA questionnaire, and performed a preliminary linkage of the task and knowledge statements to ensure that all tasks had a related knowledge statement and all knowledge statements had a related task. Additional task and knowledge statements were created as needed to complete the scope of the content areas of the description of practice. A second workshop was held in February 2020 with a different group of landscape architects to review and refine the results from the initial workshop.

After the second workshop, OPES test specialists developed a three-part OA questionnaire to be completed by licensed landscape architects statewide. Development of the OA questionnaire included a pilot study that was conducted using a group of licensed landscape architects. The pilot study participants' feedback was incorporated into the final questionnaire, which was administered in March 2020.

In the first part of the OA questionnaire, landscape architects were asked to provide demographic information about their work settings and practice. In the second part, landscape architects were asked to rate specific tasks in terms of frequency (i.e., how often the landscape architect performs the task in the landscape architect's current practice) and importance (i.e., how important the task is to effective performance in the landscape architect's current practice). In the third part, landscape architects were asked to rate specific knowledge statements in

terms of how important each knowledge is to effective performance in the landscape architect's current practice.

In March 2020, on behalf of the LATC, OPES emailed all licensed landscape architects who had an email address on file with the LATC (3,215 landscape architects), inviting them to complete the OA questionnaire online. A total of 958 landscape architects, or approximately 29.8% of the landscape architects invited to complete the questionnaire, responded. The final sample size included in the data analysis was 571, or 17.8% of the landscape architects invited to complete the questionnaire. This response rate reflects two adjustments. First, OPES excluded data from respondents who indicated that they were not currently licensed and practicing as landscape architects in California. Second, questionnaires containing a large volume of incomplete or unresponsive data were removed. The demographic composition of the final respondent sample appears to be representative of licensed landscape architects in California.

OPES test specialists then performed data analyses of the task and knowledge ratings obtained from the OA questionnaire respondents. The task frequency and importance ratings were combined to derive an overall criticality index for each task statement. The mean importance rating was used as the criticality index for each knowledge statement.

Once the data were analyzed, OPES conducted a third workshop with SMEs in June 2020. The SMEs evaluated the criticality indices and determined whether any task or knowledge statements should be eliminated. The SMEs in this group also established the final linkage between task statements and knowledge statements, organized the task and knowledge statements into content areas, and wrote descriptions of those content areas.

The description of practice is structured into four content areas that identify the tasks and knowledge required for safe and competent practice of landscape architecture in California at the time of licensure. This description of practice also provides a basis for evaluating the degree to which the content of any examination under consideration measures content critical to landscape architect practice in California.

At this time, California licensure as a landscape architect is granted by meeting the requisite educational and experience requirements and by passing the LARE and the CSE.

OVERVIEW OF THE LANDSCAPE ARCHITECT DESCRIPTION OF PRACTICE

Content Area	Content Area Description
1. Scope of Project	This area assesses a candidate's ability to perform a site analysis and determine the impact of existing site conditions and characteristics on a landscape development project. This area also assesses a candidate's ability to identify applicable regulatory requirements and restrictions associated with projects.
2. Program Development	This area assesses a candidate's ability to develop program elements based on the client's goals and the site conditions and constraints. This area also assesses a candidate's ability to evaluate the feasibility and viability of the program.
3. Design Process	This area assesses the candidate's ability to develop and refine design solutions that meet client and project needs. This area also assesses the candidate's ability to develop specific design solutions to support water, energy, and environmental conservation.
4. Construction Documentation and Administration	This area assesses the candidate's ability to prepare construction documents necessary to execute the landscape design.

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CHAPTER 1 | INTRODUCTION

PURPOSE OF THE OCCUPATIONAL ANALYSIS

The Landscape Architects Technical Committee (LATC) requested that the Department of Consumer Affairs' Office of Professional Examination Services (OPES) conduct an occupational analysis (OA) as part of LATC's comprehensive review of landscape architect practice in California. The purpose of the OA is to identify critical activities performed by landscape architects in California. The results of this OA provide a description of practice for the landscape architect profession that can then be used to review the Landscape Architect Registration Examination (LARE) and to develop the California Supplemental Examination (CSE).

CONTENT VALIDATION STRATEGY

OPES used a content validation strategy to ensure that the OA reflected the actual tasks performed by practicing landscape architects. OPES incorporated the technical expertise of California licensed landscape architects throughout the OA process to ensure that the identified task and knowledge statements directly reflect requirements for performance in current practice.

PARTICIPATION OF SUBJECT MATTER EXPERTS

The LATC selected California licensed landscape architects to participate as subject matter experts (SMEs) during the phases of the OA. These SMEs were selected from a broad range of practice settings, geographic locations, and experience backgrounds. During the development phase of the OA, SMEs provided information about the different aspects of current landscape architect practice. The SMEs also provided technical expertise during the two workshops that were convened to evaluate and refine the content of task and knowledge statements before administration of the OA questionnaire. After the administration of the OA questionnaire, OPES convened an additional group of SMEs to review the results and finalize the description of practice.

ADHERENCE TO LEGAL STANDARDS AND GUIDELINES

Licensing, certification, and registration programs in the State of California adhere strictly to federal and state laws and regulations, as well as to professional guidelines and technical standards. For the purposes of occupational analyses, the following laws and guidelines are authoritative:

- California Business and Professions Code § 139.
- 29 Code of Federal Regulations Part 1607 - Uniform Guidelines on Employee Selection Procedures (1978).
- California Fair Employment and Housing Act, Government Code § 12944.

- *Principles for the Validation and Use of Personnel Selection Procedures* (2018), Society for Industrial and Organizational Psychology (SIOP).
- *Standards for Educational and Psychological Testing* (2014), American Educational Research Association, American Psychological Association, and National Council on Measurement in Education.

For a licensure program to meet these standards, it must be solidly based upon the activities required for practice.

DESCRIPTION OF OCCUPATION

California Business and Professions (B&P) Code § 5615 describes the occupation of landscape architect as follows:

A person who practices landscape architecture within the meaning and intent of this article is a person who offers or performs professional services, for the purpose of landscape preservation, development and enhancement, such as consultation, investigation, reconnaissance, research, planning, design, preparation of drawings, construction documents and specifications, and responsible construction observation. Landscape preservation, development and enhancement is the dominant purpose of services provided by landscape architects. Implementation of that purpose includes: (1) the preservation and aesthetic and functional enhancement of land uses and natural land features; (2) the location and construction of aesthetically pleasing and functional approaches and settings for structures and roadways; and, (3) design for trails and pedestrian walkway systems, plantings, landscape irrigation, landscape lighting, landscape grading and landscape drainage.

Landscape architects perform professional work in planning and design of land for human use and enjoyment. Based on analyses of environmental physical and social characteristics, and economic considerations, they produce overall plans and landscape project designs for integrated land use.

The practice of a landscape architect may, for the purpose of landscape preservation, development and enhancement, include: investigation, selection, and allocation of land and water resources for appropriate uses; feasibility studies; formulation of graphic and written criteria to govern the planning and design of land construction programs; preparation review, and analysis of master plans for land use and development; production of overall site plans, landscape grading and landscape drainage plans, irrigation plans, planting plans, and construction details; specifications; cost estimates and reports for land development; collaboration in the design of roads, bridges, and structures with respect to the functional and aesthetic requirements of the areas on which they are to be placed; negotiation and arrangement for execution of land area projects; field observation and inspection of land area construction, restoration, and maintenance.

This practice shall include the location, arrangement, and design of those tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, structures, or facilities, in accordance with the accepted public standards of health, safety, and welfare.

CHAPTER 2 | OCCUPATIONAL ANALYSIS QUESTIONNAIRE

SUBJECT MATTER EXPERT INTERVIEWS

The LATC provided OPES with a list of licensed landscape architects to contact for telephone interviews. During the semi-structured interviews, seven landscape architects were asked to identify the activities they perform that are specific to the landscape architect profession. The landscape architects outlined major content areas of their practice and confirmed the tasks performed in each content area. The landscape architects were also asked to identify the knowledge necessary to perform each task safely and competently.

TASK AND KNOWLEDGE STATEMENTS

To develop task and knowledge statements, OPES test specialists integrated the information gathered from literature reviews of profession-related sources (e.g., previous OA reports, laws and regulations, articles, industry publications) and from the interviews with landscape architects.

In January 2020, OPES test specialists facilitated a workshop with seven landscape architect SMEs from diverse backgrounds (i.e., years licensed, specialty, and practice location) to evaluate the task and knowledge statements for technical accuracy and comprehensiveness.

In February 2020, OPES test specialists facilitated a second workshop with a group of six additional SMEs. OPES presented the task and knowledge statements to the SMEs, and they assigned each statement to a content area and verified that the content areas were independent and nonoverlapping. In addition, the SMEs performed a preliminary linkage of the task and knowledge statements to ensure that every task had a related knowledge statement and every knowledge statement had a related task. The SMEs also verified proposed demographic questions for the OA questionnaire, including questions about scope of practice and practice setting.

After SMEs verified the lists of task and knowledge statements and the demographic questions, OPES used this information to develop an online OA questionnaire.

QUESTIONNAIRE DEVELOPMENT

OPES test specialists developed an online OA questionnaire designed to solicit landscape architect's ratings of the task and knowledge statements. The surveyed landscape architects were instructed to rate how often each task is performed in their current practice (Frequency) and how important each task is to effective performance of their practice (Importance). In addition, they were instructed to rate how important each knowledge statement is to effective performance in their current practice (Importance). The OA questionnaire also included a demographic section for purposes of developing an accurate profile of the respondents. The OA questionnaire can be found in Appendix F.

PILOT STUDY

Before administering the final questionnaire, OPES conducted a pilot study of the online questionnaire. The pilot questionnaire was reviewed by the LATC and then sent to SMEs who had participated in the task and knowledge statement development workshops. OPES received feedback from 17 respondents. The respondents reviewed the online questionnaire, provided the estimated time for completion, and evaluated the online navigation and ease of use of the questionnaire. OPES used this feedback to develop the final questionnaire.

CHAPTER 3 | RESPONSE RATE AND DEMOGRAPHICS

SAMPLING STRATEGY AND RESPONSE RATE

In March 2020, on behalf of the LATC, OPES emailed all licensed landscape architects who had an email address on file with the LATC (3,215), inviting them to complete the OA questionnaire online. The invitation can be found in Appendix E.

Of the 3,215 landscape architects who received the invitation, 958 landscape architects (29.8%) responded. The final sample size included in the data analysis was 571, or 17.8% of the sample that was invited to complete the questionnaire. This response rate reflects two adjustments. First, OPES excluded data from respondents who indicated they were not currently licensed and practicing as landscape architects in California. Second, questionnaires containing a large volume of missing or unresponsive data were also excluded. The final respondent sample appears to be representative of California landscape architects based on the sample's demographic composition.

DEMOGRAPHIC SUMMARY

As shown in Table 1 and Figure 1, more than half of the respondents (51.2%) reported that they had been practicing as a landscape architect for 20 years or more, 21.9% reported that they had been practicing between 11 and 20 years, 10.8% reported that they had been practicing for 6 to 10 years, and 15.8% reported that they had been practicing fewer than 5 years.

Table 2 and Figure 2 show that the majority of respondents reported working in either a landscape architecture firm (59.7%), a multidisciplinary firm (17.5%), or a governmental agency (14.2%). When asked how many other landscape architects work in their organization, 41.9% of the respondents reported that they were the only landscape architect, 42.9% reported that they worked with fewer than 10 other landscape architects, and 14.7% reported that there were more than 10 other landscape architects in their organization (see Table 3 and Figure 3). Most respondents reported that there were fewer than 10 other employees in their office who were not landscape architects (59.5%), while 32.7% reported that more than 20 employees were not landscape architects (see Table 4 and Figure 4).

Table 5 and Figure 5 show that 41.7% of respondents reported working more than 40 hours per week, while 37.5% reported working between 21 and 40 hours per week. Approximately 20.5% of the respondents indicated that they worked 20 hours or fewer per week.

When asked to describe their highest level of education, 65.3% of the respondents reported a bachelor's degree, and 29.8% reported a master's degree. Some respondents reported a certificate (2.3%), an associate degree (1.1%), a doctoral degree (0.3%), or a high school degree or GED (0.3%) (see Table 6 and Figure 6).

Table 7 and Figure 7 show the breakdown of the types of projects respondents reported working on over the previous two years. Respondents were asked to select all that applied. Most respondents indicated that they had worked on residential projects (70.9%), projects related to

parks and recreation facilities (57.8%), and transportation projects (50.1%). In addition, a large number of respondents reported that they had worked on mixed-use projects (43.1%), commercial projects (42.4%), schools (34.5%), or projects related to corporate design (29.9%). Several respondents also indicated that they had worked on projects related to medical or health care facilities (23.5%), infrastructure (21%), and historical preservation (18.9%).

When asked about green or sustainable projects worked on over the previous two years, 87.9% reported working on water conservation projects, 74.6% on stormwater management projects, and 48.3% on water reuse/recycling projects. In addition, a majority of respondents also indicated that they had worked on projects involving erosion control (63.9%) or slope protection (55.9%). Approximately 71.1% of respondents reported that they had worked on permeable paving projects, and 49.4% indicated that they had worked on low impact development projects (see Table 8 and Figure 8). Most of the green or sustainable project work was performed on projects in California with governmental agencies or private companies, and the landscape architect practiced in a lead capacity (see Appendix A).

Survey respondents indicated that they worked with a variety of specialists during the previous two years. They most commonly indicated that they worked with arborists (70.1%), geotechnical engineers (66.9%), and traffic engineers (41%). Table 9 and Figure 9 provide a breakdown of these and other specialists that respondents indicated they had worked with in the previous two years. Table 10 and Figure 10 provide a breakdown of specific tasks performed in their landscape architect practice.

Some survey respondents indicated that they held a specialized certificate or license other than a California landscape architect license. The most common certificate held was as a LEED Accredited Professional (see Table 11 and Figure 11). Just over a quarter of respondents (25.9%) indicated that they held a landscape architect license in another state, and 7% indicated that they held a contractor's license (see Table 12 and Figure 12).

More detailed demographic information from respondents can be found in Tables 1 through 14, Figures 1 through 12, and Appendix A.

TABLE 1 – YEARS LICENSED AS A LANDSCAPE ARCHITECT

YEARS	NUMBER (N)	PERCENT
0 to 5 years	90	15.8
6 to 10 years	62	10.8
11 to 20 years	125	21.9
20 or more years	292	51.2
Missing	2	0.3
Total	571	100

FIGURE 1 – YEARS LICENSED AS A LANDSCAPE ARCHITECT

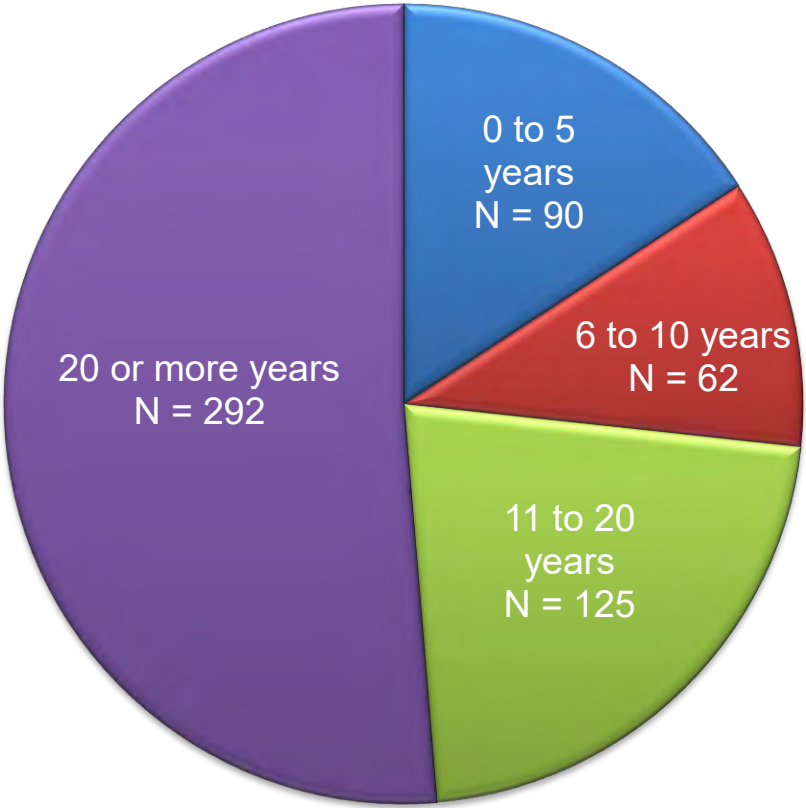
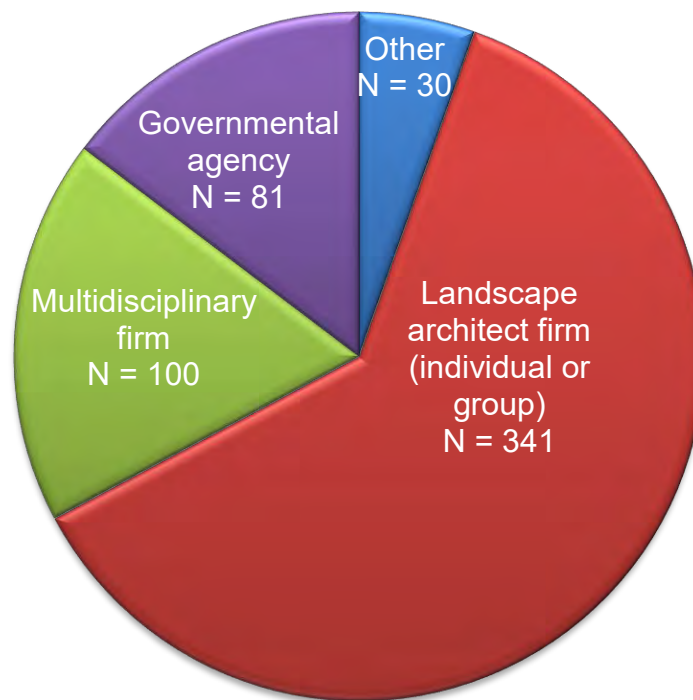


TABLE 2 – PRIMARY WORK SETTING

SETTING	NUMBER (N)	PERCENT
Landscape architecture firm	341	59.7
Multidisciplinary firm	100	17.5
Governmental agency	81	14.2
Institution (e.g., hospital, school, etc.)	5	0.9
Construction firm	12	2.1
Other	30	5.3
Missing	2	0.3
Total	571	100

FIGURE 2 – PRIMARY WORK SETTING*



*Note: Low-numbered responses are not included in the figure.

TABLE 3 – OTHER LANDSCAPE ARCHITECTS IN ORGANIZATION

SUBJECT	NUMBER (N)	PERCENT
None	239	41.9
1 to 5	194	34.0
6 to 10	51	8.9
More than 10	84	14.7
Missing	3	0.5
Total	571	100

FIGURE 3 – OTHER LANDSCAPE ARCHITECTS IN ORGANIZATION

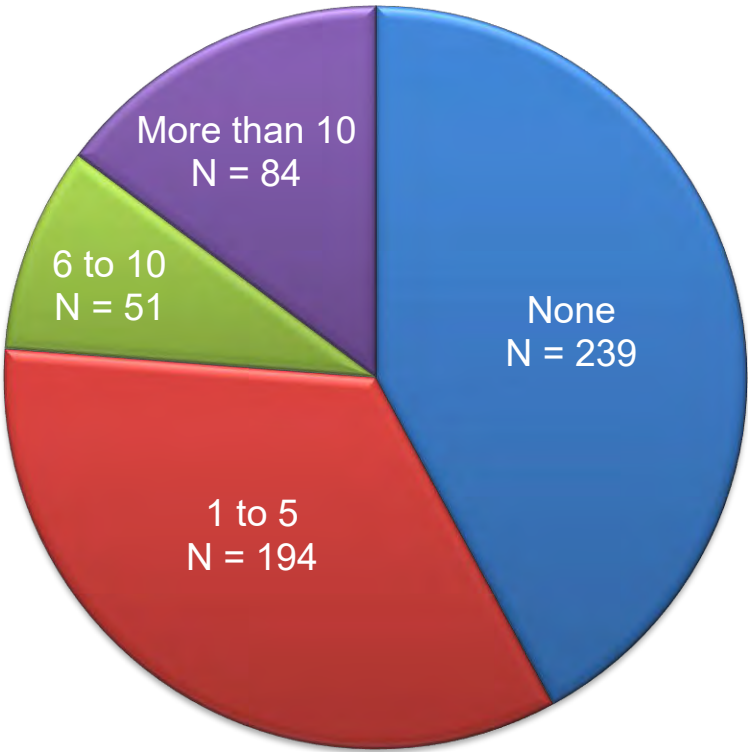


TABLE 4 – OTHER EMPLOYEES IN ORGANIZATION

SETTING	NUMBER (N)	PERCENT
None	165	28.9
1 to 10	175	30.6
11 to 20	40	7.0
More than 20	187	32.7
Missing	4	0.7
Total	571	100*

*NOTE: Percentages do not add to 100 due to rounding.

FIGURE 4 – OTHER EMPLOYEES IN ORGANIZATION

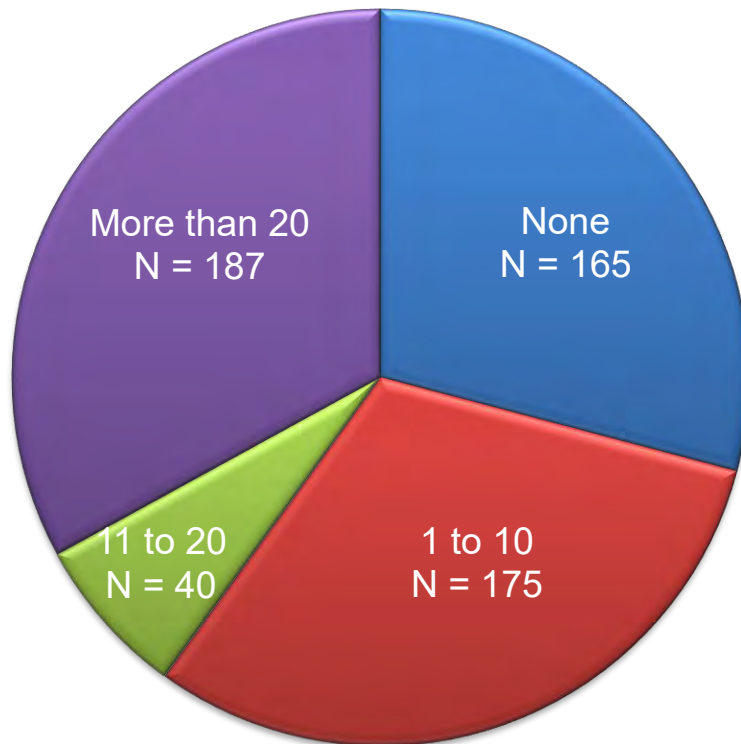


TABLE 5 – HOURS WORKED PER WEEK

HOURS	NUMBER (N)	PERCENT
0 to 10 hours	61	10.7
11 to 20 hours	56	9.8
21 to 40 hours	214	37.5
More than 40 hours	238	41.7
Missing	2	0.3
Total	571	100

FIGURE 5 – HOURS WORKED PER WEEK

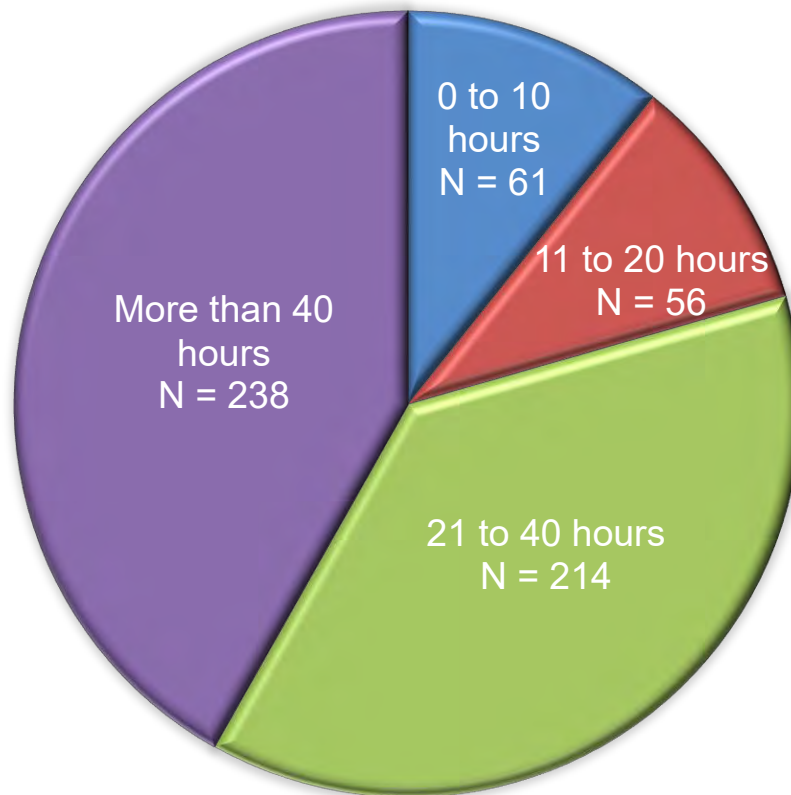


TABLE 6 – HIGHEST LEVEL OF EDUCATION

HOURS	NUMBER (N)	PERCENT
High School or GED	2	0.3
Certificate program	13	2.3
Associate degree	6	1.1
Bachelor's degree	373	65.3
Master's degree	170	29.8
Doctoral degree	2	0.3
Missing	5	0.8
Total	571	100*

*NOTE: Percentages do not add to 100 due to rounding.

FIGURE 6 – HIGHEST LEVEL OF EDUCATION

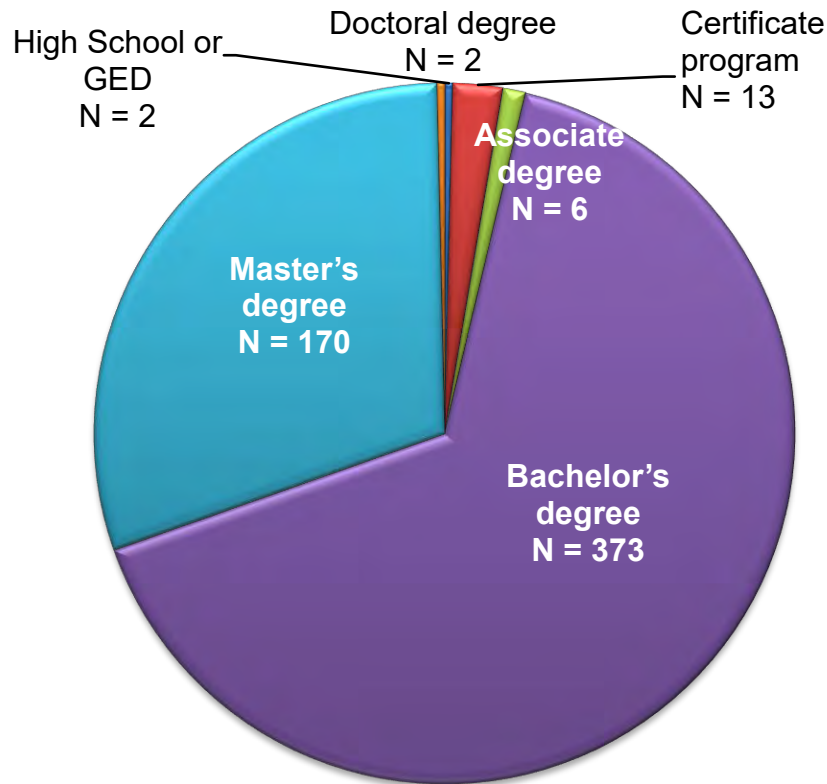


TABLE 7 – TYPES OF PROJECTS

PROJECT	NUMBER (N)	PERCENT*
Transportation	286	50.1
Community planning	159	27.8
Residential	405	70.9
Commercial	242	42.4
Parks and recreation facilities	330	57.8
Corporate design	171	29.9
Schools	197	34.5
Mixed use	246	43.1
Historical preservation	108	18.9
Medical / health care	134	23.5
Infrastructure	120	21.0

*NOTE: Respondents were asked to select all that apply.

FIGURE 7 – TYPES OF PROJECTS

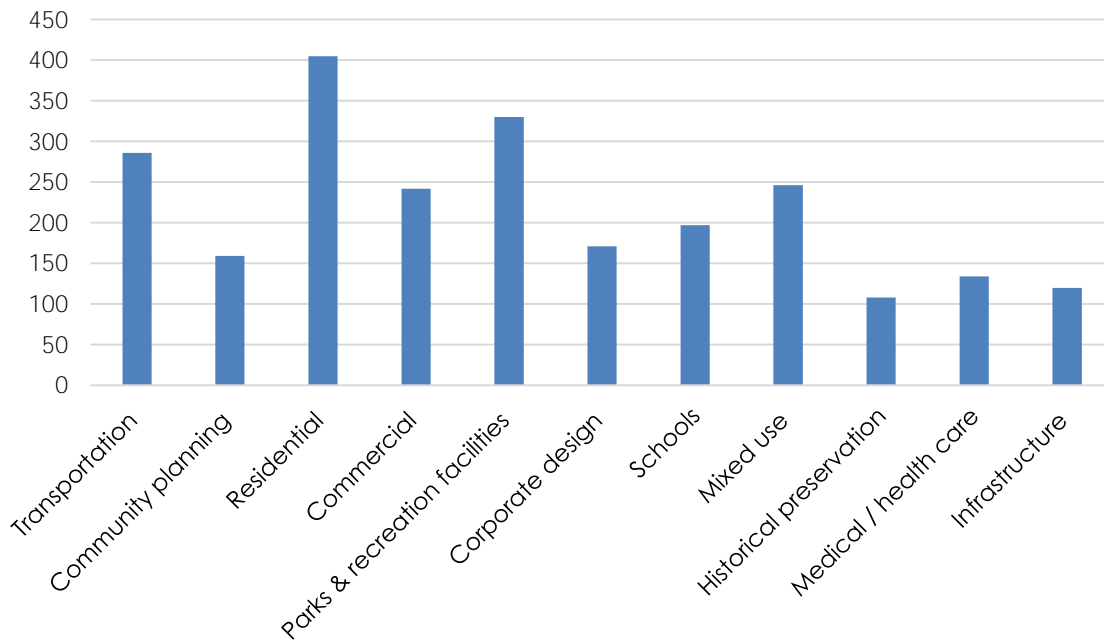


TABLE 8 – GREEN OR SUSTAINABLE PROJECTS

PROJECT	NUMBER (N)	PERCENT*
Light pollution reduction	234	41.0
Heat island mitigation	241	42.2
Green roofs	183	32.0
Urban/community gardens	205	35.9
Native habitat re-establishment	304	53.2
Soil reclamation	101	17.7
Water conservation	502	87.9
Water reuse/recycling	276	48.3
Stormwater management	426	74.6
Erosion control	365	63.9
Low impact development (LID)	282	49.4
Slope protection	319	55.9
Energy conservation	140	24.5
Indoor air quality	25	4.4
Adaptation for changing climate	151	26.4
Permeable paving	406	71.1

**NOTE: Respondents were asked to select all that apply.*

FIGURE 8 – GREEN OR SUSTAINABLE PROJECTS

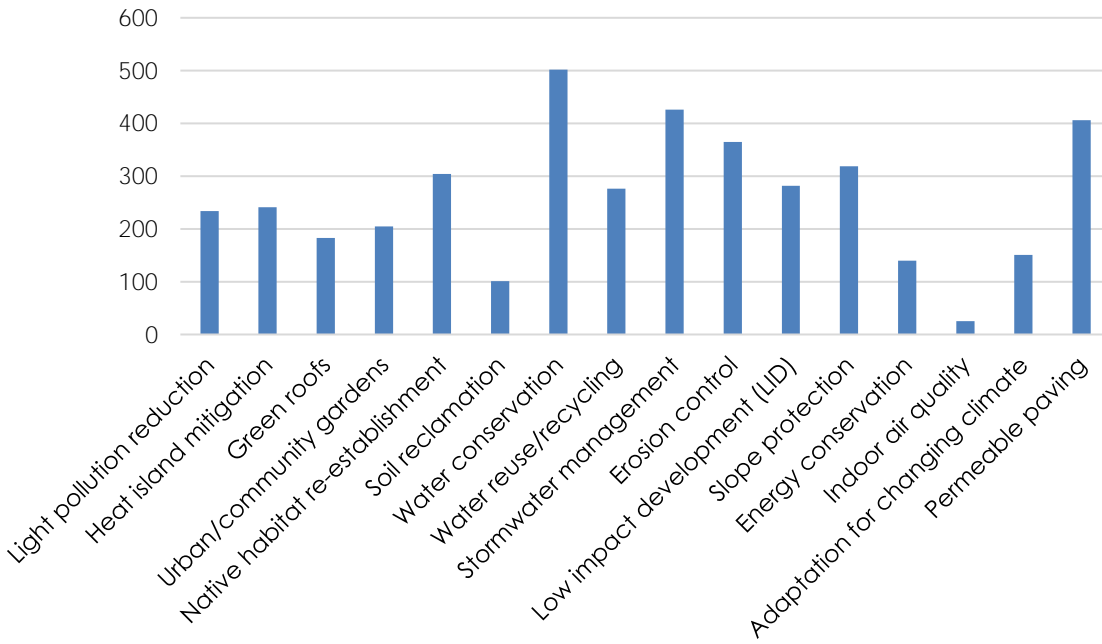


TABLE 9 – SPECIALISTS WORKED WITH

LICENSE	NUMBER (N)	PERCENT*
Arborist	400	70.1
Geotechnical engineer	382	66.9
Soil scientist	211	37.0
Environmental engineer	147	25.7
Artist	161	28.2
Biologist	213	37.3
Public outreach facilitator	101	17.7
Economist	37	6.5
Traffic engineer	234	41.0
Grant writer	58	10.2
Ecologist	126	22.1
Historian	69	12.1
LEED-credentialed professional	180	31.5
Academic (educator/researcher)	81	14.2
Horticulturist	144	25.2
Product specialist	175	30.6

**NOTE: Respondents were asked to select all that apply.*

FIGURE 9 – SPECIALISTS WORKED WITH

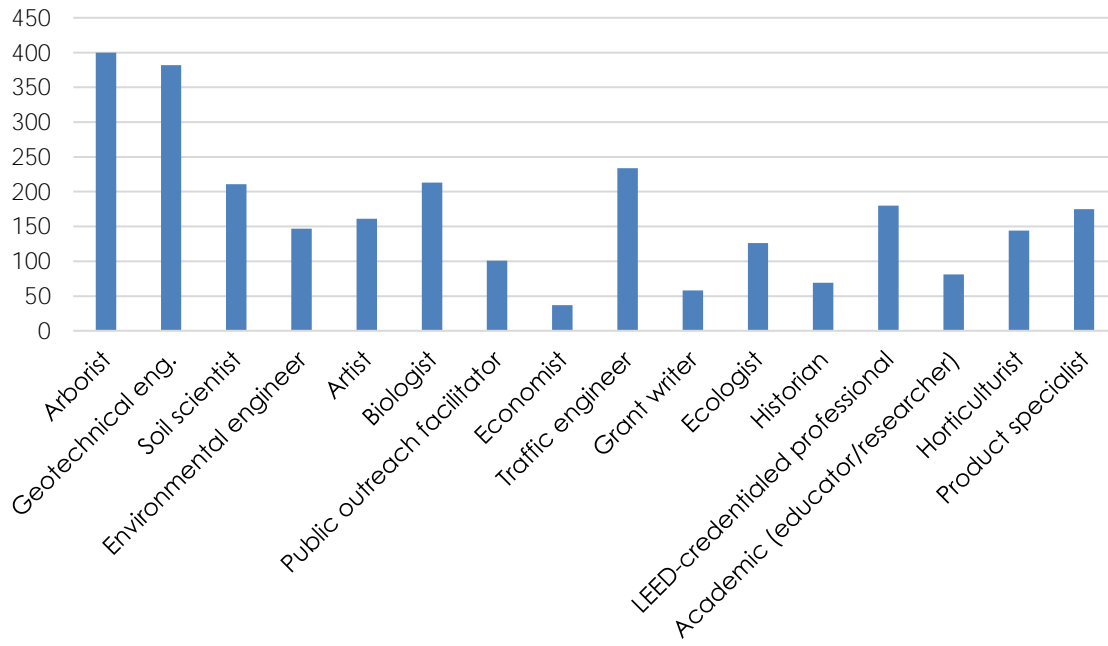


TABLE 10 – TASKS PERFORMED

LICENSE	NUMBER (N)	PERCENT*
Master planning	294	51.5
Construction document writing	403	70.6
Construction administration	443	77.6
Specification writing	345	60.4
Permit coordination	337	59.0
Maintenance and operations planning	226	39.6
Irrigation auditing	114	20.0
Environmental reviews	101	17.7
Plan check and plan review	389	68.1
Workshop facilitation	174	30.5
Product and academic research	197	34.5
Cost estimation	430	75.3
Administration	447	78.3

**NOTE: Respondents were asked to select all that apply.*

FIGURE 10 – TASKS PERFORMED

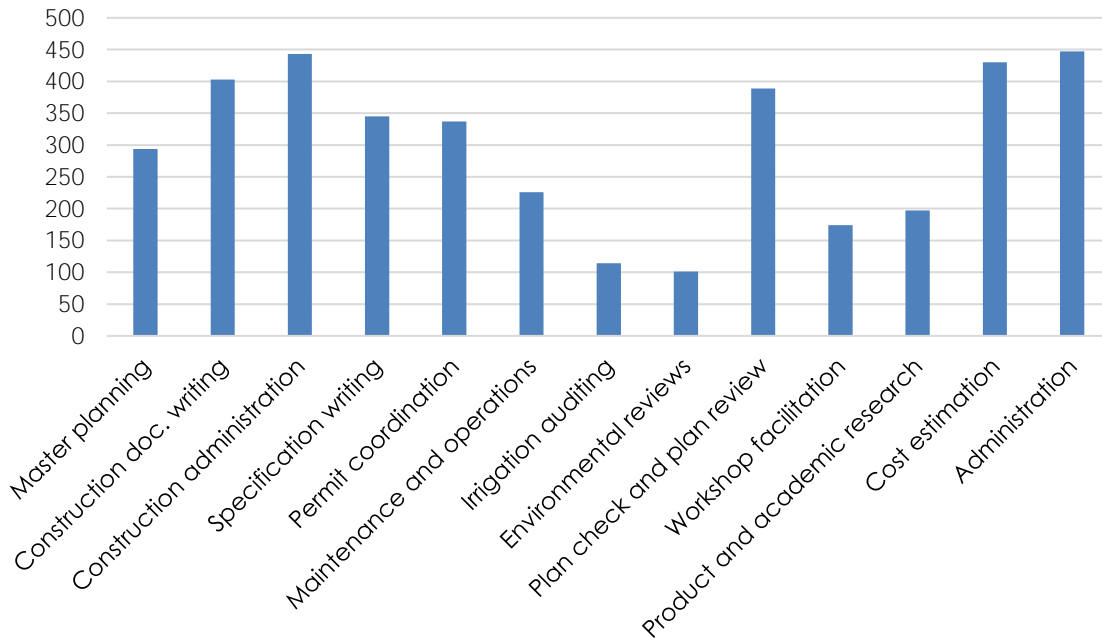


TABLE 11 – CERTIFICATES HELD

CERTIFICATE	NUMBER (N)	PERCENT*
AICP Certified Planner	9	1.6
Arborist	37	6.5
LEED Accredited Professional	84	14.7
LEED Green Associate	17	3.0
Playground Safety (CPSI)	15	2.6
Certified Landscape Irrigation Auditor	29	5.1
Qualified SWPPP Practitioner	24	4.2
Qualified SWPPP Developer	27	4.7
Green Roof Professional	11	1.9
Certified Access Specialist	2	1.9
Evidence-Based Design	4	0.7

*NOTE: Respondents were asked to select all that apply.

FIGURE 11 – CERTIFICATES HELD

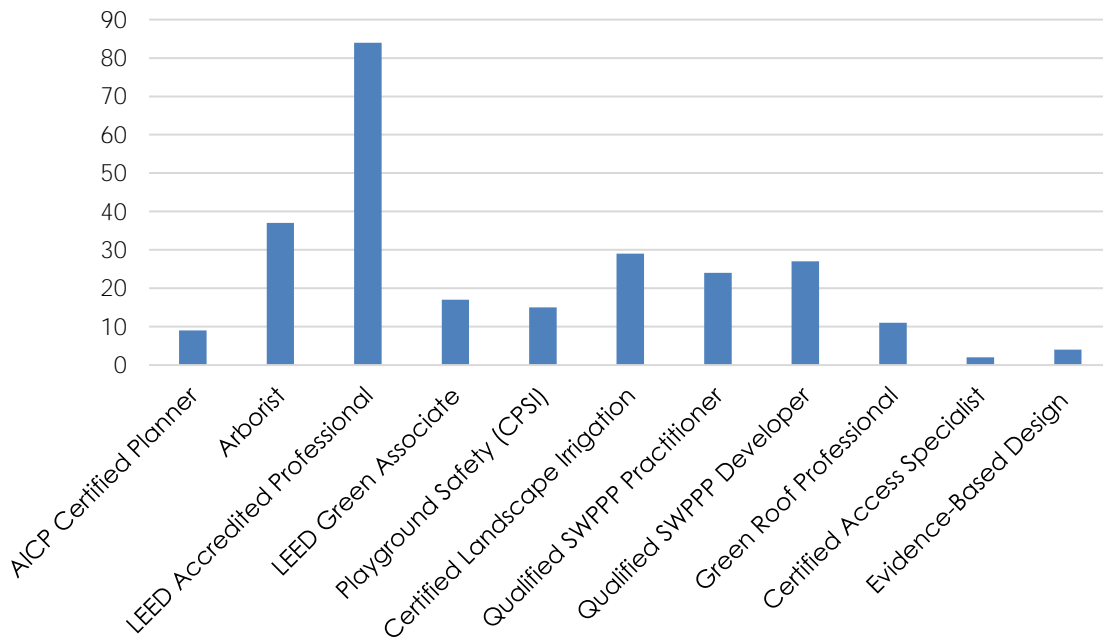


TABLE 12 – OTHER LICENSES HELD

LICENSE	NUMBER (N)	PERCENT*
Contractor	40	7.0
Architect	9	1.6
Engineer	2	0.4
Landscape architect (another state)	148	25.9

*NOTE: Respondents were asked to select all that apply.

FIGURE 12 – OTHER LICENSES HELD

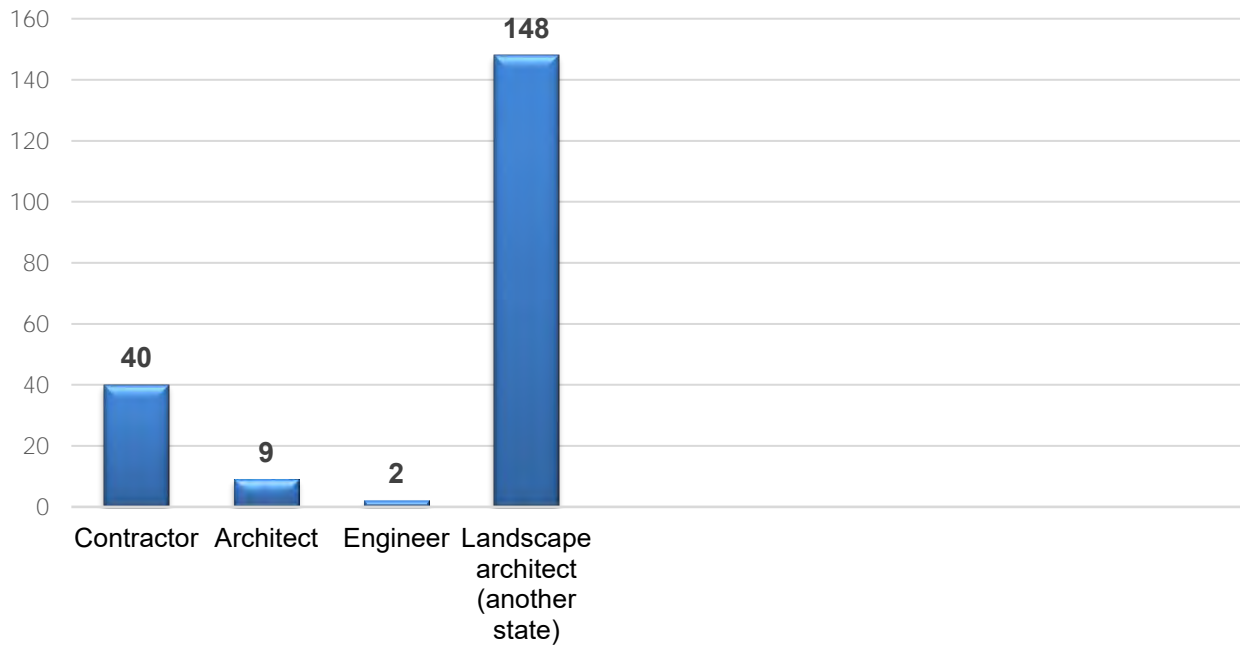


TABLE 13 – PRIMARY WORK LOCATION

LOCATION	NUMBER (N)	PERCENT
Urban (greater than 50,000 people)	517	90.5
Rural (fewer than 50,000 people)	65	11.3
Missing	2	0.3
Total	571	100*

**Note: Sixty-seven respondents selected both urban and rural as their primary work location. Therefore, totals will not add to 100.*

TABLE 14 – RESPONDENTS BY REGION

REGION	NUMBER (N)	PERCENT
Los Angeles County and Vicinity	151	26.4
North Coast	19	3.3
Riverside and Vicinity	30	5.3
Sacramento Valley	52	9.1
San Diego County and Vicinity	59	10.3
San Francisco Bay Area	163	28.5
San Joaquin Valley	17	3.0
Shasta - Cascade	1	0.2
Sierra Mountain Valley	19	3.3
South Coast and Central Coast	39	3.5
Missing	21	7.1
Total	550	100

Appendix B shows a more detailed breakdown of the frequencies by region.

CHAPTER 4 | DATA ANALYSIS AND RESULTS

RELIABILITY OF RATINGS

OPES evaluated the task and knowledge statement ratings obtained from responses to the questionnaire with a standard index of reliability, coefficient alpha (α), which ranges from 0 to 1. Coefficient alpha is an estimate of the internal consistency of the respondents' ratings of the task and knowledge statements. A higher coefficient value indicates more consistency between respondent ratings. Coefficients were calculated for all respondent ratings.

Table 15 displays the reliability coefficients for the task statement rating scale in each content area. The overall ratings of task frequency and task importance across content areas were highly reliable (α frequency = .949; α importance = .952). Table 16 displays the reliability coefficients for the knowledge statement rating scale in each content area. The overall ratings of knowledge importance across content areas were highly reliable (α = .986). These results indicate that the responding landscape architects rated the task and knowledge statements consistently throughout the questionnaire.

TABLE 15 – TASK SCALE RELIABILITY

CONTENT AREA	NUMBER OF TASKS	α FREQUENCY	α IMPORTANCE
1. Scope of Project	16	.914	.908
2. Program Development	4	.751	.775
3. Design Process	12	.875	.883
4. Construction Documentation and Administration	7	.846	.848
Total	39	.949	.952

TABLE 16 – KNOWLEDGE SCALE RELIABILITY

CONTENT AREA	NUMBER OF STATEMENTS	α IMPORTANCE
1. Scope of Project	47	.969
2. Program Development	10	.917
3. Design Process	59	.971
4. Construction Documentation and Administration	27	.949
Total	143	.986

TASK CRITICALITY INDICES

OPES convened a workshop of seven SMEs in June 2020. The purpose of this workshop was to identify the essential tasks and knowledge required for safe and competent landscape architect practice at the time of licensure. The SMEs reviewed the mean frequency, mean importance, and criticality index for each task. They also reviewed the mean importance ratings for each knowledge statement.

To calculate the criticality indices of the task statements, OPES test specialists used the following formula. For each respondent, OPES first multiplied the frequency rating (Fi) and the importance rating (Ii) for each task statement. Next, OPES averaged the multiplication products across respondents as shown below:

$$\text{Task criticality index} = \text{mean} [(Fi) \times (Ii)]$$

The task statements were sorted in descending order by criticality index and by content area. The task statements, their mean frequency and importance ratings, and their associated criticality indices are presented in Appendix C.

The SMEs who participated in the June 2020 workshop evaluated the task criticality indices derived from the questionnaire results. OPES test specialists instructed the SMEs to identify a cutoff value to determine if any of the tasks did not have a high enough criticality index to be retained. The SMEs determined that all tasks were important to safe and competent practice and should be retained.

SMEs made minor wording changes to four task statements to increase clarity. In T2, “Evaluate topography to determine the implications of landform on project development,” the word “site” and the words “and geology” were added, and the task now reads: “Evaluate **site topography and geology** to determine the implications of landform on project development.” In T33, “Develop measures to mitigate or remediate or reclaim environmental impacts associated with site development” the words “or reclaim” were removed, and the task now reads, “Develop measures to mitigate or remediate, ~~or reclaim~~ environmental impacts associated with site development.” In T35, “Prepare specifications to communicate information about the means and

methods for constructing the project design,” the words “means and methods for” were removed because the SMEs determined they were too limiting. The task now reads, “Prepare specifications to communicate information about ~~the means and methods for~~ constructing the project design. In T38, the word “Approve” was changed to “Evaluate,” and the task now reads: “~~Approve~~ **Evaluate** submittals, change orders, and Requests for Information to facilitate project implementation.”¹

KNOWLEDGE IMPORTANCE RATINGS

To determine the criticality of each knowledge statement, the mean importance (K Imp) rating for each knowledge statement was calculated. The knowledge statements and their mean importance ratings, sorted by descending order and content area, are presented in Appendix D.

The SMEs who participated in the June 2020 workshop and who evaluated the task criticality indices also reviewed the knowledge statement mean importance ratings. The SMEs determined that knowledge statement K23 was subsumed under other knowledge statements and should be eliminated. Similarly, the SMEs determined that K107 was subsumed under K106 and should also be eliminated. All other knowledge statements were retained.

The SMEs made wording changes to four knowledge statements to increase clarity. K6 was changed from “Knowledge of topographic, geologic, and geotechnical conditions that present a risk to landscape design” to “Knowledge of topographic, geologic, and geotechnical conditions that present a risk **or constraint** to ~~landscape design~~ **project development**.” In K101, the words “and climatological” were removed, and the statement now reads, “Knowledge of design solutions to mitigate fire ~~and climatological~~ hazards.” In K102, the word “meteorological” was changed to “climate-associated,” and the statement now reads, “Knowledge of design solutions to mitigate weather and **climate-associated** hazards.” K126 was determined to be too narrow, and was changed from “Knowledge of methods for conforming to CSI MasterFormat,” to “Knowledge of methods for preparing **and formatting construction specifications**.” These knowledge statements and corresponding changes are highlighted in Appendix D.²

¹ Note: There were 39 tasks in the survey. Inadvertently, task number 28 was followed by task number 30 in the survey, so it appears that there were 40 tasks listed. The description of practice (Table 18) includes corrected task numbering. Appendix C maintains the original task numbering of the survey for comparison purposes.

² Note: Knowledge statements have been renumbered in the description of practice (Table 18). K101 becomes K97, K102 becomes K98, and K126 becomes K125. Appendix D maintains the original knowledge numbering of the survey for comparison purposes.

CHAPTER 5 | DESCRIPTION OF PRACTICE

TASK-KNOWLEDGE LINKAGE

The SMEs who participated in the June 2020 workshop reviewed the preliminary assignments of the task and knowledge statements to content areas from the January 2020 and February 2020 workshops. The SMEs established the final linkage of knowledge statements to task statements. The SMEs reviewed the content areas and wrote descriptions for each content area. The SMEs also developed subareas for each content area.

A summary of the content areas and subareas for the landscape architect description of practice is presented in Table 17.

TABLE 17 – CONTENT AREAS

CONTENT AREA	NUMBER OF TASKS
1. Scope of Project	16
A. Inventory and Analysis	12
B. Regulatory Implications for Project Development	4
2. Program Development	4
3. Design Process	12
A. Site Design	8
B. Design Solutions: Water, Energy, Environmental Conservation	4
4. Construction Documentation and Administration	7
A. Construction Documentation	3
B. Construction Administration	4
TOTAL	39

The description of practice for the landscape architect profession is presented in Table 18. The final examination outline for the California Supplemental Examination (CSE) will be developed with SMEs after OPES completes the review of the Landscape Architect Registration Examination (LARE).

TABLE 18 – DESCRIPTION OF PRACTICE FOR THE CALIFORNIA LANDSCAPE ARCHITECT PROFESSION

CONTENT AREA 1: SCOPE OF PROJECT		
Section	Tasks	Associated Knowledge Statements
1A. Inventory and Analysis	T1. Conduct site visit to Identify on- and off-site conditions that could impact project development.	K1. K of methods for evaluating the impact of site conditions on project development. K2. K of methods for identifying the impact of site resources on project development.
	T2. Evaluate site topography and geology to determine the implications of landform on project development.	K3. K of methods for performing topographical analyses. K4. K of methods for interpreting information from geotechnical or geological reports. K5. K of the effects of topographic, geotechnical, and geologic characteristics on landscape design. K6. K of topographic, geologic, and geotechnical conditions that present a risk or constraint to project development.
	T3. Assess hydrologic conditions to determine implications of water storage and movement on project development.	K7. K of methods for conducting hydrologic analyses. K8. K of methods for interpreting information from hydrologic reports. K9. K of the effects of surface and subsurface hydrologic characteristics on landscape design. K10. K of hydrologic conditions that present a risk to landscape structure or design.
	T4. Evaluate soil characteristics to determine the effects of composition, condition, or contamination on project development.	K11. K of methods for obtaining soil analyses. K12. K of methods for interpreting information from soil analysis reports. K13. K of the effects of soil conditions on landscape design. K14. K of the relationship between soil, hydrology, and vegetation. K15. K of the relationship between environment, climate, and soil conditions or contamination.
	T5. Analyze environmental factors to identify conditions that influence site.	K16. K of methods for evaluating the impact of climate and microclimate conditions. K17. K of methods for evaluating site ecology and habitats. K18. K of methods for interpreting the results of environmental studies. K19. K of the effects of climate and environmental factors on landscape design.

CONTENT AREA 1: SCOPE OF PROJECT

Section	Tasks	Associated Knowledge Statements
1A. Inventory and Analysis (Continued)	T6. Perform a vegetation analysis to identify benefits and limitations on the proposed project.	K14. K of the relationship between soil, hydrology, and vegetation. K20. K of the effects of climate and environmental factors on landscape design. K21. K of vegetation species suitable to geographic regions. K22. K of methods for evaluating condition and utility of existing vegetation. K23. K of vegetation conditions that present risks for landscape development.
	T7. Evaluate existing site structures and infrastructure to identify potential benefits and limitations for proposed project.	K24. K of methods for evaluating the impact of utilities on site development. K25. K of methods for evaluating structures and other constructed site features on site development.
	T8. Evaluate potential fire risk or other natural hazards associated with site conditions to determine need for mitigation.	K26. K of methods for identifying fire risk or hazardous conditions that impact project development. K27. K of methods for interpreting information about wildland urban interface zones.
	T9. Evaluate information about social, cultural, and historical factors to determine implications for proposed development.	K28. K of methods for determining social, cultural, and historical factors that influence site development.
	T10. Evaluate impacts of project development to determine effects on surrounding areas or neighboring properties.	K29. K of methods for evaluating the impact of proposed site development on adjacent sites, structures, or facilities.
	T11. Seek consultations to address unique or unexpected findings during site analyses.	K30. K of sources of technical information and expertise for clarifying site findings.
	T12. Engage with stakeholders to obtain information related to proposed program.	K31. K of techniques for engaging stakeholders in the information-gathering process. K32. K of methods for analyzing stakeholder input about proposed development processes.

CONTENT AREA 1: SCOPE OF PROJECT

Section	Tasks	Associated Knowledge Statements
1B: Regulatory Implications for Project Development	T13. Develop design services contract to comply with legal requirements for professional practice.	K33. K of laws and regulations pertaining to consumer protections. K34. K of laws and regulations related to development of professional services contracts. K35. K of laws related to California Landscape Architects Practice Act. K36. K of professional and ethical standards related to practice of landscape architecture.
	T14. Identify laws, regulations, and codes related to the project development to comply with statutory requirements.	K37. K of laws, regulations, and codes associated with project site development. K38. K of CEQA requirements for site design and development.
	T15. Identify regulatory agency requirements to comply with permitting and approval processes.	K39. K of regulatory agencies governing phases or processes involved in project development. K40. K of regulatory agency requirements associated with elements of project development. K41. K of laws and regulations associated with permitting processes. K42. K of methods for coordinating with technical consultants regarding regulatory, zoning, or property requirements.
	T16. Identify site features that are legally protected to comply with statutory restrictions or development parameters.	K43. K of laws related to site development and the preservation of heritage, endangered, or protected plant species. K44. K of laws related to the preservation or maintenance of cultural or historical sites. K45. K of laws related to site development and wildlife protections. K46. K of laws related to site development near riparian, coastal, or freshwater bodies. K47. K of laws related to site development subject to stormwater management requirements.

CONTENT AREA 2: PROGRAM DEVELOPMENT

Section	Tasks	Associated Knowledge Statements
	T17. Develop feasibility studies to determine the viability of proposed program.	K48. K of factors that impact program feasibility. K49. K of processes involved in evaluating regulatory, site, and cost constraints that impact program feasibility.
	T18. Develop program to meet project requirements of clients and users.	K50. K of methods for integrating information from site analysis into program development. K51. K of methods for determining the program scope and parameters. K52. K of techniques for determining sequence of program components. K53. K of program alternatives for addressing unique site characteristics, budget, or other site considerations.
	T19. Prepare presentation drawings and materials to communicate program information to stakeholders and the public.	K54. K of graphic design and presentation media for conveying information regarding program and alternatives.
	T20. Engage with stakeholders and public regarding program to increase involvement and address potential issues.	K55. K of techniques for stakeholder and public outreach. K56. K of techniques for communicating project concepts to stakeholders and public. K57. K of methods for addressing stakeholder or public feedback regarding program.

CONTENT AREA 3: DESIGN PROCESS

Section	Tasks	Associated Knowledge Statements
3A: Site Design	T21. Design site plan to define the scale and scope of the project.	K58. K of regulatory requirements associated with site development. K59. K of strategies for integrating site analyses and program objectives into site design. K60. K of methods for evaluating design options based on program, cost, and constraints. K61. Knowledge of methods for selecting site structures, features, or amenities that conform to program objectives.
	T22. Design vehicular and non-vehicular circulation plan to provide access and accessibility consistent with program objectives.	K62. K of laws and regulations regarding site accessibility design. K63. K of methods for designing vehicular and non-vehicular circulation systems. K64. K of methods for designing for emergency vehicle access. K65. K of strategies for designing multimodal transportation alternatives. K66. K of strategies of designing landscapes for bicycle and vehicle parking areas. K67. K of methods for collaborating with consultants on vehicular and non-vehicular circulation systems.
	T23. Design site grading and drainage plan to address elevation issues and direct the flow of surface water.	K68. K of laws and regulations regarding on-site stormwater management. K69. K of laws and regulations associated with site grading and drainage design. K70. K of strategies for designing grading and drainage systems. K71. K of calculations used in grading and drainage design. K72. K of strategies for collaborating with other consultants in grading and drainage design.
	T24. Design planting plan to identify types and locations of vegetation based on program, suitability, and sustainability.	K73. K of landscape strategies that support California's ecological communities and regions. K74. K of methods for selecting vegetation species consistent with site location. K75. K of methods for selecting vegetation consistent with water management practices. K76. K of methods for addressing geographic and ecological characteristics that impact vegetation. K77. K of strategies for managing invasive or noxious vegetation in landscape design. K78. K of planting strategies that mitigate fire or other site hazards. K79. K of strategies for mitigating or remediating the effects of toxicity on soil. K80. K of planting strategies for use with reclaimed water. K81. K of planting strategies for mitigating risks associated with landscape design.

CONTENT AREA 3: DESIGN PROCESS

Section	Tasks	Associated Knowledge Statements
3A: Site Design (Continued)	T25. Design irrigation plan to facilitate water management and efficient distribution of water.	K82. K of laws and regulations regarding water management and conservation. K83. K of strategies for designing irrigation distribution systems. K84. K of types of irrigation equipment and their function. K85. K of methods of hydraulic design for irrigation systems. K86. K of methods for determining irrigation requirements associated with plant hydrozones. K87. K of MWELo requirements and other irrigation design practices.
	T26. Design lighting layout plan to address outdoor illumination of the project site.	K88. K of laws and regulations regarding lighting design requirements. K89. K of strategies for designing site lighting. K90. K of types of lighting fixtures and equipment. K91. K of strategies for collaborating with other consultants in lighting design.
	T27. Design layout of site elements to promote user safety and security.	K92. K of laws and regulations related to site safety and security. K93. K of design strategies for increased user safety, security, and crime prevention. K94. K of types of equipment and materials used in site design for safety and security.
	T28. Develop design solutions to mitigate potential hazards.	K95. K of design solutions to mitigate geophysical hazards. K96. K of design solutions to mitigate hydrological hazards. K97. K of design solutions to mitigate fire hazards. K98. K of design solutions to mitigate weather and climate-associated hazards. K99. K of design solutions to mitigate biological hazards.

CONTENT AREA 3: DESIGN PROCESS

Section	Tasks	Associated Knowledge Statements
3B: Design Solutions for Water, Energy, and Environmental Conservation	T29. Develop design solutions for water conservation and management to support resource preservation.	K100. K of laws and regulations regarding water management and conservation. K101. K of strategies for incorporating water conservation solutions into landscape design. K102. K of strategies for incorporating alternative water sources into landscape design. K103. K of strategies for collaborating with other consultants in the design of water conservation management systems.
	T30. Develop design solutions for energy conservation to promote site sustainability.	K104. K of laws and regulations related to sustainable development. K105. K of strategies for landscape design that promote energy conservation. K106. K of methods for incorporating alternative or renewable energy into landscape design.
	T31. Develop environmentally responsive design solutions to support natural resource preservation.	K107. K of laws and regulations regarding environmental protection. K108. K of requirements of low impact development (LID). K109. K of strategies to promote environmental preservation in landscape design. K110. K of strategies for landscape design restoring or preserving natural resources. K111. K of strategies for building soil health and sustainability. K112. K of strategies for landscape design that increase ecological function and biodiversity.
	T32. Develop measures to mitigate or remediate environmental impacts associated with site development.	K113. K of methods for mitigating the effects of development and construction on natural, cultural, and historical resources. K114. K of methods for mitigating the environmental impacts of site development on adjacent sites. K115. K of strategies for collaborating with other consultants in mitigating the impacts of site development.

CONTENT AREA 4: CONSTRUCTION DOCUMENTATION AND ADMINISTRATION

Section	Tasks	Associated Knowledge Statements
4A: Construction Documentation	T33. Prepare drawings to communicate the construction of project design.	K116. K of methods for preparing project site plan. K117. K of methods for preparing demolition plans that specify protection, retention, and removal of site materials. K118. K of methods for preparing grading and drainage plans. K119. K of methods for preparing hardscape layout plan and material schedules. K120. K of methods for preparing soil plan and schedules. K121. K of methods for preparing planting layout plan and schedules. K122. K of methods for preparing irrigation layout plan and schedules. K123. K of methods for preparing landscape lighting plan and schedules. K124. K of methods for preparing construction details.
	T34. Prepare specifications to communicate information about constructing the project design.	K125. K of methods for preparing and formatting construction specifications. K126. K of strategies for developing project phasing for project construction. K127. K of procedures for verifying consistency between specifications and construction drawings.
	T35. Prepare opinion of probable costs to assist clients in decision making.	K128. K of methods for determining construction costs.

CONTENT AREA 4: CONSTRUCTION DOCUMENTATION AND ADMINISTRATION

Section	Tasks	Associated Knowledge Statements
4B: Construction Administration	T36. Assist in bidding processes to help clients obtain construction contracts.	K129. K of procedures for preparing construction bid documents. K130. K of procedures for responding to RFIs. K131. K of procedures for recommending contractors based on bid evaluations.
	T37. Evaluate submittals, change orders, and RFIs to facilitate project implementation.	K132. K of procedures for evaluating submittals, change orders, and RFIs. K133. K of methods for evaluating regulatory implications of plan revisions.
	T38. Perform site observations during construction to evaluate conformance of work to construction documents.	K134. K of laws and regulations related to landscape design and construction. K135. K of methods for evaluating installations of landscape components for compliance with construction documents. K136. K of procedures for evaluating project work conformance.
	T39. Prepare closeout documents to verify project completion.	K137. K of elements to include in post-construction observation and maintenance. K138. K of requirements for certification of installation compliance. K139. K of procedures for completing contract closeout. K140. K of requirements for preparing record drawings. K141. K of procedures for performing post-occupancy site evaluations.

CHAPTER 6 | CONCLUSION

The OA of the landscape architect profession described in this report provides a comprehensive description of current practice in California. The procedures employed to perform the OA were based upon a content validation strategy to ensure that the results accurately represent landscape architect practice. Results of this OA provide information regarding current practice that can be used to review the LARE and to develop the CSE.

By adopting the landscape architect description of practice contained in this report, the LATC ensures that its landscape architect licensure examination program reflects current practice.

This report provides all documentation necessary to verify that the analysis has been completed in accordance with legal, professional, and technical standards.

APPENDIX A | ADDITIONAL DEMOGRAPHICS

LOCATION OF WORK PROJECTS

LOCATION	NUMBER (N)	MEAN	PERCENT
California	565	87.54	86.92
Other states	199	30.42	10.64
International	106	13.09	2.44
Total	870	131.05	100

CLIENT TYPE

TYPE	NUMBER (N)	MEAN	PERCENT
Governmental agencies	359	53.46	33.85
Private companies	406	48.17	34.49
Nonprofit organizations	186	13.87	4.55
Individual homeowners	344	44.69	27.11
Total	1295	331.46	100

PROJECT ROLE

ROLE	NUMBER (N)	MEAN	PERCENT
Project lead	530	68.50	64.60
Subcontractor	404	49.25	35.40
Total	934	117.75	100

APPENDIX B | RESPONDENTS BY REGION

LOS ANGELES COUNTY AND VICINITY

County of Practice	Frequency
Los Angeles	85
Orange	66
TOTAL	151

NORTH COAST

County of Practice	Frequency
Humboldt	2
Mendocino	1
Sonoma	16
TOTAL	19

RIVERSIDE AND VICINITY

County of Practice	Frequency
Riverside	19
San Bernardino	11
TOTAL	30

SACRAMENTO VALLEY

County of Practice	Frequency
Butte	4
Sacramento	46
Yolo	2
TOTAL	52

SAN DIEGO COUNTY AND VICINITY

County of Practice	Frequency
San Diego	59
TOTAL	59

SAN FRANCISCO BAY AREA

County of Practice	Frequency
Alameda	45
Contra Costa	13
Marin	13
Napa	3
San Francisco	41
San Mateo	11
Santa Clara	27
Santa Cruz	9
Solano	1
TOTAL	163

SAN JOAQUIN VALLEY

County of Practice	Frequency
Fresno	8
Kern	3
San Joaquin	1
Stanislaus	4
Tulare	1
TOTAL	17

SHASTA - CASCADE

County of Practice	Frequency
Shasta	1
TOTAL	1

SIERRA MOUNTAIN VALLEY

County of Practice	Frequency
El Dorado	5
Inyo	1
Nevada	4
Placer	9
TOTAL	19

SOUTH COAST AND CENTRAL COAST

County of Practice	Frequency
Monterey	7
San Luis Obispo	16
Santa Barbara	7
Ventura	9
TOTAL	39

APPENDIX C | CRITICALITY INDICES FOR ALL TASKS BY CONTENT AREA

Content Area 1: Scope of Project

Task Number	Task Statement	Mean Importance	Mean Frequency	Task Criticality Index
T14.	Identify laws, regulations, and codes related to the project development to comply with statutory requirements.	4.23	3.88	17.63
T15.	Identify regulatory agency requirements to comply with permitting and approval processes.	4.19	3.89	17.46
T1.	Conduct site visit to identify on- and off-site conditions that could impact project development.	4.26	3.78	16.90
T2.	Evaluate site topography and geology to determine the implications of landform on project development.	4.09	3.68	16.17
T5.	Analyze environmental factors to identify conditions that influence site.	3.78	3.55	14.80
T13.	Develop design services contract to comply with legal requirements for professional practice.	3.75	3.30	14.65
T6.	Perform analysis of existing vegetation to identify benefits and limitations on the proposed project.	3.53	3.46	13.44
T12.	Engage with stakeholders to obtain information related to proposed program.	3.54	3.21	13.32
T7.	Evaluate existing site structures and infrastructure to identify potential benefits and limitations for proposed project.	3.47	3.30	12.90
T16.	Identify site features that are legally protected to comply with statutory restrictions or development parameters.	3.61	2.94	12.20
T8.	Evaluate potential fire risk or other natural hazards associated with site conditions to determine need for mitigation.	3.33	2.69	10.68
T3.	Assess hydrologic conditions to determine implications of water storage and movement on project development.	3.22	2.69	10.48
T10.	Evaluate impact of project development on surrounding areas or neighboring properties.	3.09	2.84	10.35

T4.	Evaluate soil characteristics to determine the effects of composition, condition, or contamination on project development.	3.25	2.69	10.31
T11.	Seek consultations to address unique or unexpected findings during site analyses.	2.97	2.45	8.70
T9.	Evaluate information about social, cultural, and historical factors to determine implications for proposed development.	2.73	2.43	8.41

Content Area 2: Program Development

Task Number	Task Statement	Mean Importance	Mean Frequency	Task Criticality Index
T18.	Develop program to meet project requirements of clients and users.	3.80	3.54	15.27
T19.	Prepare presentation drawings and materials to communicate program information to stakeholders and the public.	3.77	3.48	14.85
T20.	Engage with stakeholders and public regarding program to increase involvement and address potential issues.	3.14	2.55	9.97
T17.	Develop feasibility studies to determine the viability of proposed program.	2.50	2.02	6.97

Content Area 3: Design Process

Task Number	Task Statement	Mean Importance	Mean Frequency	Task Criticality Index
T24.	Design planting plan to identify types and locations of vegetation based on program, suitability, and sustainability.	4.14	4.19	18.23
T21.	Design site plan to define the scale and scope of the project.	4.04	3.79	16.91
T27.	Design layout of site elements to promote user safety and security.	3.83	3.49	14.67
T25.	Design irrigation plan to facilitate water management and efficient distribution of water.	3.76	3.28	14.03
T23.	Design site grading and drainage plan to address elevation issues and direct the flow of surface water.	3.87	3.13	13.49
T28.	Develop design solutions for water conservation and management to support resource preservation.	3.67	3.20	13.25
T22.	Design vehicular and non-vehicular circulation plan to provide access and accessibility consistent with program objectives.	3.49	3.00	12.56
T30.	Develop design solutions to mitigate potential hazards.	3.51	2.91	11.94
T32.	Develop environmentally responsive design solutions to support natural resource preservation.	3.38	2.89	11.31
T31.	Develop design solutions for energy conservation to promote site sustainability.	3.02	2.49	9.06
T33.	Develop measures to mitigate or remediate, or reclaim environmental impacts associated with site development.	2.98	2.31	8.64

T26.	Design lighting layout plan to address outdoor illumination of the project site.	2.69	2.25	7.65
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Content Area 4: Construction Documentation and Administration

Task Number	Task Statement	Mean Importance	Mean Frequency	Task Criticality Index
T34.	Prepare drawings to communicate the construction of project design.	4.35	4.14	19.11
T35.	Prepare specifications to communicate information about the means and methods for constructing the project design.	3.90	3.41	14.61
T39.	Perform site observations during construction to evaluate conformance of work to construction documents.	3.99	3.41	14.55
T38.	Evaluate Approve submittals, change orders, and Requests for Information to facilitate project implementation.	3.56	3.20	12.85
T36.	Prepare opinion of probable costs to assist clients in decision making.	3.46	3.05	11.81
T37.	Assist in bidding processes to help clients obtain construction contracts.	3.03	2.63	9.51
T40.	Prepare closeout documents to verify project completion.	3.03	2.52	9.08

APPENDIX D | KNOWLEDGE IMPORTANCE RATINGS BY CONTENT AREA

Content Area 1: Scope of Project

Number	Knowledge Statement	Mean Importance
K20.	Knowledge of vegetation species suitable to geographic regions.	4.23
K37.	Knowledge of laws, regulations, and codes associated with project site development.	4.09
K23.	Knowledge of methods for evaluating the impact of easements and setbacks on site development. Subsumed under other statements – Removed.	4.00
K36.	Knowledge of professional and ethical standards related to practice of landscape architecture.	3.94
K24.	Knowledge of methods for evaluating the impact of utilities on site development.	3.93
K1.	Knowledge of methods for evaluating the impact of site conditions on project development.	3.84
K6.	Knowledge of topographic, geologic, and geotechnical conditions that present a risk or constraint to landscape design project development .	3.82
K13.	Knowledge of the effects of soil conditions on landscape design.	3.80
K14.	Knowledge of the relationship between soil, hydrology, and vegetation.	3.79
K5.	Knowledge of the effects of topographic, geotechnical, and geologic characteristics on landscape design.	3.76
K41.	Knowledge of laws and regulations associated with permitting processes.	3.74
K40.	Knowledge of regulatory agency requirements associated with elements of project development.	3.73
K35.	Knowledge of laws related to California Landscape Architects Practice Act.	3.68
K39.	Knowledge of regulatory agencies governing phases or processes involved in project development.	3.66
K21.	Knowledge of methods for evaluating condition and utility of existing vegetation.	3.60
K22.	Knowledge of vegetation conditions that present risks for landscape development.	3.60
K19.	Knowledge of the effects of climate and environmental factors on landscape design.	3.56
K25.	Knowledge of methods for evaluating structures and other constructed site features on site development.	3.55

K3.	Knowledge of methods for performing topographical analyses.	3.53
K26.	Knowledge of methods for identifying fire risk or hazardous conditions that impact project development.	3.52
K15.	Knowledge of the relationship between environment, climate, and soil condition or contamination.	3.50
K46.	Knowledge of laws related to site development near riparian, coastal, or freshwater bodies.	3.47
K34.	Knowledge of laws and regulations related to development of professional services contracts.	3.46
K12.	Knowledge of methods for interpreting information from soil analysis reports.	3.44
K16.	Knowledge of methods for evaluating the impact of climate and microclimate conditions.	3.44
K2.	Knowledge of methods for identifying the impact of site resources on project development.	3.42
K10.	Knowledge of hydrologic conditions that present a risk to landscape structure or design.	3.42
K42.	Knowledge of methods for coordinating with technical consultants regarding regulatory, zoning, or property requirements.	3.37
K43.	Knowledge of laws related to site development and the preservation of heritage, endangered, or protected plant species.	3.34
K30.	Knowledge of sources of technical information and expertise for clarifying site findings.	3.23
K11.	Knowledge of methods for obtaining soil analyses.	3.19
K29.	Knowledge of methods for evaluating the impact of proposed site development on adjacent sites, structures, or facilities.	3.18
K4.	Knowledge of methods for interpreting information from geotechnical or geological reports.	3.16
K27.	Knowledge of methods for interpreting information about wildland urban interface zones.	3.12
K31.	Knowledge of techniques for engaging stakeholders in the information-gathering process.	3.08
K32.	Knowledge of methods for analyzing stakeholder input about proposed development processes.	3.08

K38.	Knowledge of CEQA requirements for site design and development.	3.08
K9.	Knowledge of the effects of surface and subsurface hydrologic characteristics on landscape design.	3.06
K45.	Knowledge of laws related to site development and wildlife protections.	3.00
K17.	Knowledge of methods for evaluating site ecology and habitats.	2.95
K18.	Knowledge of methods for interpreting the results of environmental studies.	2.95
K33.	Knowledge of laws and regulations pertaining to consumer protections.	2.85
K44.	Knowledge of laws related to the preservation or maintenance of cultural or historical sites.	2.81
K28.	Knowledge of methods for determining social, cultural, and historical factors that influence site development.	2.79
K8.	Knowledge of methods for interpreting information from hydrologic reports.	2.48
K7.	Knowledge of methods for conducting hydrologic analyses.	2.24

Content Area 2: Program Development

Number	Knowledge Statement	Mean Importance
K47.	Knowledge of laws related to site development subject to stormwater management requirements.	3.74
K50.	Knowledge of methods for integrating information from site analysis into program development.	3.63
K51.	Knowledge of methods for determining the program scope and parameters.	3.57
K54.	Knowledge of graphic design and presentation media for conveying information regarding program and alternatives.	3.56
K53.	Knowledge of program alternatives for addressing unique site characteristics, budget, or other site considerations.	3.51
K56.	Knowledge of techniques for communicating project concepts to stakeholders and public.	3.32
K52.	Knowledge of techniques for determining sequence of program components.	3.28
K48.	Knowledge of factors that impact program feasibility.	3.25
K49.	Knowledge of processes involved in evaluating regulatory, site, and cost constraints that impact program feasibility.	3.20
K57.	Knowledge of methods for addressing stakeholder or public feedback regarding program.	3.00
K55.	Knowledge of techniques for stakeholder and public outreach.	2.82

Content Area 3: Design Process

Number	Knowledge Statement	Mean Importance
K74.	Knowledge of methods for selecting vegetation species consistent with site location.	4.12
K75.	Knowledge of methods for selecting vegetation consistent with water management practices.	4.11
K62.	Knowledge of laws and regulations regarding site accessibility design.	3.89
K96.	Knowledge of strategies for incorporating water conservation solutions into landscape design.	3.85
K60.	Knowledge of methods for evaluating design options based on program, cost, and constraints.	3.80
K69.	Knowledge of laws and regulations associated with site grading and drainage design.	3.78
K72.	Knowledge of strategies for collaborating with other consultants in grading and drainage design.	3.78
K59.	Knowledge of strategies for integrating site analyses and program objectives into site design.	3.76
K70.	Knowledge of strategies for designing grading and drainage systems.	3.73
K58.	Knowledge of regulatory requirements associated with site development.	3.72
K82.	Knowledge of laws and regulations regarding water management and conservation.	3.72
K87.	Knowledge of MWELo requirements and other irrigation design practices.	3.71
K95.	Knowledge of laws and regulations regarding water management and conservation.	3.65
K86.	Knowledge of methods for determining irrigation requirements associated with plant hydrozones.	3.63
K68.	Knowledge of laws and regulations regarding on-site stormwater management.	3.59
K61.	Knowledge of methods for selecting site structures, features, or amenities to conform to program objectives.	3.57
K78.	Knowledge of planting strategies that mitigate fire or other site hazards.	3.56
K83.	Knowledge of strategies for designing irrigation distribution systems.	3.51

K84.	Knowledge of types of irrigation equipment and their function.	3.49
K63.	Knowledge of methods for designing vehicular and non-vehicular circulation systems.	3.47
K81.	Knowledge of planting strategies for mitigating risks associated with landscape design.	3.38
K73.	Knowledge of landscape strategies that support California's ecological communities and regions.	3.23
K101.	Knowledge of design solutions to mitigate fire and climatological hazards.	3.22
K71.	Knowledge of calculations used in grading and drainage design.	3.21
K92.	Knowledge of laws and regulations related to site safety and security.	3.19
K64.	Knowledge of methods for designing for emergency vehicle access.	3.16
K93.	Knowledge of design strategies for increased user safety, security, and crime prevention.	3.13
K116.	Knowledge of strategies for collaborating with other consultants in mitigating the impacts of site development.	3.13
K112.	Knowledge of strategies for building soil health and sustainability.	3.11
K77.	Knowledge of strategies for managing invasive or noxious vegetation in landscape design.	3.05
K91.	Knowledge of strategies for collaborating with other consultants in lighting design.	3.04
K98.	Knowledge of strategies for collaborating with other consultants in the design of water conservation management systems.	3.04
K76.	Knowledge of methods for addressing geographic and ecological characteristics that impact vegetation.	3.03
K85.	Knowledge of methods of hydraulic design for irrigation systems.	3.01
K104.	Knowledge of laws and regulations related to sustainable development.	3.01
K110.	Knowledge of strategies to promote environmental preservation in landscape design.	3.01
K111.	Knowledge of strategies for landscape design restoring or preserving natural resources.	3.01

K67.	Knowledge of methods for collaborating with consultants on vehicular and non-vehicular circulation systems.	2.96
K113.	Knowledge of strategies for landscape design that increase ecological function and biodiversity.	2.94
K97.	Knowledge of strategies for incorporating alternative water sources into landscape design.	2.92
K108.	Knowledge of laws and regulations regarding environmental protection.	2.91
K66.	Knowledge of strategies of designing landscapes for bicycle and vehicle parking areas.	2.90
K109.	Knowledge of requirements of low impact development (LID).	2.90
K80.	Knowledge of planting strategies for use with reclaimed water.	2.88
K94.	Knowledge of types of equipment and materials used in site design for safety and security.	2.88
K115.	Knowledge of methods for mitigating the environmental impacts of site development on adjacent sites.	2.86
K105.	Knowledge of strategies for landscape design that promote energy conservation.	2.85
K114.	Knowledge of methods for mitigating the effects of development and construction on natural, cultural, and historical resources.	2.65
K89.	Knowledge of strategies for designing site lighting.	2.53
K90.	Knowledge of types of lighting fixtures and equipment.	2.52
K88.	Knowledge of laws and regulations regarding lighting design requirements.	2.50
K79.	Knowledge of strategies for mitigating or remediating the effects of toxicity on soil.	2.37
K100.	Knowledge of design solutions to mitigate hydrological hazards.	2.36
K106.	Knowledge of methods for incorporating alternative or renewable energy into landscape design.	2.33
K107.	Knowledge of techniques for mitigating visual impacts associated with renewable energy sources. Subsumed under K106 – Removed.	2.17
K99.	Knowledge of design solutions to mitigate geophysical hazards.	2.15

K65.	Knowledge of strategies for designing multimodal transportation alternatives.	2.07
K103.	Knowledge of design solutions to mitigate biological hazards.	1.76
K102.	Knowledge of design solutions to mitigate weather and climate-associated meteorological hazards.	1.71

Content Area 4: Construction Documentation and Administration

Number	Knowledge Statement	Mean Importance
K125.	Knowledge of methods for preparing construction details.	4.33
K122.	Knowledge of methods for preparing planting layout plan and schedules.	4.26
K117.	Knowledge of methods for preparing project site plan.	4.24
K120.	Knowledge of methods for preparing hardscape layout plan and material schedules.	4.20
K135.	Knowledge of laws and regulations related to landscape design and construction.	4.07
K136.	Knowledge of methods for evaluating installations of landscape components for compliance with construction documents.	3.91
K119.	Knowledge of methods for preparing grading and drainage plans.	3.77
K128.	Knowledge of procedures for verifying consistency between specifications and construction drawings.	3.71
K130.	Knowledge of procedures for preparing construction bid documents.	3.68
K123.	Knowledge of methods for preparing irrigation layout plan and schedules.	3.55
K131.	Knowledge of procedures for responding to Requests For Information (RFI).	3.48
K133.	Knowledge of procedures for evaluating submittals, change orders, and Requests for Information (RFIs).	3.46
K137.	Knowledge of procedures for evaluating project work conformance.	3.45
K118.	Knowledge of methods for preparing demolition plans that specify protection, retention, and removal of site materials.	3.39
K134.	Knowledge of methods for evaluating regulatory implications of plan revisions.	3.36
K138.	Knowledge of elements to include in post-construction observation and maintenance.	3.17
K129.	Knowledge of methods for determining construction costs.	3.16
K139.	Knowledge of elements to include in post-construction observation and maintenance.	3.11
K142.	Knowledge of requirements for preparing record drawings.	2.96
K140.	Knowledge of requirements for certification of installation compliance.	2.92

K132.	Knowledge of procedures for recommending contractors based on bid evaluations.	2.84
K141.	Knowledge of procedures for completing contract closeout.	2.79
K127.	Knowledge of strategies for developing project phasing for project construction.	2.73
K121.	Knowledge of methods for preparing soil plan and schedules.	2.58
K124.	Knowledge of methods for preparing landscape lighting plan and schedules.	2.53
K126.	Knowledge of methods for preparing and formatting construction specifications to CSI MasterFormat.	2.36
K143.	Knowledge of procedures for performing post-occupancy site evaluations.	2.08

APPENDIX E | INVITATION TO PRACTITIONERS

Landscape Architects Occupational Analysis Questionnaire

We're conducting an occupational analysis for the landscape architect profession and your input would be appreciated. Click the button below to start the questionnaire. Thank you for your participation!

[Begin Survey](#)

Please do not forward this email as its survey link is unique to you.
[Privacy](#) | [Unsubscribe](#)

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APPENDIX F | QUESTIONNAIRE

Landscape Architects Occupational Analysis Questionnaire

1. Introduction

Dear Licensee:

The Landscape Architects Technical Committee (Committee) is conducting an occupational analysis of the landscape architect profession. The purpose of the occupational analysis is to identify the important tasks performed by landscape architects and the knowledge required to perform those tasks. Results of the occupational analysis will be used to update and improve the Landscape Architect Licensure Examination.

The Committee requests your assistance in this process. Please take the time to complete the survey questionnaire as it relates to your current job. Your participation ensures that all aspects of the profession are covered and is essential to the success of this project.

Your individual responses will be kept confidential. Your responses will be combined with responses of other landscape architects and only group trends will be reported. Your personal information will not be tied to your responses.

To progress through this survey, please click the following navigation buttons:

- **Next** to continue to the next page.
- **Prev** to return to the previous page.
- **Exit this survey** to exit the survey and return to it at a later time.
- **Done/Submit** to submit your survey when you have finished.

Any questions marked with an asterisk (*) require an answer before you can progress through the survey questionnaire.

Please Note: Once you have started the survey, you can exit at any time and return to it later without losing your responses as long as you are accessing the survey from the same computer. The survey automatically saves fully completed pages, but will not save responses to questions on pages that were partially completed when the survey was exited. For your convenience, the weblink is available 24 hours a day 7 days a week.

Please submit the completed questionnaire by April 30, 2020.

If you have any questions about completing this survey, please contact Brian Knox at Brian.knox@dca.ca.gov. The Committee welcomes your participation in this project and thanks you for your time.

INSTRUCTIONS FOR COMPLETING THE DEMOGRAPHIC ITEMS

This part of the questionnaire contains an assortment of demographic items, the responses to which will be used to describe landscape architects as represented by the respondents to the questionnaire. Please note

the instructions for each item before marking your response as several permit multiple responses.

INSTRUCTIONS FOR RATING TASK AND KNOWLEDGE STATEMENTS

This part of the questionnaire contains a list of tasks and knowledge descriptive of landscape architecture practice in a variety of settings. Please note that some of the tasks or knowledge may not apply to your setting.

For each task, you will be asked to answer two questions: how often you perform the task (**Frequency**) and how important the task is in the performance of your current job (**Importance**). For each knowledge statement, you will be asked to answer one question: how important the knowledge is in the performance of your current job (**Importance**).

Please rate each task and knowledge as it relates to your current job as a licensed landscape architect. **Do not respond based on what you believe all landscape architects should be expected to know or be able to do.**

Landscape Architects Occupational Analysis Questionnaire

2. OCCUPATIONAL ANALYSIS OF LANDSCAPE ARCHITECT

The Committee recognizes that every landscape architect may not perform all of the tasks or use all of the knowledge covered in this questionnaire. However, your participation is essential to the success of this project, and your contributions will help establish standards for safe and effective landscape architect practice in the state of California.

Complete this questionnaire only if you are currently licensed and working as a landscape architect in California.

Landscape Architects Occupational Analysis Questionnaire

3. PART I: Demographic Questions

The information you provide here is voluntary and confidential. It will be treated as personal information subject to the Information Practices Act (Civil Code section 1798 et seq.) and will be used only for the purposes of:

- A) Analyzing the information from this questionnaire to generate a demographic profile of landscape architects; or
- B) aiding in interpreting the task and knowledge ratings that are requested in Parts II and III.

Landscape Architects Occupational Analysis Questionnaire

4. PART I: Demographic Questions

* 1. Are you currently practicing in California as a licensed landscape architect?

Yes

No

Landscape Architects Occupational Analysis Questionnaire

5. PART I: Demographic Questions

1. How many years have you been licensed and working as a landscape architect in California?

- 0 to 5 years
- 6 to 10 years
- 11 to 20 years
- More than 20 years

2. How would describe your primary work setting?

- Landscape architecture firm (as individual or group)
- Multidisciplinary Firm
- Governmental agency
- Institution (e.g., hospital, school, etc.)
- Non-design company (e.g., hotel, utility company, etc.)
- Construction firm
- Other (please specify)

3. How many licensed landscape architects other than yourself work in your organization?

- None
- 1 to 5
- 6 to 10
- More than 10

4. How many other employees other than landscape architects work in your organization?

- None
- 1 to 10
- 11 to 20
- More than 20

5. How many hours per week do you work as a landscape architect?

- 0 to 10 hours
- 11 to 20 hours
- 21 to 40 hours
- More than 40 hours

6. What is your highest level of education?

- High School or GED
- Certificate program
- Associate degree
- Bachelor's degree
- Master's degree
- Doctoral degree

7. What major field of study did you receive your certificate or degree in?

Certificate Program	<input type="text"/>
AA Degree	<input type="text"/>
BA/BS	<input type="text"/>
MA/MS	<input type="text"/>
Ph.D.	<input type="text"/>

**8. Which of the following types of projects have you worked on over the past 24 months?
(Check all that apply)**

- Transportation (streetscapes, bike paths)
- Community planning (General Plans, specific plans, GU permits)
- Commercial (shopping centers, strip malls)
- Residential (single family, multi-family, subdivision)
- Parks & Recreation facilities (open spaces, community parks, play spaces, complexes)
- Corporate design (corporate business parks)
- Schools (public or private schools, colleges, universities)
- Mixed use (residential/retail/office)
- Historical preservation (historical buildings, gardens, landscapes)
- Medical/health care (hospitals, clinics, care facilities, senior facilities)
- Infrastructure (utilities, energy, water treatment plant, pipelines)

9.

Which of the following green/sustainable designs have been included in the projects you have worked on over the past 24 months? (Check all that apply)

- Light pollution reduction
- Heat island mitigation
- Green Roofs
- Urban/community gardens
- Native habitat re-establishment
- Soil reclamation
- Preserving/encouraging biodiversity
- Water conservation
- Water reuse/water recycling
- Stormwater management
- Erosion control
- Low-Impact Development
- Slope protection
- Energy conservation
- Indoor air quality
- Adaptation for changing climate
- Permeable paving

10. In the past 24 months, what percent of your work was performed in each of the following three areas? (Enter whole numbers only. Numbers should add up to 100)

California

Other states

Internationally

11. In the past 24 months, what percent of your work was performed for each of the following project clients? (Enter whole numbers only. Numbers should add up to 100)

Governmental agencies

Private companies

Nonprofit organizations

Individual homeowners

12. In the past 24 months, what percent of your work did you perform as the project lead or as a subcontractor? (Enter whole numbers only. Numbers should add up to 100)

Project Lead

Subcontractor

13. In the past 24 months, which of the following specialty consultants have you teamed with? (check all that apply)

- Arborist
- Geotechnical engineer
- Soil scientist
- Environmental engineer
- Artist
- Biologist
- Public outreach facilitator
- Economist
- Traffic engineer
- Grant writer
- Ecologist
- Historian
- LEED-credentialed Professional or Green Associate
- Academic (educator/researcher)
- Horticulturist
- Product specialist

14. In the past 24 months, which of the following tasks have you performed in the course of your work? (check all that apply)

- Master Planning
- Construction document writing
- Construction administration
- Specification writing
- Permit coordination
- Maintenance and operations planning
- Irrigation auditing
- Environmental reviews
- Plan check and plan review
- Workshop facilitation
- Product and academic research
- Cost estimation
- Administration

15. Which of the following certificates do you possess? (check all that apply)

- American Institute of Certified Planners Certified Planner
- Arborist
- Leadership in Energy and Environmental Design Accredited Professional
- Leadership in Energy and Environmental Design Green Associate
- Certified Playground Safety Inspector
- Certified Landscape Irrigation Auditor
- Construction General Permit Qualified Stormwater Pollution Prevention Plan Practitioner
- Qualified Stormwater Pollution Prevention Plan Developer
- Green Roof Professional
- Certified Access Specialist
- Evidence Based Design Accreditation and Certification

16. Which of the following licenses do you possess in addition to CA Landscape Architect? (Check all that apply)

- Contractor
- Architect
- Engineer
- Landscape Architect (out of State)

17. Which type of setting best describes your primary work location?

- Urban (greater than 50,000 people)
- Rural (fewer than 50,000 people)

18. In what California county is your primary practice located?

- | | | |
|------------------------------------|---------------------------------------|-------------------------------------|
| <input type="radio"/> Alameda | <input type="radio"/> Marin | <input type="radio"/> San Mateo |
| <input type="radio"/> Alpine | <input type="radio"/> Mariposa | <input type="radio"/> Santa Barbara |
| <input type="radio"/> Amador | <input type="radio"/> Mendocino | <input type="radio"/> Santa Clara |
| <input type="radio"/> Butte | <input type="radio"/> Merced | <input type="radio"/> Santa Cruz |
| <input type="radio"/> Calaveras | <input type="radio"/> Modoc | <input type="radio"/> Shasta |
| <input type="radio"/> Colusa | <input type="radio"/> Mono | <input type="radio"/> Sierra |
| <input type="radio"/> Contra Costa | <input type="radio"/> Monterey | <input type="radio"/> Siskiyou |
| <input type="radio"/> Del Norte | <input type="radio"/> Napa | <input type="radio"/> Solano |
| <input type="radio"/> El Dorado | <input type="radio"/> Nevada | <input type="radio"/> Sonoma |
| <input type="radio"/> Fresno | <input type="radio"/> Orange | <input type="radio"/> Stanislaus |
| <input type="radio"/> Glenn | <input type="radio"/> Placer | <input type="radio"/> Sutter |
| <input type="radio"/> Humboldt | <input type="radio"/> Plumas | <input type="radio"/> Tehama |
| <input type="radio"/> Imperial | <input type="radio"/> Riverside | <input type="radio"/> Trinity |
| <input type="radio"/> Inyo | <input type="radio"/> Sacramento | <input type="radio"/> Tulare |
| <input type="radio"/> Kern | <input type="radio"/> San Benito | <input type="radio"/> Tuolumne |
| <input type="radio"/> Kings | <input type="radio"/> San Bernardino | <input type="radio"/> Ventura |
| <input type="radio"/> Lake | <input type="radio"/> San Diego | <input type="radio"/> Yolo |
| <input type="radio"/> Lassen | <input type="radio"/> San Francisco | <input type="radio"/> Yuba |
| <input type="radio"/> Los Angeles | <input type="radio"/> San Joaquin | |
| <input type="radio"/> Madera | <input type="radio"/> San Luis Obispo | |

Landscape Architects Occupational Analysis Questionnaire

6. PART II RATING TASKS

In this part of the questionnaire, please rate each task as it relates to your current job as a landscape architect. Your Frequency and Importance ratings should be separate and independent ratings. Therefore, the ratings that you assign from one rating scale should not influence the ratings that you assign from the other rating scale.

If the task is NOT part of your current job, rate the task "0" (zero) Frequency and "0" (zero) Importance.

The boxes for rating the Frequency and Importance of each task have drop-down lists. Click on the "down" arrow for each list to see the ratings and then select the option based on your current job.

FREQUENCY RATING

How often are these tasks performed in your current job?

Use the following scale to make your rating.

- 0 - DOES NOT APPLY TO MY JOB. I do not perform this task in my job.
- 1 - RARELY. This task is one of the tasks I perform least often in my practice relative to other tasks I perform.
- 2 - SELDOM. This task is performed less often relative to other tasks I perform in my job.
- 3 - REGULARLY. This task is performed as often as other tasks I perform in my job.
- 4 - OFTEN. This task is performed more often than most other tasks I perform in my job.
- 5 - VERY OFTEN. This task is one of the tasks I perform most often in my job relative to other tasks I perform.

IMPORTANCE RATING

HOW IMPORTANT are these tasks in the performance of your current job?

Use the following scale to make your ratings.

- 0 - NOT IMPORTANT; DOES NOT APPLY TO MY JOB. I do not perform this task in my job.
- 1 - OF MINOR IMPORTANCE. This task is not important for effective performance in my current job.

2 - FAIRLY IMPORTANT. This task is somewhat important for effective performance in my current job.

3 - MODERATELY IMPORTANT. This task is moderately important for effective performance in my current job.

4 - VERY IMPORTANT. This task is very important for performance in my current job.

5 - CRITICALLY IMPORTANT. This task is extremely important for effective performance in my current job.

1. TASK STATEMENTS

	Frequency	Importance
T1. Conduct site visit to identify on- and off-site conditions that could impact project development.	<input type="text"/>	<input type="text"/>
T2. Evaluate topography to determine the implications of landform on project development.	<input type="text"/>	<input type="text"/>
T3. Assess hydrologic conditions to determine implications of water storage and movement on project development.	<input type="text"/>	<input type="text"/>
T4. Evaluate soil characteristics to determine the effects of composition, condition, or contamination on project development.	<input type="text"/>	<input type="text"/>
T5. Analyze environmental factors to identify conditions that influence site.	<input type="text"/>	<input type="text"/>
T6. Perform analysis of existing vegetation to identify benefits and limitations on the proposed project.	<input type="text"/>	<input type="text"/>
T7. Evaluate existing site structures and infrastructure to identify potential benefits and limitations for proposed project.	<input type="text"/>	<input type="text"/>
T8. Evaluate potential fire risk or other natural hazards associated with site conditions to determine need for mitigation.	<input type="text"/>	<input type="text"/>
T9. Evaluate information about social, cultural, and historical factors to determine implications for proposed development.	<input type="text"/>	<input type="text"/>
T10. Evaluate impact of project development on surrounding areas or neighboring properties.	<input type="text"/>	<input type="text"/>
T11. Seek consultations to address unique or unexpected findings during site analyses.	<input type="text"/>	<input type="text"/>
T12. Engage with stakeholders to obtain information related to proposed program.	<input type="text"/>	<input type="text"/>
T13. Develop design services contract to comply with legal requirements for professional practice.	<input type="text"/>	<input type="text"/>
T14. Identify laws, regulations, and codes related to the project development to comply with statutory requirements.	<input type="text"/>	<input type="text"/>
T15. Identify regulatory agency requirements to comply with permitting and approval processes.	<input type="text"/>	<input type="text"/>
T16. Identify site features that are legally protected to comply with statutory restrictions or development parameters.	<input type="text"/>	<input type="text"/>
T17. Develop feasibility studies to determine the viability of proposed program.	<input type="text"/>	<input type="text"/>

	Frequency	Importance
T18. Develop program to meet project requirements of clients and users.	<input type="text"/>	<input type="text"/>
T19. Prepare presentation drawings and materials to communicate program information to stakeholders and the public.	<input type="text"/>	<input type="text"/>
T20. Engage with stakeholders and public regarding program to increase involvement and address potential issues	<input type="text"/>	<input type="text"/>
T21. Design site plan to define the scale and scope of the project.	<input type="text"/>	<input type="text"/>
T22. Design vehicular and non-vehicular circulation plan to provide access and accessibility consistent with program objectives.	<input type="text"/>	<input type="text"/>
T23. Design site grading and drainage plan to address elevation issues and direct the flow of surface water.	<input type="text"/>	<input type="text"/>
T24. Design planting plan to identify types and locations of vegetation based on program, suitability, and sustainability.	<input type="text"/>	<input type="text"/>
T25. Design irrigation plan to facilitate water management and efficient distribution of water.	<input type="text"/>	<input type="text"/>

2. TASK STATEMENTS (continued)

	Frequency	Importance
T26. Design lighting layout plan to address outdoor illumination of the project site.	<input type="text"/>	<input type="text"/>
T27. Design layout of site elements to promote user safety and security.	<input type="text"/>	<input type="text"/>
T28. Develop design solutions for water conservation and management to support resource preservation.	<input type="text"/>	<input type="text"/>
T30. Develop design solutions to mitigate potential hazards.	<input type="text"/>	<input type="text"/>
T31. Develop design solutions for energy conservation to promote site sustainability.	<input type="text"/>	<input type="text"/>
T32. Develop environmentally responsive design solutions to support natural resource preservation.	<input type="text"/>	<input type="text"/>
T33. Develop measures to mitigate, remediate, or reclaim environmental impacts associated with site development.	<input type="text"/>	<input type="text"/>
T34. Prepare drawings to communicate the construction of project design.	<input type="text"/>	<input type="text"/>
T35. Prepare specifications to communicate information about the means and methods for constructing the project design.	<input type="text"/>	<input type="text"/>
T36. Prepare opinion of probable costs to assist clients in decision making.	<input type="text"/>	<input type="text"/>
T37. Assist in bidding processes to help clients obtain construction contracts.	<input type="text"/>	<input type="text"/>
T38. Approve submittals, change orders, and Requests For Information to facilitate project implementation.	<input type="text"/>	<input type="text"/>
T39. Perform site observations during construction to evaluate conformance of work to construction documents.	<input type="text"/>	<input type="text"/>
T40. Prepare closeout documents to verify project completion.	<input type="text"/>	<input type="text"/>

Landscape Architects Occupational Analysis Questionnaire

7. PART III. RATING JOB KNOWLEDGE

In this part of the questionnaire, rate each of the knowledge statements based on how important the knowledge is to effective performance in your job. If a knowledge statement is NOT part of your job, then rate it "0" (zero) for Importance.

The boxes for rating the Importance of each knowledge statement have a drop-down list. Click on the "down" arrow for each list to see the ratings. Then select the rating based on your current job.

IMPORTANCE RATING

HOW IMPORTANT is this knowledge in the effective performance of your current job?
Use the following scale to make your ratings.

0 DOES NOT APPLY TO MY JOB; NOT REQUIRED; this knowledge is not required to perform my job.

1 OF MINOR IMPORTANCE; this knowledge is of minor importance for effective performance of my current job.

2 FAIRLY IMPORTANT; this knowledge is fairly important for effective performance of my current job.

3 MODERATELY IMPORTANT; this knowledge is moderately important for effective performance of my current job.

4 VERY IMPORTANT; this knowledge is very important for effective performance of my current job.

5 CRITICALLY IMPORTANT; this knowledge is essential for effective performance of my current job.

1. KNOWLEDGE STATEMENTS

	Importance
1. Knowledge of methods for evaluating the impact of site conditions on project development.	<input type="text"/>
2. Knowledge of methods for identifying the impact of site resources on project development.	<input type="text"/>
3. Knowledge of methods for performing topographical analyses.	<input type="text"/>

	Importance
4. Knowledge of methods for interpreting information from geotechnical or geological reports.	<input type="text"/>
5. Knowledge of the effects of topographic, geotechnical, and geologic characteristics on landscape design.	<input type="text"/>
6. Knowledge of topographic, geologic, and geotechnical conditions that present a risk to landscape design.	<input type="text"/>
7. Knowledge of methods for conducting hydrologic analyses.	<input type="text"/>
8. Knowledge of methods for interpreting information from hydrologic reports.	<input type="text"/>
9. Knowledge of the effects of surface and subsurface hydrologic characteristics on landscape design.	<input type="text"/>
10. Knowledge of hydrologic conditions that present a risk to landscape structure or design.	<input type="text"/>
11. Knowledge of methods for obtaining soil analyses.	<input type="text"/>
12. Knowledge of methods for interpreting information from soil analysis reports.	<input type="text"/>
13. Knowledge of the effects of soil conditions on landscape design.	<input type="text"/>
14. Knowledge of the relationship between soil, hydrology, and vegetation.	<input type="text"/>
15. Knowledge of the relationship between environment, climate, and soil condition or contamination.	<input type="text"/>
16. Knowledge of methods for evaluating the impact of climate and microclimate conditions.	<input type="text"/>
17. Knowledge of methods for evaluating site ecology and habitats.	<input type="text"/>
18. Knowledge of methods for interpreting the results of environmental studies.	<input type="text"/>
19. Knowledge of the effects of climate and environmental factors on landscape design.	<input type="text"/>
20. Knowledge of vegetation species suitable to geographic regions.	<input type="text"/>
21. Knowledge of methods for evaluating condition and utility of existing vegetation.	<input type="text"/>
22. Knowledge of vegetation conditions that present risks for landscape development.	<input type="text"/>
23. Knowledge of methods for evaluating the impact of easements and setbacks on site development.	<input type="text"/>
24. Knowledge of methods for evaluating the impact of utilities on site development.	<input type="text"/>
25. Knowledge of methods for evaluating structures and other constructed site features on site development.	<input type="text"/>
2. KNOWLEDGE STATEMENTS (continued)	

	Importance
26. Knowledge of methods for identifying fire risk or hazardous conditions that impact project development.	<input type="text"/>
27. Knowledge of methods for interpreting information about wildland urban interface zones.	<input type="text"/>
28. Knowledge of methods for determining social, cultural, and historical factors that influence site development.	<input type="text"/>
29. Knowledge of methods for evaluating the impact of proposed site development on adjacent sites, structures, or facilities.	<input type="text"/>
30. Knowledge of sources of technical information and expertise for clarifying site findings.	<input type="text"/>
31. Knowledge of techniques for engaging stakeholders in the information-gathering process.	<input type="text"/>
32. Knowledge of methods for analyzing stakeholder input about proposed development processes.	<input type="text"/>
33. Knowledge of laws and regulations pertaining to consumer protections.	<input type="text"/>
34. Knowledge of laws and regulations related to development of professional services contracts.	<input type="text"/>
35. Knowledge of laws related to California Landscape Architects Practice Act.	<input type="text"/>
36. Knowledge of professional and ethical standards related to practice of landscape architecture	<input type="text"/>
37. Knowledge of laws, regulations, and codes associated with project site development.	<input type="text"/>
38. Knowledge of CEQA requirements for site design and development.	<input type="text"/>
39. Knowledge of regulatory agencies governing phases or processes involved in project development.	<input type="text"/>
40. Knowledge of regulatory agency requirements associated with elements of project development.	<input type="text"/>
41. Knowledge of laws and regulations associated with permitting processes.	<input type="text"/>
42. Knowledge of methods for coordinating with technical consultants regarding regulatory, zoning, or property requirements.	<input type="text"/>
43. Knowledge of laws related to site development and the preservation of heritage, endangered, or protected plant species.	<input type="text"/>
44. Knowledge of laws related to the preservation or maintenance of cultural or historical sites.	<input type="text"/>
45. Knowledge of laws related to site development and wildlife protections.	<input type="text"/>
46. Knowledge of laws related to site development near riparian, coastal, or freshwater bodies.	<input type="text"/>
47. Knowledge of laws related to site development subject to stormwater management requirements.	<input type="text"/>
48. Knowledge of factors that impact program feasibility.	<input type="text"/>

	Importance
49. Knowledge of processes involved in evaluating regulatory, site, and cost constraints that impact program feasibility.	<input type="text"/>
50. Knowledge of methods for integrating information from site analysis into program development.	<input type="text"/>
3. KNOWLEDGE STATEMENTS (continued)	
	Importance
51. Knowledge of methods for determining the program scope and parameters.	<input type="text"/>
52. Knowledge of techniques for determining sequence of program components.	<input type="text"/>
53. Knowledge of program alternatives for addressing unique site characteristics, budget, or other site considerations.	<input type="text"/>
54. Knowledge of graphic design and presentation media for conveying information regarding program and alternatives.	<input type="text"/>
55. Knowledge of techniques for stakeholder and public outreach.	<input type="text"/>
56. Knowledge of techniques for communicating project concepts to stakeholders and public.	<input type="text"/>
57. Knowledge of methods for addressing stakeholder or public feedback regarding program.	<input type="text"/>
58. Knowledge of regulatory requirements associated with site development.	<input type="text"/>
59. Knowledge of strategies for integrating site analyses and program objectives into site design.	<input type="text"/>
60. Knowledge of methods for evaluating design options based on program, cost, and constraints.	<input type="text"/>
61. Knowledge of methods for selecting site structures, features, or amenities to conform to program objectives.	<input type="text"/>
62. Knowledge of laws and regulations regarding site accessibility design.	<input type="text"/>
63. Knowledge of methods for designing vehicular and non-vehicular circulation systems.	<input type="text"/>
64. Knowledge of methods for designing for emergency vehicle access.	<input type="text"/>
65. Knowledge of strategies for designing multimodal transportation alternatives.	<input type="text"/>
66. Knowledge of strategies of designing landscapes for bicycle and vehicle parking areas.	<input type="text"/>
67. Knowledge of methods for collaborating with consultants on vehicular and non-vehicular circulation systems.	<input type="text"/>
68. Knowledge of laws and regulations regarding on-site stormwater management.	<input type="text"/>
69. Knowledge of laws and regulations associated with site grading and drainage design.	<input type="text"/>
70. Knowledge of strategies for designing grading and drainage systems.	<input type="text"/>

	Importance
71. Knowledge of calculations used in grading and drainage design.	<input type="text"/>
72. Knowledge of strategies for collaborating with other consultants in grading and drainage design.	<input type="text"/>
73. Knowledge of landscape strategies that support California's ecological communities and regions.	<input type="text"/>
74. Knowledge of methods for selecting vegetation species consistent with site location.	<input type="text"/>
75. Knowledge of methods for selecting vegetation consistent with water management practices.	<input type="text"/>

Landscape Architects Occupational Analysis Questionnaire

8. Copy of page: PART III. RATING JOB KNOWLEDGE

In this part of the questionnaire, rate each of the knowledge statements based on how important the knowledge is to successful performance in your practice. If a knowledge statement is NOT part of your job, then rate it "0" (zero) for Importance.

The boxes for rating the Importance of each knowledge statement have a drop-down list. Click on the "down" arrow for each list to see the ratings. Then select the rating based on your current practice.

IMPORTANCE RATING

HOW IMPORTANT is this knowledge in the performance of your current practice?

Use the following scale to make your ratings.

0 DOES NOT APPLY TO MY PRACTICE; NOT REQUIRED; this knowledge is not required to perform in my practice.

1 OF MINOR IMPORTANCE; this knowledge is of minor importance for performance of my practice relative to all other knowledge.

2 FAIRLY IMPORTANT; this knowledge is fairly important for performance of my practice relative to all other knowledge.

3 MODERATELY IMPORTANT; this knowledge is moderately important for performance of my practice relative to all other knowledge.

4 VERY IMPORTANT; this knowledge is very important for performance of my practice relative to all other knowledge.

5 CRITICALLY IMPORTANT; this knowledge is essential for performance of my practice relative to all other knowledge.

1. KNOWLEDGE STATEMENTS

76. Knowledge of methods for addressing geographic and ecological characteristics that impact vegetation.

Importance

	Importance
77. Knowledge of strategies for managing invasive or noxious vegetation in landscape design.	<input type="text"/>
78. Knowledge of planting strategies that mitigate fire or other site hazards.	<input type="text"/>
79. Knowledge of strategies for mitigating or remediating the effects of toxicity on soil.	<input type="text"/>
80. Knowledge of planting strategies for use with reclaimed water.	<input type="text"/>
81. Knowledge of planting strategies for mitigating risks associated with landscape design.	<input type="text"/>
82. Knowledge of laws and regulations regarding water management and conservation.	<input type="text"/>
83. Knowledge of strategies for designing irrigation distribution systems.	<input type="text"/>
84. Knowledge of types of irrigation equipment and their function.	<input type="text"/>
85. Knowledge of methods of hydraulic design for irrigation systems.	<input type="text"/>
86. Knowledge of methods for determining irrigation requirements associated with plant hydrozones.	<input type="text"/>
87. Knowledge of MWELC requirements and other irrigation design practices.	<input type="text"/>
88. Knowledge of laws and regulations regarding lighting design requirements.	<input type="text"/>
89. Knowledge of strategies for designing site lighting.	<input type="text"/>
90. Knowledge of types of lighting fixtures and equipment.	<input type="text"/>
91. Knowledge of strategies for collaborating with other consultants in lighting design.	<input type="text"/>
92. Knowledge of laws and regulations related to site safety and security.	<input type="text"/>
93. Knowledge of design strategies for increase user safety, security, and crime prevention.	<input type="text"/>
94. Knowledge of types of equipment and materials used in site design for safety and security.	<input type="text"/>
95. Knowledge of laws and regulations regarding water management and conservation.	<input type="text"/>
96. Knowledge of strategies for incorporating water conservation solutions into landscape design.	<input type="text"/>
97. Knowledge of strategies for incorporating alternative water sources into landscape design.	<input type="text"/>
98. Knowledge of strategies for collaborating with other consultants in the design of water conservation management systems.	<input type="text"/>
99. Knowledge of design solutions to mitigate geophysical hazards.	<input type="text"/>
100. Knowledge of design solutions to mitigate hydrological hazards.	<input type="text"/>
2. KNOWLEDGE STATEMENTS (continued)	

	Importance
101. Knowledge of design solutions to mitigate fire and climatological hazards.	<input type="text"/>
102. Knowledge of design solutions to mitigate meteorological hazards.	<input type="text"/>
103. Knowledge of design solutions to mitigate biological hazards.	<input type="text"/>
104. Knowledge of laws and regulations related to sustainable development.	<input type="text"/>
105. Knowledge of strategies for landscape design that promote energy conservation.	<input type="text"/>
106. Knowledge of methods for incorporating alternative or renewable energy into landscape design.	<input type="text"/>
107. Knowledge of techniques for mitigating visual impacts associated with renewable energy sources.	<input type="text"/>
108. Knowledge of laws and regulations regarding environmental protection.	<input type="text"/>
109. Knowledge of requirements of Low Impact Development (LID).	<input type="text"/>
110. Knowledge of strategies to promote environmental preservation in landscape design.	<input type="text"/>
111. Knowledge of strategies for landscape design restoring or preserving natural resources.	<input type="text"/>
112. Knowledge of strategies for building soil health and sustainability.	<input type="text"/>
113. Knowledge of strategies for landscape design that increase ecological function and biodiversity.	<input type="text"/>
114. Knowledge of methods for mitigating the effects of development and construction on natural, cultural, and historical resources.	<input type="text"/>
115. Knowledge of methods for mitigating the environmental impacts of site development on adjacent sites.	<input type="text"/>
116. Knowledge of strategies for collaborating with other consultants in mitigating the impacts of site development.	<input type="text"/>
117. Knowledge of methods for preparing project site plan.	<input type="text"/>
118. Knowledge of methods for preparing demolition plans that specify protection, retention, and removal of site materials.	<input type="text"/>
119. Knowledge of methods for preparing grading and drainage plans.	<input type="text"/>
120. Knowledge of methods for preparing hardscape layout plan and material schedules.	<input type="text"/>
121. Knowledge of methods for preparing soil plan and schedules.	<input type="text"/>
122. Knowledge of methods for preparing planting layout plan and schedules.	<input type="text"/>
123. Knowledge of methods for preparing irrigation layout plan and schedules.	<input type="text"/>
124. Knowledge of methods for preparing landscape lighting plan and schedules.	<input type="text"/>
125. Knowledge of methods for preparing construction details.	<input type="text"/>

3. KNOWLEDGE STATEMENTS (continued)

	Importance
126. Knowledge of methods for conforming to CSI MasterFormat.	<input type="text"/>
127. Knowledge of strategies for developing project phasing for project construction.	<input type="text"/>
128. Knowledge of procedures for verifying consistency between specifications and construction drawings.	<input type="text"/>
129. Knowledge of methods for determining construction costs.	<input type="text"/>
130. Knowledge of procedures for preparing construction bid documents.	<input type="text"/>
131. Knowledge of procedures for responding to Requests For Information.	<input type="text"/>
132. Knowledge of procedures for recommending contractors based on bid evaluations.	<input type="text"/>
133. Knowledge of procedures for evaluating submittals, change orders, and Requests for Information.	<input type="text"/>
134. Knowledge of methods for evaluating regulatory implications of plan revisions.	<input type="text"/>
135. Knowledge of laws and regulations related to landscape design and construction.	<input type="text"/>
136. Knowledge of methods for evaluating installations of landscape components for compliance with construction documents.	<input type="text"/>
137. Knowledge of procedures for evaluating project work conformance.	<input type="text"/>
138. Knowledge of elements to include in post-construction observation and maintenance.	<input type="text"/>
139. Knowledge of elements to include in post-construction observation and maintenance.	<input type="text"/>
140. Knowledge of requirements for certification of installation compliance.	<input type="text"/>
141. Knowledge of procedures for completing contract closeout.	<input type="text"/>
142. Knowledge of requirements for preparing record drawings.	<input type="text"/>
143. Knowledge of procedures for performing post-occupancy site evaluations.	<input type="text"/>

Landscape Architects Occupational Analysis Questionnaire

9. FINISHED

THANK YOU FOR COMPLETING THIS QUESTIONNAIRE.

Landscape Architect Occupational Analysis Results

Heidi Lincer, Ph.D., Chief

Karen Okicich, M.A., Research Data Supervisor

December 2, 2020



Business and Professions Code section 139



Principles for the Validation and Use of Personnel Selection Procedures (Society for Industrial and Organizational Psychology)



Standards for Educational and Psychological Testing (American Educational Research Association, American Psychological Association, National Council on Measurement in Education)



Regulations,
Standards,
and
Guidelines

Licensure Examinations

- Must provide a reliable method for identifying practitioners who are able to practice **safely and competently**
- Focus on entry-level tasks and knowledge important for **public protection**
- Use input from **subject matter experts** (SMEs) and guidance from test specialists



Cycle of Examination Development

Occupational Analysis

- 1 Provides a description of current practice
- 2 Provides the basis of job-related, fair, and legally defensible examinations
- 3 Establishes validity by linking examination content to critical job competencies
- 4 Provides basis for legislation and policies

Occupational Analysis Process

Conduct SME interviews and research on the profession



Develop Task and Knowledge statements with SMEs



Develop, administer, and analyze OA survey results



Review survey results with SMEs



Develop examination outline with SMEs



Landscape Architect (LA) Occupational Analysis Results

- **LAs with an email on file (3,215)** invited to complete the online survey
- Survey invitations sent by email and mail
- Final sample size for data analysis was **571 LAs** or **17.8%**

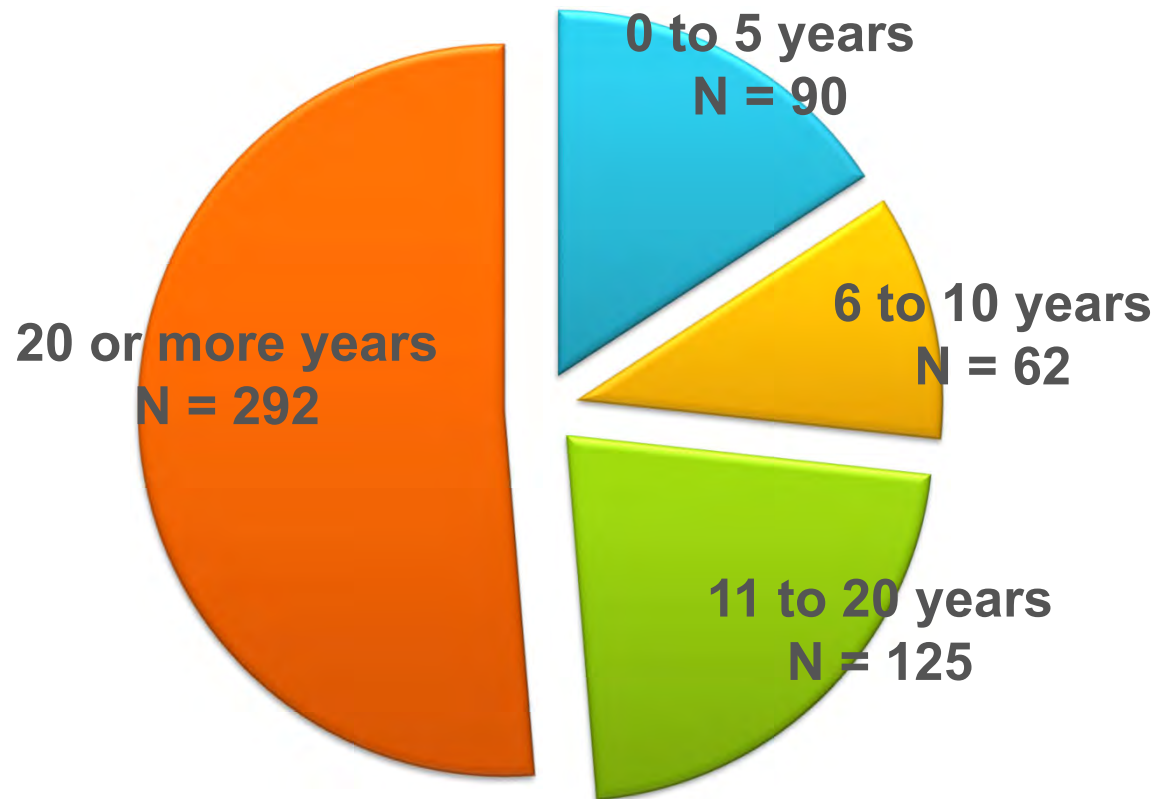


Demographics of Respondents

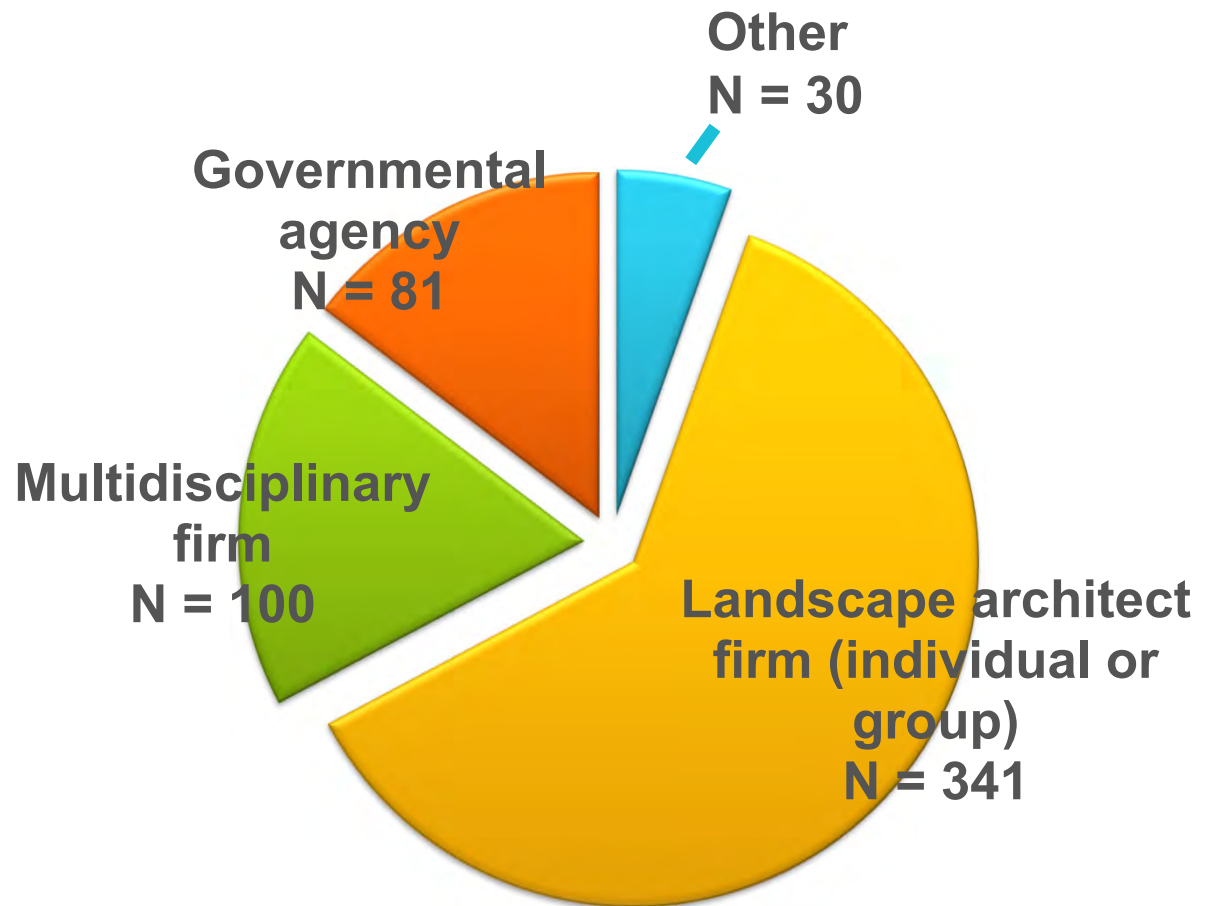
- Describe the respondents in terms of:
 - Training and education
 - Experience
 - Work setting
 - Geographic location
- Provide context for interpreting results



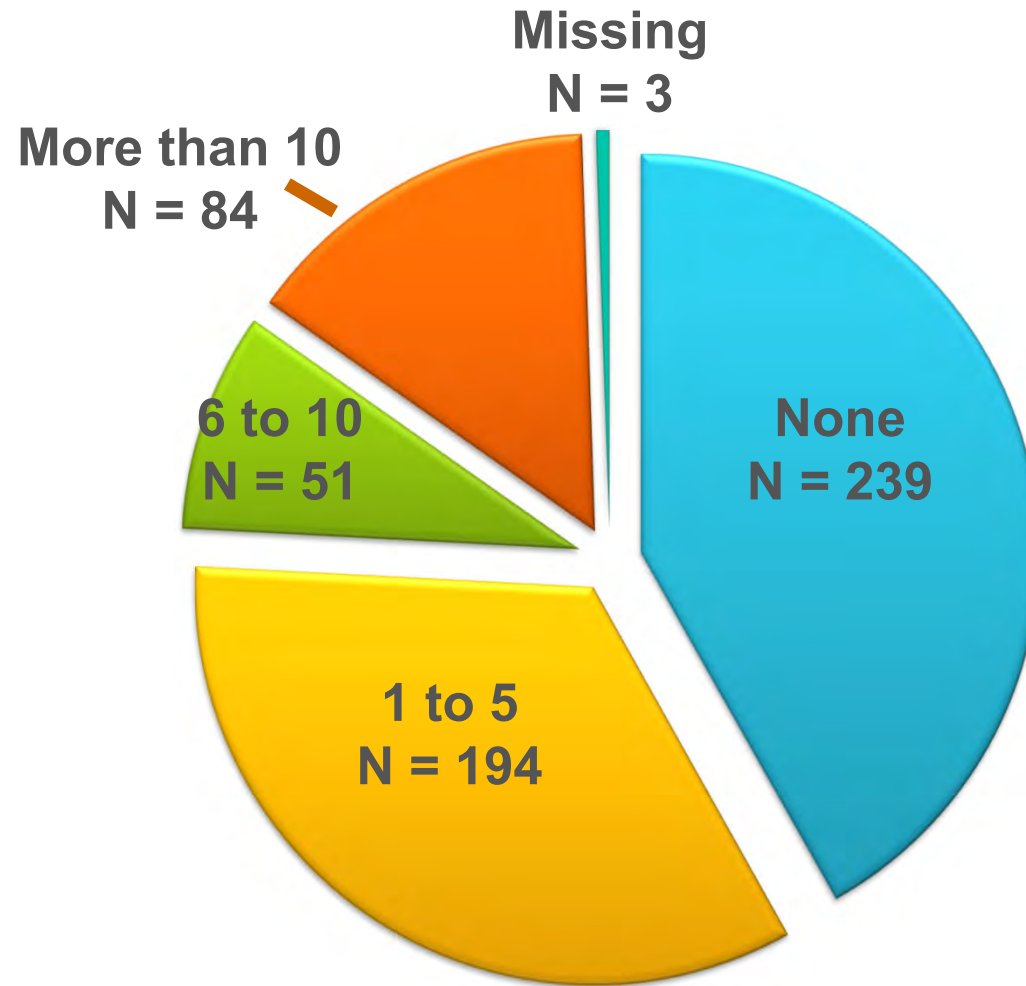
Years Licensed
as a
Landscape
Architect



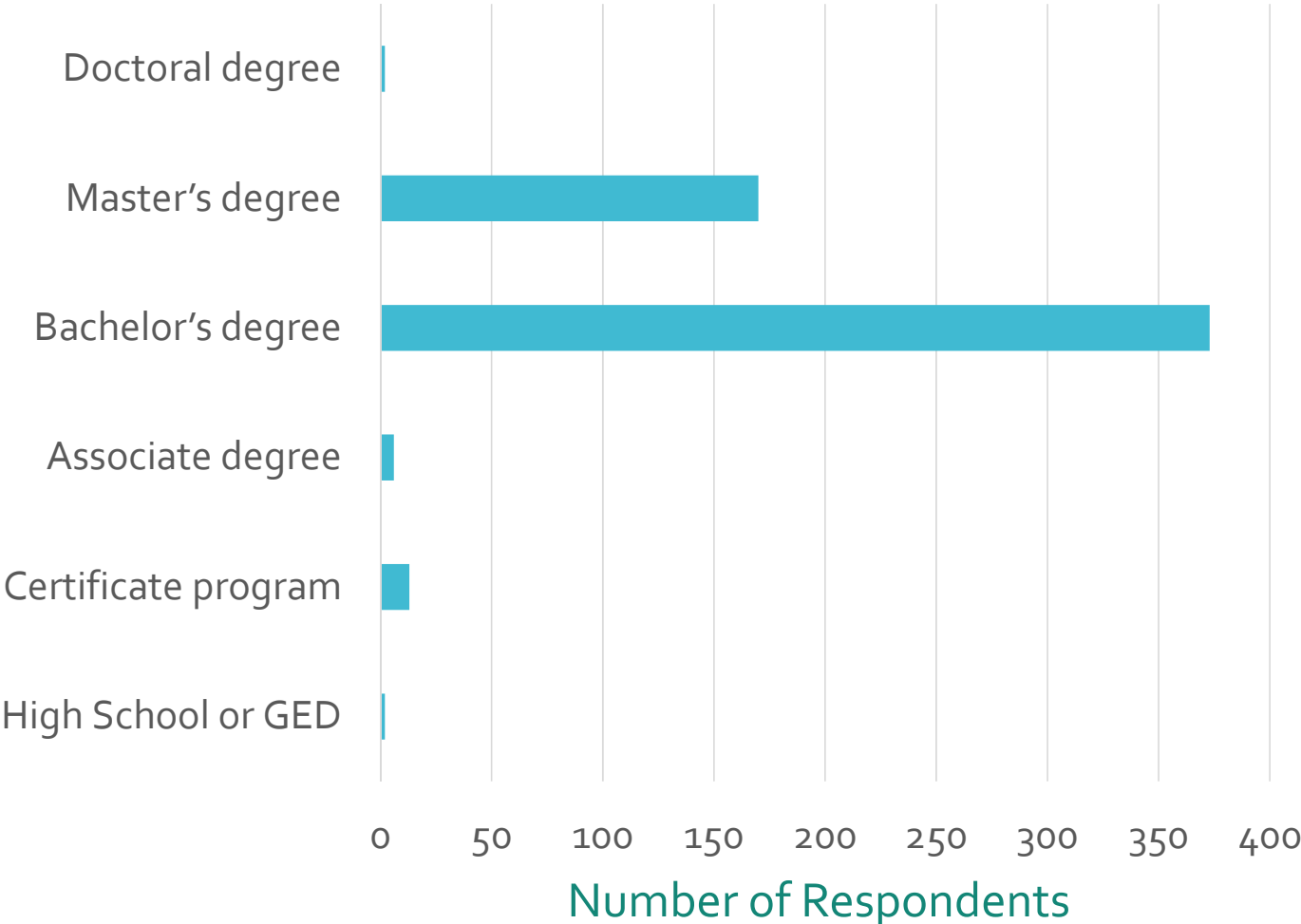
Primary Work Setting



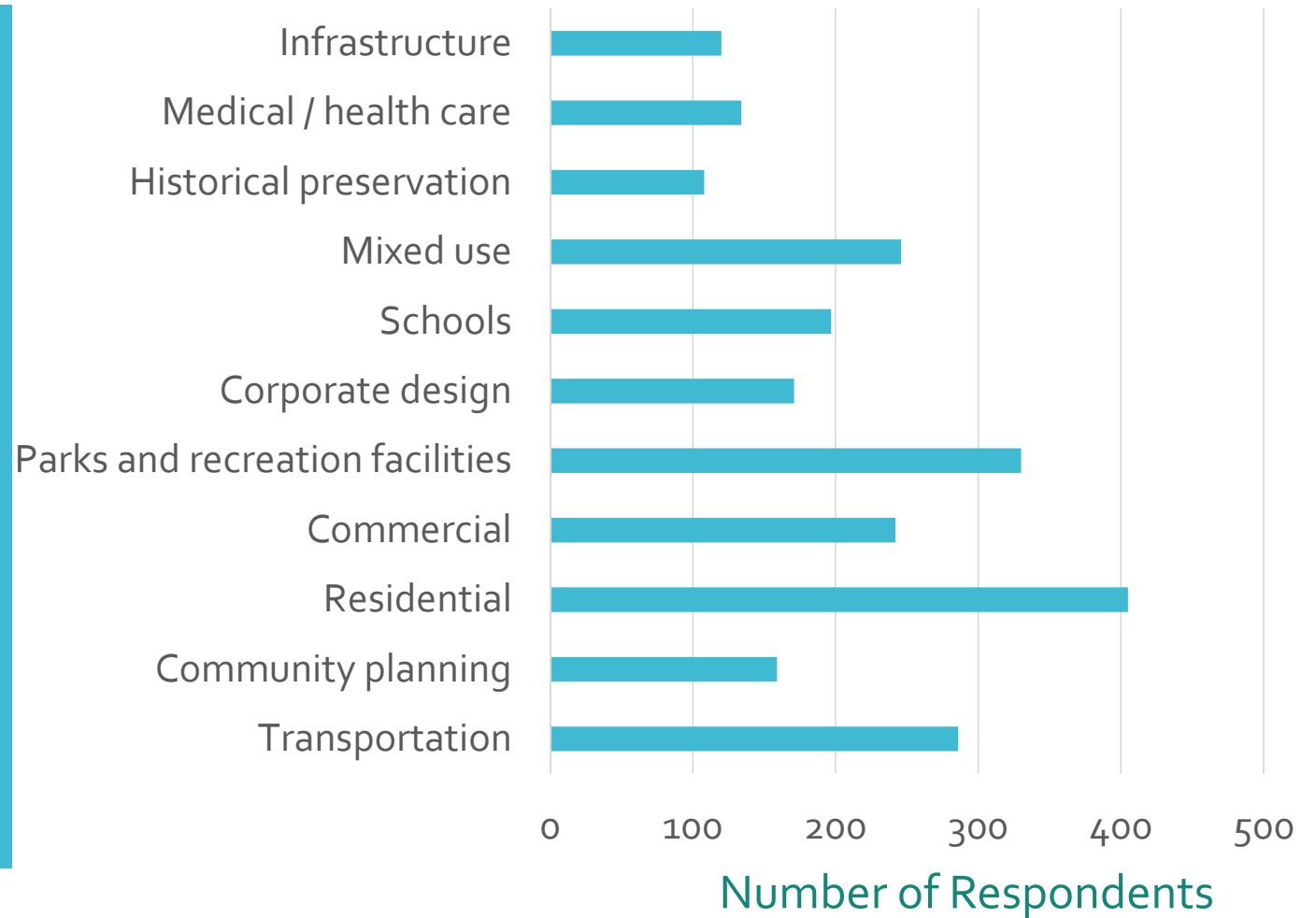
Other Landscape Architects in Organization



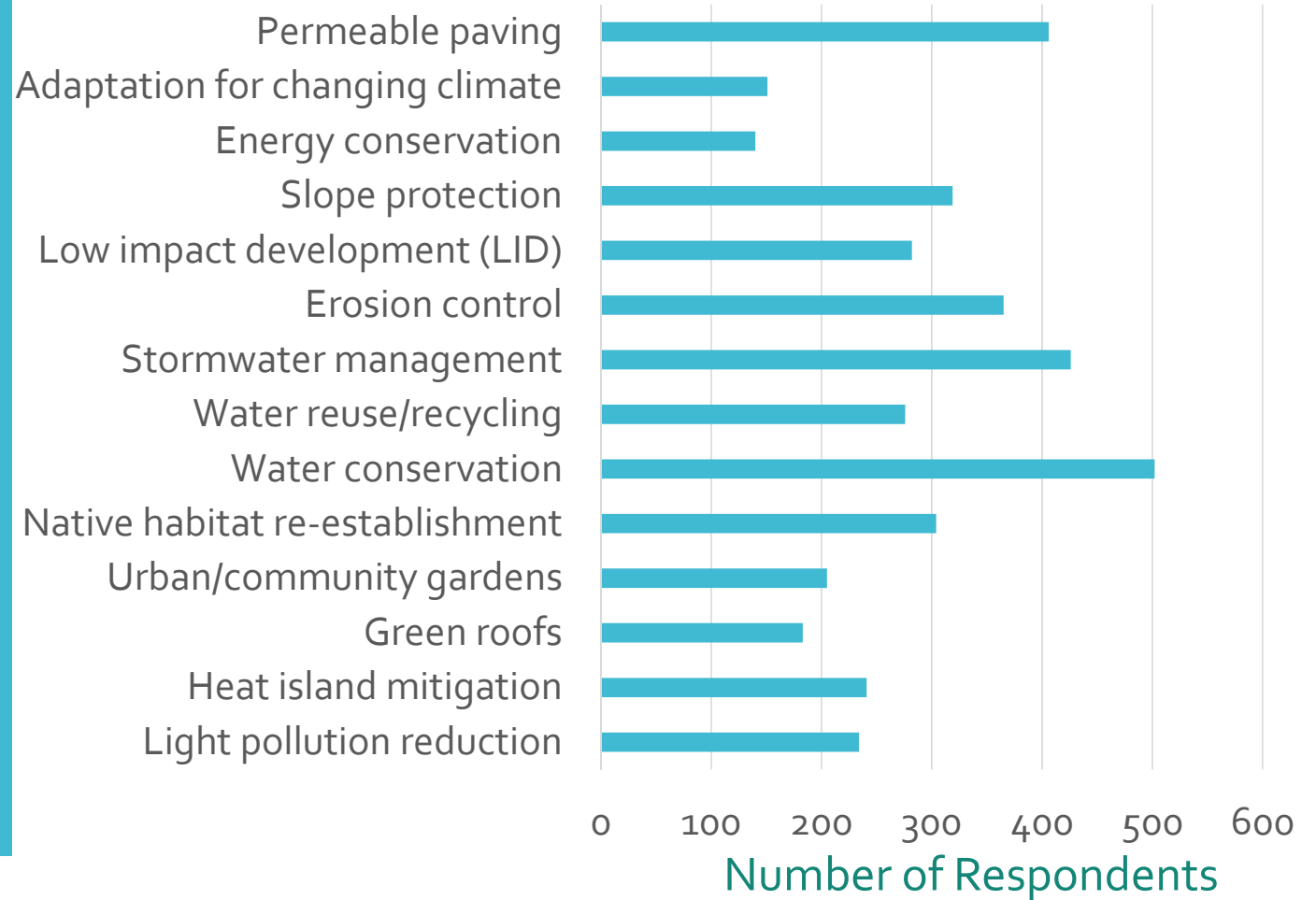
Education and Training



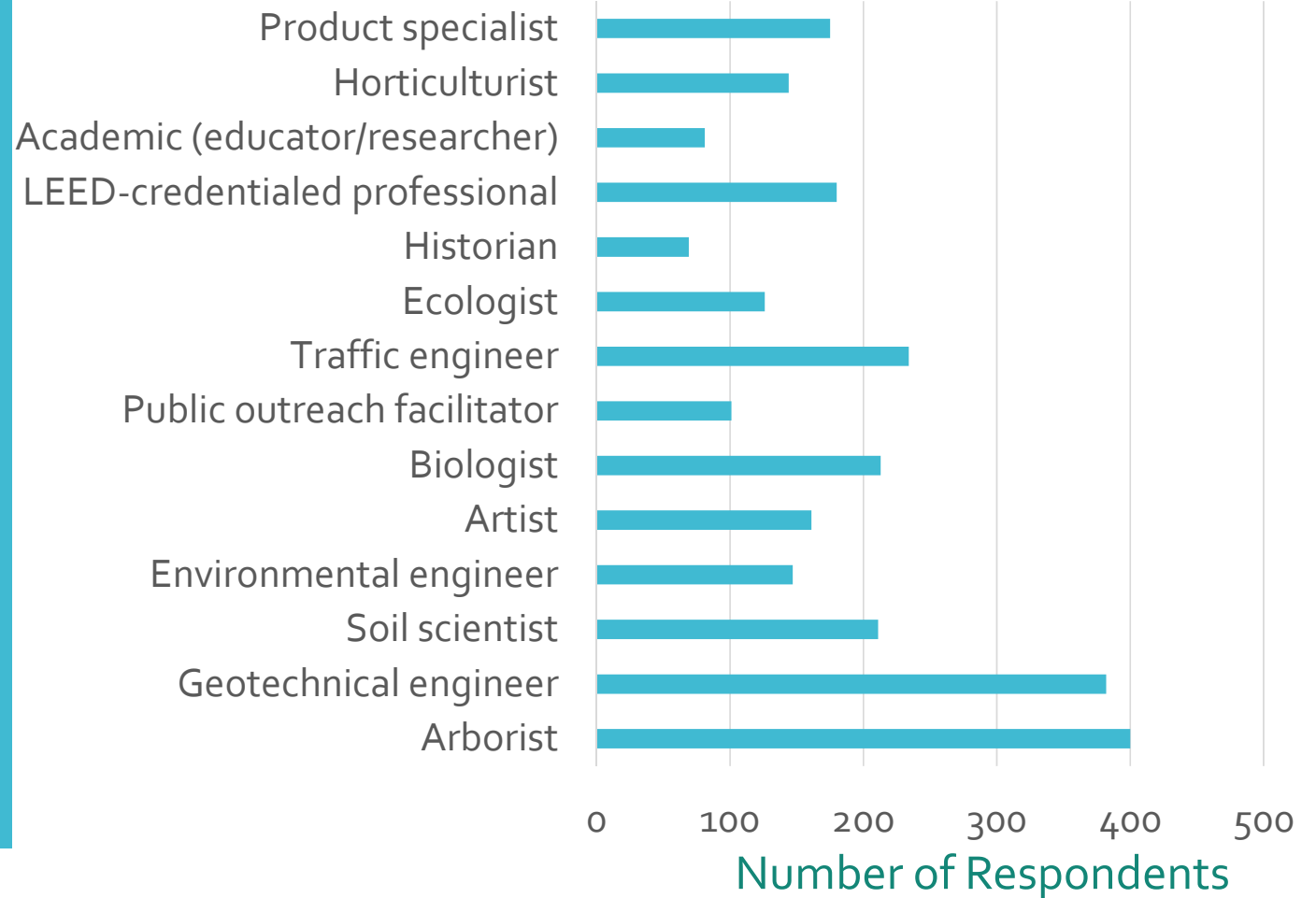
Types of Projects



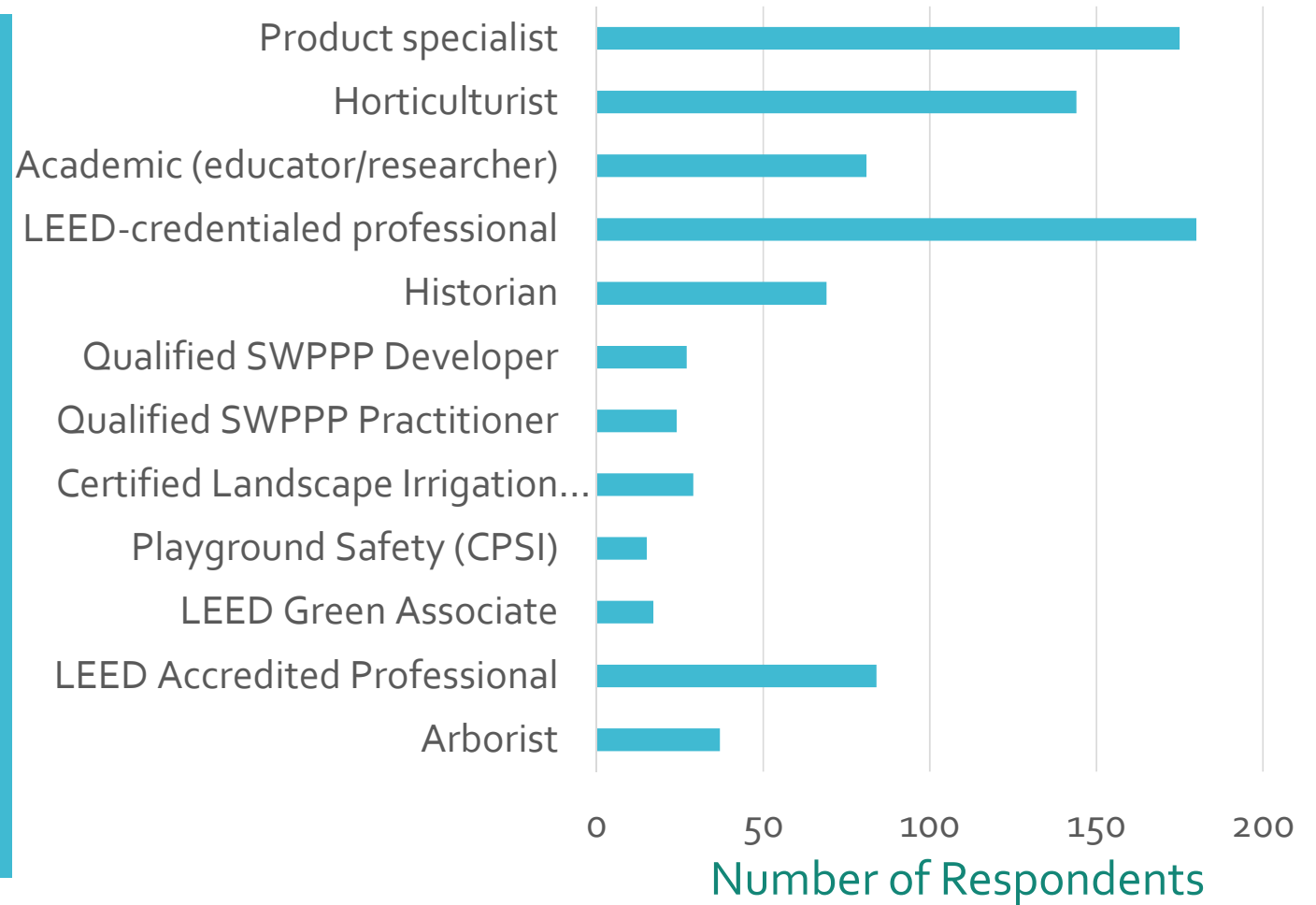
Types of Green Projects



Specialists Worked with



Certificates Held



Respondents by Region

REGION NAME	NUMBER (N)	PERCENT
Los Angeles County and Vicinity	151	26.4
North Coast	19	3.3
Riverside and Vicinity	30	5.3
Sacramento Valley	52	9.1
San Diego County and Vicinity	59	10.3
San Francisco Bay Area	163	28.5
San Joaquin Valley	17	3.0
Shasta - Cascade	1	0.2
Sierra Mountain Valley	19	3.3
South Coast and Central Coast	39	3.5
Missing	21	7.1
Total	223	100%*

* Note: Percentages do not add to 100 due to rounding.

Task Ratings

- **FREQUENCY SCALE**: How often do you perform this task in your current work?
0 – DOES NOT APPLY. “I do not perform this task in my current work.”
5 – VERY OFTEN. “This task is one of the tasks I perform most often in my current work relative to other tasks I perform.”
- **IMPORTANCE SCALE**: How important is this task for effective performance in your current work?
1 – NOT IMPORTANT. “This task is not important for effective performance in my current work.”
5 – CRITICALLY IMPORTANT. “This task is extremely important for effective performance in my current work.”

Knowledge Ratings

- **IMPORTANCE SCALE:** How important is this knowledge for effective performance of tasks in your current work?

0 – DOES NOT APPLY TO MY WORK / NOT REQUIRED. “This knowledge is not required for effective performance of tasks in my current work.”

5 - CRITICALLY IMPORTANT. “This knowledge is extremely important for effective performance of tasks in my current work.”

Description of Practice

Decisions Made Based on Evaluation of Data and SME Consensus

- Identify critical tasks and knowledge
- Confirm task-knowledge linkage
- Determine final content areas

Number of Tasks by Content

Content Area	Number of Tasks
1. Scope of Project	16
2. Program Development	4
3. Design Process	12
4. Construction Documentation and Administration	7
Total	39

Next Steps

Final Examination Outline and Review of National

- Develop final examination outline
- Review Landscape Architect Registration Examination (LARE)
- Prepare report of findings and recommendations



Thank you!



Any questions?



AGENDA ITEM J: DISCUSS AND POSSIBLE ACTION ON PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2630.2 (APPEAL OF CITATIONS)

Summary

Business and Professions Code (BPC) section 5526.5 (Title Pending) of the Architects Practice Act as amended effective January 1, 2020, allows the respondent of a citation to request a formal administrative hearing after an informal conference if the citation is upheld or modified (Attachment 1). BPC section 5526.5 also authorizes the executive officer to appoint a designee to hold an informal conference in the event of a conflict of interest. Currently, LATC's appeal of citations is regulated by CCR, title 16, section 2630.2 (Appeal of Citations) which allows a respondent to have a formal administrative hearing after an informal conference if one is requested within 30 days of service of the original citation. To align with the Board, staff has drafted amendments to CCR, title 16, section 2630.2 to include language allowing a respondent to request a formal administrative hearing within 30 days of the affirmation or modification of a citation following an informal conference, as well as allowing the executive officer to appoint a designee to hold the informal conference in the event of a conflict of interest. Additionally, language was added to clarify that another informal conference cannot be requested for a citation that has been affirmed or modified following an informal conference (Attachment 2).

Action Requested

Review and take possible action on the attached draft language amending CCR section 2630.2.

Attachments

1. BPC section 5526.5
2. Proposed Amendments to CCR, title 16, section 2630.2

BPC Section 5526.5 – Title Pending

(a) In addition to requesting an administrative hearing as provided for in paragraph (4) of subdivision (b) of Section 125.9, the cited person may request an informal conference to review the acts shared in the citation. The cited person shall make the request for an informal conference in writing, within 30 days of the date of issuance of the citation, to the executive officer.

(b) The executive officer or their designee shall hold, within 60 days from the receipt of the request, an informal conference with the cited person. The executive officer or their designee may extend the 60-day period for good cause.

(c) Following the informal conference, the executive officer or their designee may affirm, modify, or dismiss the citation, including any fine that is levied, order of abatement, or order of correction issued. The executive officer or their designee shall state in writing the reasons for the action and transmit a copy of those findings to the cited person within 30 days after the informal conference.

(d) If the citation, including any fine that is levied or order of abatement or correction, is affirmed or modified following the informal conference, the respondent may make a request in writing to the executive officer within 30 days of the affirmed or modified citation, for a formal hearing, which shall be conducted as provided for in paragraph (4) of subdivision (b) of Section 125.9.

(e) A cited person shall not request an informal conference for a citation which has been affirmed or modified following an informal conference.

(Added by Stats. 2019, Ch. 376, Sec. 5. (SB 608) Effective January 1, 2020.)

CALIFORNIA ARCHITECTS BOARD

LANDSCAPE ARCHITECTS TECHICAL COMMITTEE

PROPOSED REGULATORY LANGUAGE

Changes to the original language are shown in single underline for new text and single ~~strike through~~ for deleted text.

Amend section 2630.2 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

§ 2630.2. Appeal of Citations.

(a) Any person served with a citation issued pursuant to Section 2630 may contest the citation by submitting a written request for a hearing to the Board within 30 calendar days of service of the citation. Such hearings shall be conducted pursuant to the Administrative Procedure Act, Chapters 4.5 and 5, (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) In addition to requesting a hearing as described in subsection (a), the cited person may, within 30 calendar days of service of the citation, submit a written request for an informal conference with the executive officer.

(c) The request for an administrative hearing to contest a citation is not waived if the executive officer affirms the citation at an informal conference.

(d) The executive officer or their designee shall, within 30 working days from receipt of a written request for an informal conference as provided in subsection (b), hold an informal conference with the cited person. The 30-day period may be extended by the executive officer or their designee for good cause. Following the informal conference, the executive officer or their designee may affirm, modify, or dismiss the citation, including any administrative fine assessed or order of abatement issued. An order affirming, modifying, or dismissing the original citation shall be served on the cited person within 30 calendar days from the informal conference. Said order shall state in writing the reasons for the affirmation, modification, or dismissal of the original citation. If the order affirms or modifies the original citation, said order shall fix a reasonable period of time for abatement of the violation or payment of the fine. Service of this order shall be made as provided in Section 2630.

~~(e) If the informal conference results in the modification of the findings of violation(s), the amount of the fine or the order of abatement, the citation shall be considered modified, but not withdrawn. The cited person shall be entitled to an administrative hearing to contest the modified citation if he or she made a request for an administrative hearing within 30 calendar days after service of the original citation. The cited person~~

~~shall not be entitled to an informal conference to contest a modified citation. If the cited person did not make a timely request for an administrative hearing after service of the original citation, the decision in the modified citation shall be considered a final order.~~If the citation, including any fine that is levied or order of abatement or correction, is affirmed or modified following the informal conference, the respondent may make a request in writing to the executive officer within 30 days of the affirmed or modified citation, for a formal hearing, which shall be conducted as provided in paragraph (4) of subdivision (b) of Section 125.9 of the Code.

(f) A cited person shall not request an informal conference for a citation which has been affirmed or modified following an informal conference.

(fg) If the citation is dismissed after the informal conference, the request for a hearing, if any, shall be deemed to be withdrawn.

(gh) Submittal of a written request for a hearing as provided in subsections (a) or (e), an informal conference as provided in subsection (b), or both, stays the time period in which to pay the fine.

(hi) If the written request for a hearing as provided in subsections (a) or (e), an informal conference as provided in subsection (b), or both, is not submitted within 30 calendar days from service of the citation, the cited person is deemed to have waived his or her right to a hearing or an informal conference.

Note: Authority cited: Sections 125.9, 148 and 5630, Business and Professions Code.
Reference: Sections 125.9 and 148, Business and Professions Code.

AGENDA ITEM K: DISCUSS AND POSSIBLE ACTION ON UNIVERSITY OF CALIFORNIA, LOS ANGELES (UCLA) EXTENSION CERTIFICATE PROGRAM SELF-EVALUATION REPORT AND CURRICULUM APPROVAL

Summary

The Landscape Architects Technical Committee (LATC) reviews, and the California Architects Board (Board) approves, landscape architecture extension certificate programs that meet specific standards pursuant to California Code of Regulations (CCR), title 16, division 26, article 1, section 2620.5, Requirements for an Approved Extension Certificate Program. LATC last conducted a review of the UCLA Extension Certificate Program (Program) in 2013. At that time, the Program was approved through December 31, 2020 (Attachment 1).

On June 15, 2020, the Program submitted a Self-Evaluation Report (SER) to the LATC for the 2013-2020 academic years. Former LATC Chair, Marq Truscott, appointed a subcommittee consisting of LATC staff and current LATC Chair Jon S. Wreschinsky to review the Program's SER and provide a recommendation to the LATC on the continued approval of the Program.

Following the initial review of the SER, the subcommittee sent additional questions to the Program Director, Stephanie Landregan regarding recommendations from the 2013 Site Review and clarification on the Program's relationships with the UCLA, Horticultural Program and the UCLA, School of Architecture and Urban Design. Responses were received on October 5, 2020. The subcommittee prepared a report and recommendation regarding Board approval of the Program (Attachment 2).

Proposed changes to CCR, title 16, section 2620.5 have been approved by the Board, and the regulatory package is currently under review with the Department of Consumer Affairs. The SER was reviewed under the current language in CCR, title 16, section 2620.5 (Attachment 3). In order to allow sufficient time for the regulatory changes to be adopted and the Program to respond with preparation of a new SER, an estimated three years is proposed before the next review.

Action Requested

The LATC is asked to consider the subcommittee's recommendation and take possible action to recommend to the Board approval of the Program through December 31, 2023.

Attachments

1. July 1, 2014 Letter Advising Program Approval through December 31, 2020
2. Extension Certificate Program Review Subcommittee Report and Recommendation
3. CCR, title 16, section 2620.5



Governor
Edmund G. Brown Jr.

July 1, 2014

Stephanie Landregan, Director
University of California, Los Angeles Extension Certificate Program
Landscape Architecture Program
10995 Le Conte Avenue #414
Los Angeles, CA 90024

Dear Ms. Landregan:

At its meeting on March 20, 2014, the Landscape Architects Technical Committee (LATC) approved the University of California, Los Angeles (UCLA) Extension Certificate Program's request to change from a four to a three year curriculum program.

The LATC reviews and approves extension certificate programs that meet specific standards pursuant to Title 16, California Code of Regulations (CCR) section 2620.5 (Requirements for An Approved Extension Certificate Program). CCR section 2620.5(i) also mandates that the LATC approve curriculum revisions to approved programs.

In early 2013, the LATC conducted a review of the UCLA Extension Certificate Program and on May 22, 2013 approved it through December 2020.

In considering UCLA's current proposal to transition from a four to a three year program, the LATC verified that all requirements of CCR section 2620.5 are met within the new program format. Therefore, approval has been granted through December 31, 2020.

On behalf of the LATC, thank you for your continued commitment to excellence in training future landscape architects.

Sincerely,

TRISH RODRIGUEZ
Program Manager

**CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

Extension Certificate Program Review Subcommittee

Report and Recommendation

Regarding

**University of California, Los Angeles
Landscape Architecture Extension Certificate Program
Self-Evaluation Report**

Landscape Architects Technical Committee

**2420 Del Paso Road, Suite 105
Sacramento, CA 95834**

November 10, 2020

INTRODUCTION

In order for an individual to sit for examination to become licensed by the California Architects Board (Board) as a landscape architect, the individual must complete certain training and education requirements. (Bus. & Prof. Code, § 5650.) A landscape architect license candidate may fulfill a portion of the education requirement by obtaining an extension certificate in landscape architecture from a Board-approved school. (Cal. Code of Regs., tit. 16, § 2620, subs. (a)(3), (5), (6), and (8).)

To obtain Board approval, a landscape architecture extension certificate program must satisfy specified criteria. (Bus. & Prof. Code § 5650; Cal. Code of Regs., tit. 16, § 2620.5.) The Landscape Architects Technical Committee (LATC) provides a recommendation to the Board on whether the landscape architecture extension certificate program should be approved. To assess whether the landscape architecture extension certificate program meets the regulatory requirements, the program submits a self-evaluation report (SER) to the LATC for review. The LATC Extension Certificate Program Review Subcommittee (Subcommittee) first reviews the SER and submits its recommendation to the LATC for consideration.

The University of Los Angeles (UCLA), Landscape Architecture Extension Certificate Program (Program) was last reviewed by the LATC for regulatory compliance in 2013. The LATC Extension Certificate Program Task Force (Task Force) performed a site visit on April 22-24, 2013, and submitted its recommendation to the LATC. At that time, the Program was approved for a period of six years, effective January 1, 2014 through December 31, 2020.

The Program made curriculum changes in 2013, following the initial site visit and program approval. The curriculum change was discussed during the Task Force site visit in 2013, and the LATC was apprised of the pending change. The LATC verified the new program format met requirements outlined in regulation, and on March 20, 2014, approved the Program's request to change from a four-year to three-year curriculum program, through December 31, 2020.

On June 15, 2020, the Program submitted its SER to the LATC for the 2013-2020 academic years. LATC Chair, Jon S. Wreschinsky, was appointed to work with LATC staff to review the Program's SER and provide an approval recommendation to the LATC. Mr. Wreschinsky was also part of the Task Force that reviewed the Program in 2013.

Following the initial review of the SER, additional questions regarding recommendations from the 2013 site review were sent to Program Director, Stephanie Landregan. The Program submitted its responses to the Subcommittee on October 5, 2020.

The following report constitutes the findings of the Subcommittee, as determined following review of the Program's June 15, 2020 SER and October 5, 2020 responses to the Subcommittee's questions.

PROGRAM ADMINISTRATION

University of California Los Angeles Extension
Landscape Architecture and Horticulture

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name	title
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University of California Los Angeles Extension
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University of California Los Angeles
Chancellor's Office

<u>Gene Block, Ph.D.</u>	<u>Chancellor</u>
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e-mail address	phone number

Report Submitted by

<u>Stephanie Landregan</u>	<u>June 15, 2020</u>
name	date

PROGRAM REVIEW – SATISFACTION OF MINIMUM REQUIREMENTS

For Achieving and Maintaining Approved Status

California Code of Regulations Section, Title 16, Section 2620.5, Requirements for an Approved Extension Certificate Program, states the following:

An extension certificate program shall meet the following requirements:

- (a) The educational program shall be established in an educational institution which has a four-year educational curriculum, and either is approved under Section 94900 of the Education Code or is an institution of public higher education as defined by Section 66010 of the Education Code.
- (b) There shall be a written statement of the program's philosophy and objectives which serves as a basis for curriculum structure. Such statement shall take into consideration the broad perspective of values, missions and goals of the profession of landscape architecture. The program objectives shall provide for relationships and linkages with other disciplines and public and private landscape architectural practices. The program objectives shall be reinforced by course inclusion, emphasis and sequence in a manner which promotes achievement of program objectives. The program's literature shall fully and accurately describe the program's philosophy and objectives.
- (c) The program shall have a written plan for evaluation of the total program, including admission and selection procedures, attrition and retention of students, and performance of graduates in meeting community needs.
- (d) The program shall be administered as a discrete program in landscape architecture within the institution with which it is affiliated.
- (e) There shall be an organizational chart which identifies the relationships, lines of authority and channels of communication within the program and between the program and other administrative segments of the institution with which it is affiliated.
- (f) The program shall have sufficient authority and resources to achieve its educational objectives.
- (g) The program's director shall be a landscape architect.
- (h) The faculty shall have the primary responsibility for developing policies and procedures, planning, organizing, implementing and evaluating all aspects of the program. The faculty shall be adequate in type and number to develop and implement the program approved by the Board.

		Meets Regulatory Requirement	
		Yes	No
	(a)	X	
	(b)	X	
	(c)	X	
	(d)	X	
	(e)	X	
	(f)	X	
	(g)	X	
	(h)	X	

- (i) The program curriculum shall provide instruction in the following areas related to landscape architecture:
- (A) History, art and communication
 - (B) Natural, cultural, and social systems
 - (C) Design as a process in shaping the environment
 - (D) Plant material and their application
 - (E) Construction materials and techniques
 - (F) Professional practice methods
 - (G) Professional ethics and values
 - (H) Computer systems and advanced technology

The program's curriculum shall not be revised until it has been approved by the Board.

- (j) The program shall consist of at least 90 quarter units or 60 semester units.
- (k) The program shall maintain a current syllabus for each required course which includes the course objectives, content and the methods of evaluating student performance.
- (l) The curriculum shall be offered in a timeframe which reflects the proper course sequence. Students shall be required to adhere to that sequence, and courses shall be offered in a consistent and timely manner in order that students can observe these requirements.
- (m) A program shall meet the following requirements for its instructional personnel:
- (1) At least one half of the program's instructional personnel shall hold a professional degree in landscape architecture.
 - (2) At least one half of the program's instructional personnel shall be licensed by the Board as landscape architects.

Meets Regulatory Requirement	
Yes	No
X	
X	
X	
X	

PROGRAM RESPONSES TO SUBCOMMITTEE QUESTIONS

Program responses to additional questions regarding recommendations from the 2013 site review were received by the Subcommittee on October 5, 2020, and are provided below:

- 1. One of the recommendations from the 2013 Site Review was to develop a long-range written Strategic Plan and revisit the Mission statement. We were unable to locate a copy of the strategic plan. If one is available, could it be provided to us, please?**

We are including the last Strategic Plan (from 2008) and plan to review and update it with our Guidance Committee this fall and winter. Due to the constantly changing environment at UCLA Extension (we have had four deans since our last review!), efforts to develop a new long-range strategic plan have been delayed. The most significant issues now are answering the following questions: What are the processes for: identifying opportunities, developing evidence, determining goals, defining key milestones, establishing accountability, and measuring outcomes in light of the pandemic and the remote learning situation. How will we effectively engage others in these processes? Learning, planning, implementing, and reassessing permeate all levels of landscape architecture, planning and design, and online education—more so than perhaps any other area of higher education. We are working with our new administration to align our Extension Strategic Planning with our strategic program planning.

- 2. The organizational chart included in the 2020 SER does not sufficiently identify relationships as outlined in CCR 2620.5 (e), and how the horticulture program is separately administered/operated from the landscape architecture program. What is the relationship between the landscape architecture program and the horticulture program? Staff prepared an organizational chart from a top-down perspective (attached) as a possible option. The name of the primary point of contact, along with a short description of the oversight administered at each level, would be instructive. The 2013 Site Review recommendation was to separate the landscape architecture and horticulture certificate programs as two distinct programs. Please note that LATC is only enlisted to review the landscape architecture program.**

The Horticulture Program and the Landscape Architecture Program are two separate programs and are separate certificates. Because of the two programs' commonalities, a percentage of each program is approved as elective units in the sister program. The program director for the Landscape Architecture Program also serves as the program director for the Horticulture Program. Our Landscape Architecture Program embraces plant knowledge, planting design, and horticulture knowledge as essential to good landscape architecture. The Horticulture Program's primary point of contact is Melissa McDonald, the program manager for both programs. Stephanie Landregan, the program director for both programs, is the primary contact for the Landscape Architecture Program. The programs are distinctly different.

- 3. The next point of clarification is regarding the UCLA School of Urban Design & Architecture. This School appears to have a direct influence on the landscape architecture program, and possibly the curriculum. Please provide additional information to explain the relationship and why the relationship with UCLA School of Urban Design & Architecture is required.**

The UCLA Academic Senate academically approves the UCLA Extension Landscape Architecture Certificate Program. Each Extension Program is therefore represented by an Academic Senate Department from the main campus. For Landscape Architecture, that department is the UCLA School of Architecture and Urban Design. The department chair is part of the approval and review process for instructors and changes to the curriculum. Changes to the curriculum are presented to the UCLA Extension Academic Committee, and when approved or modified, sent for final approval to the program's Academic Senate representative.

- 4. In reference to the 2013 Site Review Team Recommendation 5.1 and 6.1, related to instructors, what is the process to align the faculty with the courses taught, and how are the instructors evaluated?**

The UCLA Extension Landscape Architecture Certificate Program advertises through the University and applicant stack for instructors in Landscape Architecture. The job description for courses includes adult teaching experience. A current landscape architecture license is preferred, and depending on the need, a focus on technical excellence or design excellence is expressed. Two instructors and the program director interview the applicant for the skills, knowledge, and abilities advertised. In other situations, existing instructors recommend colleagues for consideration for a specific course. In all instances, applicants must fill out the university applications. During the interview, applicants present a short lecture, provide a portfolio, and answer questions about the instruction area needed.

Instructors are evaluated through the post-class online evaluation process. Every student receives an opportunity to evaluate the instructor and the course learning objectives. The evaluations are anonymous and compiled into a score sheet sent to the department. The director reviews all evaluations. If issues are brought up (or brought up during class), the director meets with the instructor to address the problems raised.

Additionally, during every quarter, the director attends at least one meeting of every class, provides comments during the course, reviews learning objectives, and provides her email, encouraging students to share ways the program, the class, and the instructor can improve.

OBSERVATIONS

This section is intended to provide input for Program improvements and derived from observations throughout the SER.

1. The Program's Strategic Plan should be updated and closely align with the Program's goals and objectives. The Strategic Plan should be clearly supported by the necessary resources to ensure program success and flexible enough to meet changing industry trends. [Cal. Code of Regs., tit. 16, § 2620.5, subs. (b).]
2. The Program should align its goals and objectives while recognizing the professional nature of educating future practitioners. [Cal. Code of Regs., tit. 16, § 2620.5, subs. (c).]
3. Strong recognition of the unique nature of the Program in terms of professional licensure qualification should be emphasized in building and maintaining the relationships outlined in the organizational chart. [Cal. Code of Regs., tit. 16, § 2620.5, subs. (e).]
4. Under current distance learning protocols due to COVID-19, the Program should identify how self-sufficiency will be maintained for similar circumstances, in the future and any budgetary impacts within the higher education environment. [Cal. Code of Regs., tit. 16, § 2620.5, subs. (f).]
5. Since the Program is geared toward licensure for graduates, it may want to consider acceptance/recognition of equivalent professional educational opportunities (credits) outside the Program to meet graduation requirements, and by providing opportunities to avoid graduation delay due to the scheduling of course offerings. [Cal. Code of Regs., tit. 16, § 2620.5, subs. (i).]

RECOMMENDATION

Based on the Program's June 15, 2020 SER and October 5, 2020 responses to the Subcommittee's questions, the Subcommittee recommends approval of the Program for three years, through December 31, 2023.

The University of California, Los Angeles, Landscape Architecture Extension Certificate Program meets the minimum regulatory requirements for Board approval.

Jon S. Wreschinsky

Chair, Extension Certificate Program Review Subcommittee

Signature

Date

California Code of Regulations, Title 16, Division 26, Article 1

Section 2620.5. Requirements for an Approved Extension Certificate Program

An extension certificate program shall meet the following requirements:

(a) The educational program shall be established in an educational institution which has a four-year educational curriculum and either is approved under Section 94900 of the Education Code or is an institution of public higher education as defined by Section 66010 of the Education Code.

(b) There shall be a written statement of the program's philosophy and objectives which serves as a basis for curriculum structure. Such statement shall take into consideration the broad perspective of values, missions and goals of the profession of landscape architecture. The program objectives shall provide for relationships and linkages with other disciplines and public and private landscape architectural practices. The program objectives shall be reinforced by course inclusion, emphasis and sequence in a manner which promotes achievement of program objectives.

The program's literature shall fully and accurately describe the program's philosophy and objectives.

(c) The program shall have a written plan for evaluation of the total program, including admission and selection procedures, attrition and retention of students, and performance of graduates in meeting community needs.

(d) The program shall be administered as a discrete program in landscape architecture within the institution with which it is affiliated.

(e) There shall be an organizational chart which identifies the relationships, lines of authority and channels of communication within the program and between the program and other administrative segments of the institution with which it is affiliated.

(f) The program shall have sufficient authority and resources to achieve its educational objectives.

(g) The program's director shall be a landscape architect.

(h) The faculty shall have the primary responsibility for developing policies and procedures, planning, organizing, implementing and evaluating all aspects of the program. The faculty shall be adequate in type and number to develop and implement the program approved by the Board.

(i) The program curriculum shall provide instruction in the following areas related to landscape architecture:

- (A) History, art, and communication
- (B) Natural, cultural, and social systems
- (C) Design as a process in shaping the environment
- (D) Plant material and their application

- (E) Construction materials and techniques
- (F) Professional practice methods
- (G) Professional ethics and values
- (H) Computer systems and advanced technology

The program's curriculum shall not be revised until it has been approved by the Board.

- (j) The program shall consist of at least 90 quarter units or 60 semester units.
- (k) The program shall maintain a current syllabus for each required course which includes the course objectives, content and the methods of evaluating student performance.
- (l) The curriculum shall be offered in a timeframe which reflects the proper course sequence. Students shall be required to adhere to that sequence, and courses shall be offered in a consistent and timely manner in order that students can observe these requirements.
- (m) A program shall meet the following requirements for its instructional personnel:
 - (1) At least one half of the program's instructional personnel shall hold a professional degree in landscape architecture.
 - (2) At least one half of the program's instructional personnel shall be licensed by the Board as landscape architects.

Note: Authority cited: Section 5630, Business and Professions Code. Reference: Section 5650, Business and Professions Code.

AGENDA ITEM L.1: RESEARCH THE NEED FOR CONTINUING EDUCATION FOR LICENSEES THROUGH LATC, THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS (ASLA), OR ANOTHER ORGANIZATION, TO BETTER PROTECT THE HEALTH, SAFETY, AND WELFARE OF CONSUMERS

Summary

In 2008, the California Architects Board (Board) was mandated by Senate Bill (SB) 1608 (Corbett, Chapter 549, Statutes of 2008) to require architects complete five hours of continuing education (CE) on disability access requirements prior to renewal of their license. In 2010, the Board was further mandated by Assembly Bill 1746 (Emmerson, Chapter 240, Statutes of 2010) to conduct an audit of 3% of licensees to ensure the completion of the CE requirement prior to renewal. It also required the Board to establish citation and fine criteria for those licensees found, through the audit process, to have failed to complete the CE requirements. Most recently, the Board's 2019 Sunset Bill, SB 608 (Glazer, Chapter 376, Statutes of 2019), mandates the Board to promulgate regulations by January 1, 2023, that would establish qualifications for CE courses and course providers. Additionally, the American Institute of Architects (AIA) will pursue legislation in 2021 requiring architects to obtain five hours of CE in Zero Net Carbon Design and the AIA California Board of Directors strongly support this effort. A presentation by AIA California on the climate action and decarbonization CE proposal was given at both the September 18, 2020 Board meeting and the Board's October 30, 2020 Professional Qualifications Committee (PQC) meeting. Upon conclusion of the presentation, the PQC expressed support of the proposal.

Staff reviewed enforcement actions against California licensed landscape architects for Fiscal Years (FY) 15/16 through 19/20 and found that five citations were issued to licensees for violations of the contract requirement and rules of professional conduct. Additionally, staff reviewed enforcement cases against licensees for FY 15/16 through 19/20 in which 10 Letters of Advisement were issued to licensees for violations of rules of professional conduct, negligence, and contract requirements. Letters of Advisement are issued when the evidence of the violations are not substantial enough to warrant a citation. No actions were taken against a licensee, whether it be disciplinary or a Letter of Advisement, for incompetence in the practice of landscape architecture.

Recently, the American Society of Landscape Architects (ASLA), Sierra Chapter contacted LATC requesting that a discussion begin regarding requiring the addition of a CE requirement for biennial renewal to ensure licensed professionals would be current with the latest code and industry updates. LATC staff researched the CE requirements of other landscape architecture registration boards and confirmed that 38 out of 53, or 72%, of registration boards require licensees to complete CE for license renewal. The biennial renewal cycle requires between 12 to 32 hours of CE and the majority of the boards define one hour as 50 minutes of instruction.

All CE registration boards require a minimum number of hours in health, safety, and welfare of the public (hours vary by board) and the remaining required hours can be comprised of other topics related to the profession. Approximately half of the jurisdictions require courses, or course providers, be pre-approved, while other jurisdictions allow the licensee to determine the types of courses to complete to satisfy their CE requirements. To verify satisfactory completion of CE, jurisdictions either conduct an audit from a random sample of licensees to determine compliance or require licensees submit a log of their CE course completion and hours.

Examples of landscape architectural CE topics and activities provided in regulations from various jurisdictions include:

<u>TOPICS</u>	<u>ACTIVITIES</u>
<ul style="list-style-type: none">• Laws and Regulations• Building Codes• Accessibility• Professional Ethics• Construction Methods• Determination of Proper Land Uses and Land Development• Landscape Architectural Programming• Storm Water Management• Preservation• Materials and Methods• Site and Soils Analysis• Site Design• Life Safety• Playground Safety	<ul style="list-style-type: none">• Seminars• College/University Courses• Teaching/Instruction• Authoring Books/Papers• Reading Books/Papers• Rendering Services to the Profession and/or Public Through Appointment• Volunteering (in landscape architectural related activities)

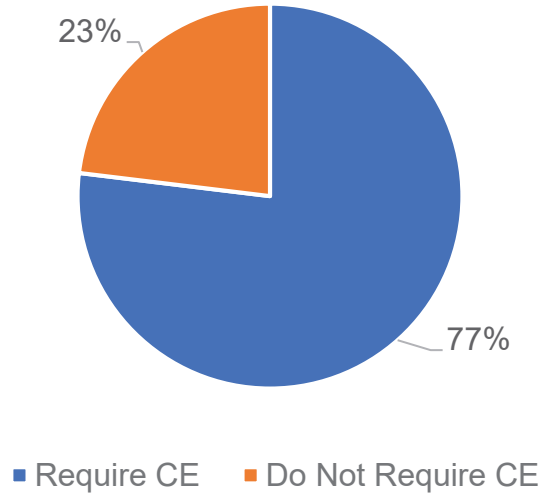
Action Requested

Review and discuss CE research and determine next steps.

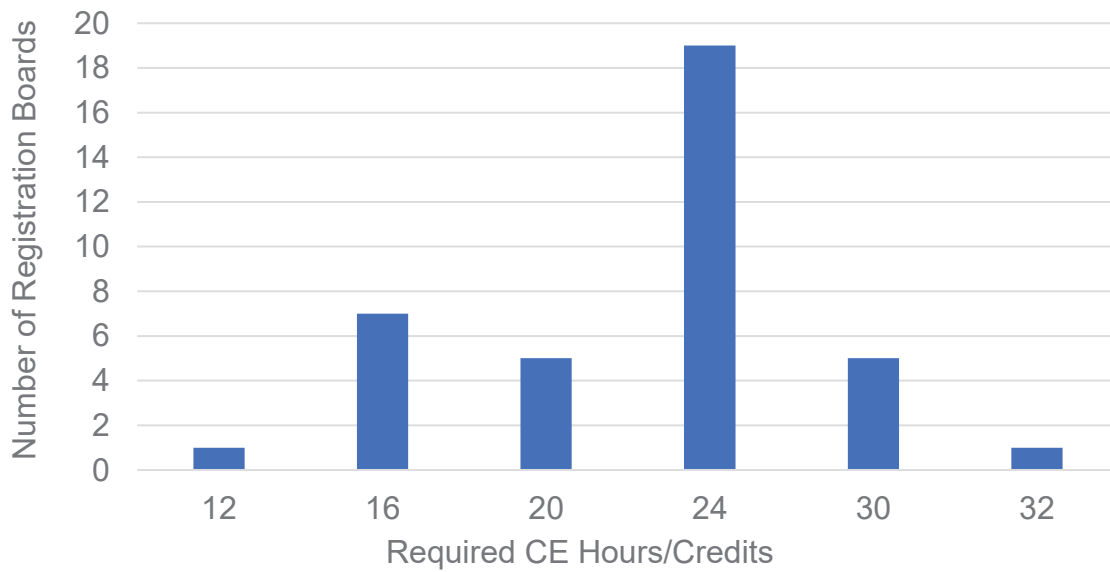
Attachments

1. Summary of Continuing Education Findings
2. Continuing Education Findings

Landscape Architecture Licensing Boards requiring Continuing Education (CE)



Number of Required CE Hours/Credits



Continuing Education Providers

- ❖ American Society of Landscape Architects
- ❖ Urban Land Institute
- ❖ American Nursery and Landscape Association
- ❖ American Planning Association
- ❖ National Recreation and Park Association
- ❖ Construction Specifications Institute
- ❖ State or Federal Training Programs

Organization Name	CE Hours Required	CE Renewal Cycle	CE Required	Notes
Alabama State Board of Examiners of Landscape Architects	16 hours; Adopted March 1993; Revised March 2009	Annual	Yes	8 hours related to maintaining or improving the health, safety, and welfare of the general public (Ex. site design, environmental or land use analysis, life safety, landscape architectural programming, site and soils analysis, accessibility, structural systems considerations, lateral forces, building codes, storm water management, playground safety, evaluation and selection of building systems, products or materials, construction methods, contract documentation, construction administration, and building design, etc.). Allows for carryover hours. CE Providers must submit syllabus for CE events held. http://www.abela.state.al.us/conted.aspx
Alaska Board of Registration for Architects, Engineers and Land Surveyors	24 hours	Biennial	Yes	competency and standards for professional landscape architects, in order to protect the public health, safety and welfare within this state. Registrants are encouraged to select meaningful CE activities which will be of benefit in the pursuit of their chosen fields. The definition of Course or Activity is: "...a unit of instruction or study with a clear purpose and objective to maintain, improve, or expand the skills and knowledge relevant to the practice of professional landscape architect.
Alberta Association of Landscape Architects	30 hours on a 3 year rolling avg		Yes	Professional development through continuing education ensures that members are well equipped to meet their professional obligations to clients, the public and the profession at large, while remaining current with contemporary technology and industry practices.
Arizona State Board of Technical Registration			No	Does not require and has no plans to implement CE requirements.

Arkansas State Board of Architects, Landscape Architects, and Interior Designers	12 hours	Annual	Yes	Structured education activities intended to increase or update the landscape architect's knowledge and competence in health, safety, and welfare subjects. All CEHs must be completed in health, safety, and welfare subjects acquired in structured educational activities. Subjects must be related to the practice of landscape architecture. Ex. of courses are legal, technical, environmental, occupant comfort, materials & methods, preservation, pre-design, design, construction documents, and construction administration.
British Columbia Society of Landscape Architects	30 hours = 10 per year	Triennial	Yes	The CE Program accommodates the profession's many skills and diverse knowledge while promoting excellence in practice, skills, and knowledge. Each Member is obligated to exercise their judgment to determine what constitutes a landscape architecture and landscape architecture-related activities.
Colorado State Board of Landscape Architects			No	The Board has not considered requiring CE for landscape architects. The Board's duties are to enforce the laws promulgated by the Colorado legislature rather than making the laws.
Connecticut Department of Consumer Protection	24 hours	Biennial	Yes	Each Member is obligated to exercise their judgment to determine what constitutes a landscape architecture and landscape architecture-related activities.
DC Board of Architecture, Interior Design and Landscape Architecture				No information available
Delaware Board of Landscape Architects	20 hours	Biennial	Yes	CE requirements are for professional development as a condition for license renewal. CE obtained by a licensee should maintain, improve or expand skills and knowledge obtained prior to initial licensure, or develop new and relevant skills and knowledge. Each course, seminar, session, program, or self-directed activity to be recommended for approval by the Board shall have a direct relationship to the practice of landscape architecture as defined in the Delaware Code and contain elements which will assist licensees to provide for the health, safety and welfare of the citizens.

				Course topics include Advance Code, Laws and Rules, or Optional. 2 hours must be regarding Florida Building Code Advanced Module. Awaiting email response with additional information. http://www.myfloridalicense.com/DBPR/landscape-architecture/#1528837104311-1bc5c864-7000
Florida Board of Landscape Architects	16 hours	Biennial	Yes	
				Courses or programs offered by institutions of higher learning, specialty societies, professional organizations and government agencies will be considered acceptable provided that they are developed and conducted by qualified persons, provide the registrant with evidence of attendance or satisfactory completion, and consist of subject matter which contributes directly to the professional competence of a registrant in the practice of landscape architecture. Rendering service to the profession and/or the public through appointment, election or volunteerism on city/county/state/national commissions or boards, professional societies, councils or committees will be considered acceptable provided the positions held and activities conducted consistently relate to issues considered relative to the practice of landscape architecture. Tasks include, but are not limited to: registration examination grading and question writing; advocacy; public awareness; policy, etc. https://sos.ga.gov/index.php/licensing/plb/29/faq
Georgia State Board of Landscape Architects	12 hours; Adopted in 1993	Biennial	Yes	
Hawaii Board of Professional Engineers, Architects, Surveyors & Landscape Architects			No	CE is not required of landscape architects and there is no discussions of such a requirement.
Idaho Board of Landscape Architects			No	No additional information available

Illinois Department of Financial & Professional Regulation	24 hours	Biennial	Yes	Please note that as of January 01, 2020, the Landscape Architect Act of 1989 has been repealed. No further action is required for those Landscape Architects that currently possess a Landscape Architect registration and these registrations can no longer be renewed. The use of the title of "registered landscape architect" and other iterations will no longer require a registration issued by the Department of Financial and Professional Regulation.
Indiana Professional Licensing Agency	24 hours	Biennial	Yes	<p>At least sixteen (16) of the required twenty-four (24) hours must pertain to technical and professional topics related to the protection of the public health, safety, and welfare. "Health, safety, and welfare" means the planning and designing of buildings and structures and the spaces within and surrounding the buildings and structures that: minimize the risk of injury to persons or property and comply with applicable building and safety codes; re durable, environmentally friendly, cost effective, and conserve resources; are aesthetically appealing; function properly in all relevant respects; and enhance the public's overall sense of well-being, harmony, and community and integrate effectively with the surrounding environment. These topics include, but are not limited to, the following: Codes, statutes, and administrative regulations governing the practice of architecture or landscape architecture; Environmental and ecological resources; Professional ethics; Indiana licensing statutes and rules; Legal aspects of contracts, documents, insurance, bonds, and project administration; Construction documents and services; Materials and methods; Mechanical, plumbing, electrical, and life safety; Structural technology; Energy efficiency; Project administration; Accessibility issues; Security and safety issues; New technical and professional skills.</p> <p>https://www.in.gov/pla/2672.htm</p>

Iowa Professional Licensing & Regulation Division	24 hours	Biennial	Yes	To maintain an active Landscape Architect license in Iowa licensees must complete 24 hours of health, safety and welfare education each biennium. They don't preapprove providers/courses. https://plb.iowa.gov/documents/larch-continuing-education-requirements
Kansas Board of Technical Professions	30 hours Amended/Effective September 1, 2015	Biennial	Yes	The purpose of the Continuing Education requirement is to reinforce the need for lifelong learning in order to stay current with changing technology, equipment, procedures, processes, tools and established standards. Qualifying activities must have a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to the practice of a technical profession and necessary to safeguard health, safety, property and welfare. There's flexibility in selecting among a broad range of subjects that are intended to strengthen or maintain competency in technical, managerial (business) or ethical fields. The Board does not preapprove courses. https://www.ksbtp.ks.gov/continuing-education/guidelines ; http://ksbtp.ks.gov
Kentucky Board of Landscape Architects	15 hours; Adopted in 1994	Annual	Yes	There is a regulation change in the works which will reduce the annual requirement from 15 to 12. The Board accepts all "HSW" (health, safety & welfare) designated courses approved by LA CES (http://laces.asla.org/). Believe the average fee is \$20 per hour for online courses https://kbbla.ky.gov/Pages/Already-Licensed.aspx
Louisiana Horticulture Commission	8 hours; Adopted 2006	Annual	Yes	There are various providers such as Garden/Trade Shows, ASLA, Red Vector, etc.
Maine State Board for Licensing Architects, Landscape Architects and Interior Designers			No	No CE requirements and not under consideration.

Maryland Department of Licensing & Regulation	24 hours; Adopted 2015	Biennial	Yes	<p>In order for an activity to be considered a qualifying activity, the activity shall meet the following criteria: Maintain and enhance professional competency of licensed landscape architects; Foster improvement, advancement, and extension of professional skills and knowledge related to the practice of landscape architecture; Offer learning experiences relevant to current landscape architectural practices as they relate to the public health, safety, and welfare; and Be presented, led or taught at a professional level by well-qualified professionals in the learning environment conducive to learning and appropriate for accomplishing learning objectives described in these regulations.</p> <p>Qualifying activities may fall into one or more of the following categories: Research, analysis, assessment, conservation, preservation, and enhancement of land use; Selection and allocation of cultural, historic, and natural resources; Laws and regulations applicable to the practice of landscape architecture in Maryland; Standards of practice or care; Professional ethics as applicable to the practice of landscape architecture; or Similar topics aimed to maintain, improve, or expand the skills and knowledge relevant to the practice of landscape architecture.</p>
Massachusetts Board of Registration of Landscape Architects			No	No additional information available
Michigan Department of Licensing & Regulatory Affairs			No	Continuing Education is not a requirement for Landscape Architects. There is not a board for this profession.

Minnesota Bd. of Arch., Eng., Land Surv., Land. Arch., Geoscience and Int. Des.	24 hours	Biennial	Yes	<p>Must report a minimum of 2 professional development hours in professional ethics. The Board does not pre-approve courses or activities so the Board office does not have a listing of continuing education opportunities. Continuing education must consist of learning experiences which enhance and expand the skills, knowledge, and abilities of practicing professionals to remain current and render competent professional services to the public. Practitioners may pursue technical, nontechnical, regulatory, ethical, and business practice needs for a well-rounded education provided the education directly benefits the health, safety, or welfare of the public.</p>
Mississippi State Board of Architecture	24 hours	Biennial	Yes	<p>All topics must be health, safety and welfare related. Mandatory continuing education program to insure that registered landscape architects remain informed of those technical and professional subjects the Committee deems appropriate to safeguard life, health, and promote the public welfare. Examples include, but are not limited to, site design, environmental or land use analysis, life safety, landscape architectural programming, site and soils analysis, accessibility, structural systems considerations, lateral forces, building codes, storm water management, playground safety, evaluation and selection of building systems, products or materials, construction methods, contract documentation, construction administration, and building design, etc.</p>

Missouri Board for Architects, Prof. Engineers, Prof. Land Surveyors & Prof. Landscape Architects	24 hours; Adopted July 30, 2008	Biennial	Yes	<p>At least sixteen (16) CEUs shall be related to health, safety, and welfare (HSW) acquired in structured educational activities. The purpose of this requirement is to reinforce the need for lifelong learning in order to stay current with changing technology, equipment, procedures, processes, tools and established standards. Qualifying activities must have a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to the practice of landscape architecture and necessary to safeguard life, health, property and promote the public welfare. The licensee is given flexibility in selecting among a broad range of subjects that are intended to strengthen or maintain competency in technical, managerial (business) or ethical fields. Licensees are encouraged to select meaningful activities which will be of benefit in the pursuit of their chosen field. Board does not preapprove course. https://pr.mo.gov/apelsla-continuing-education.asp; https://pr.mo.gov/boards/apelsla/Professional%20Landscape%20Architects%20CEU%20FACT%20SHEET.pdf; https://www.sos.mo.gov/cmsimages/adrules/csr/current/20csr/20c2030-11.pdf; https://revisor.mo.gov/main/OneSection.aspx?section=327.621&bid=17543&hl=</p>
Montana Board of Architects and Landscape Architects			No	Currently the Board of Architects and Landscape Architects do not audit the Landscape Architects for continuing education.

				<p>Through September 2021 the requirement is 15 hours per year. This will be reduced to 12 hours in 2021 to be in line with the national trend. They allow just about anything related to the profession and professional development. Nebraska does not pre-approve providers or courses.</p> <p>Only those professional development hours earned during the renewal period at collegiate level institutions, or through professional level seminars, conferences, study tours and self-paced professional development programs offered for the purpose of keeping the licensee apprised of advancements and new developments in the professional service areas, such as the following, will be acceptable: Consultations, investigation, research, planning, design, preparation of drawings, specifications, contract documents, reports, responsible construction observation or landscape management, in connection with the planning and development of land and incidental water areas where the primary purpose of the program is the preservation, conservation, enhancement or restoration of landscape systems, plant</p>
Nebraska State Board of Landscape Architects	15 hours; Effective January 1, 1986; Reducing to 12 hours in 2021	Annual	Yes	
Nevada State Board of Landscape Architecture	8 hours; Adopted April 18, 2019	Annual	Yes	A maximum of 4 hours of self-directed educational activity. The board will review, adopt and delete activities from time-to-time. http://nsbla.nv.gov/uploadedFiles/nsblanvgov/content/Board/ApprovedPolicyForCEU.pdf
New Hampshire Office of Professional Licensure & Certification	30 hours	Biennial	Yes	No additional information available
New Jersey State Board of Architects	24 hours	Biennial	Yes	<p>Suitable programs include, for example, any of the subjects tested in the Landscape Architect Registration Examination (LARE), such as professional practice, design (conceptual site design, planting design, comprehensive site design), communication or design implementation (grading construction details, layout): one hour for each hour of attendance</p> <p>https://www.njconsumeraffairs.gov/land/Pages/regulations.aspx</p>

New Mexico Board of Landscape Architects	30 hours Biennial	Annual	Yes	No additional information available
<p>A minimum of 18 of the 36 hours of continuing education must be completed in courses of learning for landscape architects. Health, Safety and Welfare Areas: code of ethics; codes, acts, laws, and regulations governing the practice of landscape architecture; construction administration, including the administration of construction contracts; construction documents; environmental process and analysis; erosion control methods, including storm water management as is incidental and necessary to the practice of landscape architecture; design of environmental systems and use of site materials and methods of site construction; grading and natural drainage; horticulture; irrigation methods; land planning and land use analysis; landscape preservation, landscape restoration and adaptive reuse; natural hazards - impact of earthquake, hurricane, or flood related to site design; New York State Building Code as it affects landscape architecture; resource conservation and management; site accessibility, including American with Disabilities Act standards for accessible site design; site and soils analysis; site design; site security and safety; specifications writing; surveying methods and techniques as they affect landscape architecture; sustainable design, including techniques related to energy efficiency; vegetative management; wetlands; zoning as it relates to the improvement and/or protection of the health, safety and welfare of the public; other matters of law and ethics which contribute to the health, safety and welfare of the public.</p>				
New York State Board for Landscape Architecture	36 hours; Adopted January 1, 2007	Triennial	Yes	http://www.op.nysed.gov/prof/larch/larchce.htm ; http://www.op.nysed.gov/prof/larch/larchce.htm#providers ; http://www.op.nysed.gov/prof/arch/article147.htm#ce ;

				Providers of CE vary. There is National ASLA and the local chapter. Many companies do on demand lunch & learns and there are many industry conferences. Either the LA or the provider may make application for continuing education. To be acceptable for credit toward this requirement, all courses, seminars, webinars, sessions, or programs shall first be submitted to the CEAC. The CEAC shall review and recommend to the Board any course, seminar, webinar, session, or program for continuing education credit to the Board that the CEAC determines meets the criteria. http://www.ncbola.org/laws.lasso?-session=LASession:KHqG2huy7aJNWAmF72MqelXnX6sD5D99AC6EE
North Carolina Board of Landscape Architects	10 hours; Adopted May 1, 1990	Annual	Yes	
North Dakota Board of Architecture				No information available
Ohio Landscape Architects Board	24 hours; Adopted 2005	Biennial	Yes	16 hours must be structured health, safety, and welfare https://arc.ohio.gov/Continuing-Education
Oklahoma Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers	24 hours (HSW only)	Biennial	Yes	No additional information available
Ontario Association of Landscape Architects			Yes	No additional information available
Oregon State Landscape Architect Board	12 hours	Annual	Yes	The Board does not pre-approve continuing education activities.

					Only courses approved by the Board will be accepted for continuing education credit. Acceptable subject matter for continuing education courses is limited to courses pertaining to the enhancement of the landscape architect's professional skills. A maximum of 1/2 of the required clock hours per biennium will be accepted in courses consisting of satellite seminars, electronic presentations and correspondence courses. https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/LandscapeArchitects/Pages/default.aspx ; www.dos.pa.gov/land
Pennsylvania State Board of Landscape Architects	24 hours	Adopted August 25, 2000	Biennial	Yes	
Puerto Rico Board of Examiners of Architects & Landscape Architects	12 hours			Yes	No additional information available
Rhode Island Board of Examiners of Landscape Architects				No	Does not require CE and there has been no consideration of such a requirement.

					15 of these hours must be in health/safety/welfare topics, and 12 hours must be in structured education settings. A maximum of 8 hours is allowed for self-directed study which includes volunteer activities, serving on public committees, authoring papers or books, business related courses (most of our licensees are sole-practitioners), reading books or papers, or non-interactive webinars or seminars. . The Board does not pre-approve courses. It is the responsibility of the licensee to take courses that assist them in their practice, and to obtain documentation of the course that includes the course name, date, description, location, instructor name, and number of hours offered for the course. Regulatory authority under Section 40-28-60(A). There were no Board discussions. The continuing education requirement was added to the law when they were making an update to move the Board from the Department of Natural Resources to the Department of Labor, Licensing and Regulation. Their State Chapter ASLA wanted to add continuing education to the bill, and petitioned the legislature to add it to the bill. https://lir.sc.gov/land/ce.aspx
South Carolina Department of Labor, Licensing and Regulation	20 hours; Adopted February 24, 2012	Biennial	Yes		
South Dakota Board of Technical Professions	30 hours; Adopted in 1999	Biennial	Yes		South Dakota Board may not pre-approve courses or providers of continuing education per Administrative Rules.
Texas Board of Architectural Examiners	12 hours	Annual	Yes		All 12 CEPH must include the study of subjects related to your profession and be pertinent to the health, safety, and welfare of the public.
Utah Division of Occupational and Professional Licensing	16 hours; Began June 1, 2012	Biennial	Yes		practice of landscape architecture and directly related to topics involving the public health, safety, and welfare of landscape architecture practice and the ethical standards of landscape architectural practice. https://rules.utah.gov/publicat/code/r156/r156-53.htm#T8
Vermont Landscape Architect Advisory Group					No information available

Virginia Board for Arch., Prof. Eng., Land Surveyors, Cert. Int. Designers and Landscape Architects	16 hours beginning July 1, 2010	Biennial	Yes	No additional information available
Washington Board of Licensure for Landscape Architects	24 hours	Biennial	Yes	At least 18 PDH must address public health, safety & welfare. https://www.dol.wa.gov/business/landscapearchitects/continuingEducation.html
West Virginia Board of Landscape Architects	8 hours	Annual	Yes	A minimum of 6 PDH units obtained must be in structured education activities which directly address public health, safety, interest and welfare issues related to the practice of landscape architecture. https://www.wvlaboard.org/Continuing-Education
				Continuing education shall be in the topics or subject areas of landscape architecture, building design, landscape design, environmental or land use analysis, life safety, landscape architectural programming, site planning, site and soils analyses, plant material, accessibility, lateral forces, selection of building systems and structural systems, construction methods, contract documentation and construction administration, or the Wisconsin statutes and rules regulating landscape architects. No less than 16 hours shall be in HSW topics. No less than 2 hours shall be in professional conduct and ethics. Approved providers of continuing education programs may include the following: American Society of Landscape Architects, Council of Landscape Architectural Registration Boards, Urban Land Institute, American Nursery and Landscape Association, American Planning Association, National Society of Professional Engineers, National Recreation and Park Association, American Institute of Architects, Construction Specifications Institute, State or federal training programs.
Wisconsin Department of Safety and Professional Services	24 hours; Effective July 1, 2010	Biennial	Yes	
Wyoming State Board of Architects and Landscape Architects	16 hours	Biennial	Yes	No additional information available

AGENDA ITEM L.2: DEVELOP AN ONLINE TUTORIAL TO CLARIFY THE LICENSURE PROCESS FOR CANDIDATES

Summary

The Landscape Architects Technical Committee's (LATC) 2019-2021 Strategic Plan contains an objective to develop an online tutorial to clarify the licensure process for candidates. To fulfill this objective, staff worked with the Department of Consumer Affairs' Office of Public Affairs (OPA) to develop a set of video tutorials covering:

- candidate application for the licensure examinations;
- required education and training experience; and
- the initial licensure process.

The LATC was presented with an initial set of three video tutorials at its February 5, 2020 meeting. During the meeting, the Committee reviewed each video and directed staff to make minor changes to: 1) further clarify the process candidates must follow to apply for exam approval through LATC; 2) remove a scene that could be misconstrued with landscape contracting; 3) include actors that better represent the current diversity of landscape architecture applicants; and, 4) incorporate additional office and studio imagery.

Following the meeting, staff worked with Cheri Gyuro, Public Information Officer with the OPA, to update the video tutorials in accordance with the LATC directives.

Action Requested

At today's meeting, the LATC is asked to review and approve the updated video tutorials to meet the Strategic Plan objective.

AGENDA ITEM M: DISCUSS AND POSSIBLE ACTION ON CALIFORNIA ARCHITECTS NEWSLETTER

Summary

At the September 4, 2020 LATC meeting, the Committee inquired about the Board's newsletters and the possibility of including LATC articles. The Board's newsletter is distributed to architect licensees, candidates, and interested parties via email subscribers. Articles included in the newsletters are determined by staff and the Board's Communications Committee members, and the content focuses on information for licensees and candidates. Common subjects include:

1. Messages from President
2. Appointment of New Board Members
3. License Renewal Reminders
4. Enforcement Actions
5. Examination Results/Statistics
6. Legislation/Regulations

The LATC includes similar information in the quarterly Program Manager's Report, email announcements to the interested parties list including licensees and candidates, the LATC website latc.ca.gov, and on its Twitter page.

In 2018, the *California Architects* newsletter included an article titled "Landscape Architecture Scope of Practice" (Attachment 1). This article expanded on the practice of landscape architecture in California, as defined in the Landscape Architects Practice Act, and included provisions for exceptions and exemptions. Attached are recent issues from 2020 (Attachment 2).

Action Requested

At today's meeting, the LATC is asked to discuss and provide direction and content ideas it would like to be included in future *California Architects* newsletters regarding landscape architects and the LATC.

Attachments

1. *California Architects* Newsletter, 2018 Edition, Issue 3
2. *California Architects* Newsletter, 2020 Edition, Issues 1 & 2

2018 EDITION, ISSUE 3

President's Message

Diversity Strengthens Our Profession and Benefits Consumers

I endorse a commitment to improving diversity in our profession.

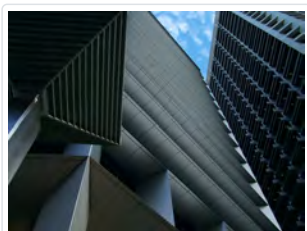
In June, the National Council of Architectural Registration Boards (NCARB) released data from its 2018 edition of [NCARB by the Numbers](#), an annual report that explores architectural education, the path to licensure, and diversity in the profession.

According to the 2018 report, there was a three percent increase (to 45 percent) of new non-white Architectural Experience Program participants from last year—an important early-career milestone on the path to licensure. The report also showed slight improvement in the representation of women in the profession, with a one percent increase (to 20 percent) of women holding an NCARB certificate. Women represent 43 percent of new NCARB record holders, which remains the same as last year.



Sylvia Kwan

"There is more to be done," writes [NCARB President David L. Hoffman and Chief Executive Officer Michael J. Armstrong](#). "NCARB is justifiably proud of being the first U.S. professional architectural organization to elect a woman, and the first to elect an African American, as its presidents."



Architectural Exterior

We know that diversity at NCARB is heavily dependent on states' gubernatorial appointments. When governors appoint a collection of diverse individuals to their architect boards, that collection of diverse individuals becomes the source of NCARB's talent pool. When there is lack of diversity on state boards, that

contributes to the lack of diversity at NCARB.

Of course, there is much more to achieving professional diversity than to simply attract different ethnic groups or genders. Other factors of diversity include age, cultural background, talents and experiences, etc. "Our culture is ready to embrace and encourage a refreshed pool of talent for its next century, from all places and perspectives," writes Hoffman and Armstrong.

Why is diversity so vital? Diversity affects not only the people in our professional operations, but also our consumers and other external stakeholders. For instance, firms that fail to see the importance of diversity and inclusion might find their architects unable to attract and retain the kinds of customers and business partners in an increasingly globalized world.

Some key points to bear in mind as we consider how diversity strengthens our profession and benefits consumers include:

1. **Organizations in our profession must try to make diversity a strength.** Companies must recognize the specific benefits of diversity to their success. It does not mean that people of one culture, gender, age, etc., only work with those respective clients. It means that, in the grand scheme, the organization is better able to relate to different clients and serve them.
2. **Businesses need to adapt to our changing nation to be competitive in the economic market.** Census data tell us that by 2050 there will be no racial or ethnic majority in the United States. Our economy will grow and benefit from these changing demographics if businesses commit to meeting the needs of diverse communities as employees and consumers.
3. **Diversity fosters a more creative and innovative workforce.** Bringing together employees with different qualifications, backgrounds, and experiences foster effective problem-solving in the workplace. This creates better working relationships and helps avoid miscommunication based on cultural differences and ignorance about other groups.
4. **The lack of diverse candidates contributes to the lack of diversity at NCARB.** Licensing board service is a prerequisite for election to NCARB leadership. Therefore, the path to diverse NCARB leadership begins with diverse appointments to serve on a jurisdictional licensing board.

Embracing a diverse pool of talent in our profession is crucial to the future of architectural organizations in California and beyond. The Board looks forward to supporting efforts to make the profession more inclusive.

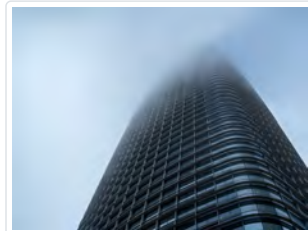
California Architects Board

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REAL ID Act

Beginning October 1, 2020, the Federal government will require all driver licenses and identification (ID) cards to be REAL ID compliant if used as identification to board an airplane, enter military bases, or at other federal facilities. In response to the terrorist attacks of September 11, 2001, the US Department of Homeland Security (DHS) announced a plan for ensuring the safety of all Americans. The Federal REAL ID Act of 2005 passed by Congress created this requirement to implement the Act. On December 20, 2013, the DHS announced an enforcement plan that would phase in the Act. Information on the REAL ID Act can be found by visiting the [US Department of Homeland Security website](#).

The REAL ID Act establishes minimum security standards for state-issued driver's licenses and prohibits federal agencies from accepting for official purposes driver's licenses and identification cards from states not meeting the minimum standards. The purposes covered by the REAL ID are: accessing federal facilities; entering nuclear power plants; boarding federally regulated commercial aircraft or domestic flights; and entering military bases and most federal facilities. If you have a valid US passport, passport card, military ID, or [another form of Transportation Safety Administration \(TSA\) approved identification](#), these documents will still be accepted to board a domestic flight.



Architectural Exterior

California Compliance with Federal REAL ID Act Requirements

The California Department of Motor Vehicles (DMV) began offering a federally compliant REAL ID driver's license or ID card as an option to the public on January 22, 2018, to meet requirements set by the DHS. Under the REAL ID Act, the DMV must meet requirements set by the DHS for its driver licenses and identification cards to be accepted for federal purposes.

How to Prepare for Obtaining a REAL ID

- Make an appointment to visit a DMV field office (recommended);
- Provide proof of identity (examples: US birth certificate, US passport, employment authorization document, permanent resident card or foreign passport with an approved form I-94);
- Proof of Social Security Number (examples: SSN card, W-2 paystub with full SSN);
- California residency document (examples: utility bill, rental agreement, mortgage bill, medical document); and
- A name change document, such as a marriage certificate, may be required.

More information on obtaining a REAL ID is available on the [DMV Real ID Act webpage](#).

California Architects Board

2420 Del Paso Road, Suite 105
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2018 EDITION, ISSUE 3

Common Violations of the Practice Act

As a consumer protection entity, the Board has an active Enforcement Program designed to ensure the laws and regulations governing the practice of architecture in California are enforced in a fair and judicious manner. The Enforcement Program is charged with investigating all complaints received by the Board and taking action against licensees and unlicensed individuals, including candidates, who have violated the provisions of the *Architects Practice Act (Act)*.

The majority of the complaints received are filed by consumers for allegations such as unlicensed practice, professional misconduct, negligence, and contract violations, or initiated by the Board upon the failure of a continuing education coursework audit. The table below depicts the number of complaints received by the Board and dispositions during fiscal year 2017/18.

The Board strongly urges licensees and candidates to become familiar with the *Act* and avoid the potential of a complaint being filed. The following are some common violations of the *Act* (with links to further information) that often result in the issuance of a citation with an administrative fine or disciplinary action by the Board:

- [Misrepresentation and Unlicensed Practice](#)
- [Negligence and Willful Misconduct](#)
- [Coursework Regarding Disability Access Requirements](#)
- [Written Contract Requirements](#)
- [Business Entity Reporting Requirement](#)
- [Failure to Respond to a Board Investigation](#)

FY 2017/18 Complaints/Dispositions

Complaints Received	380
Complaints Closed	337
Letters of Advisement Issued	157
Citations Issued	54
Fines Assessed	\$36,000
Disciplinary Cases Initiated	4
Referrals for Criminal Action	1

Misrepresentation and Unlicensed Practice

The term "architect" is a protected title in California. [Business and Professions Code \(BPC\) section 5536\(a\)](#) prohibits an unlicensed individual from: 1) practicing architecture in this state; 2) using any term confusingly similar to the word architect; 3) using the stamp of a licensed architect, as provided in [BPC section 5536.1](#); or 4) advertising or putting out any sign, card, or other device that might indicate to the public that he or she is an architect, that he or she is qualified to engage in the practice of architecture, or that he or she is an architectural designer.

Candidates are cautioned that offering or providing architectural services or using any term confusingly similar to the word architect (including "architectural," "architecture," or any abbreviations or variations) in their titles or to describe their services, prior to obtaining a California architect license, may result in the denial of their license. Employers at architectural firms should also be careful when selecting job titles for their unlicensed employees. The use of any term confusingly similar to the word architect in an unlicensed employee's job title or description is prohibited; e.g., architectural designer or project architect.

Negligence and Willful Misconduct

Licensees are required to perform within established rules of professional conduct. Negligence and willful misconduct in the practice of architecture are grounds for disciplinary action, as stated in [BPC section 5584](#). Negligence arises when an architect fails to meet the standard of professional care by, for instance, designing a project in violation of the applicable laws, codes, or regulations.

Willful misconduct is a more serious violation of the *Act* because the architect is knowingly violating the law. Examples of willful misconduct include: 1) signing and stamping knowingly deficient design plans; 2) accepting payment for services that are not rendered; or 3) abandoning a project after receiving payment.

Therefore, licensees may wish to consult with necessary experts who are qualified by education, training, and experience in specific technical areas if they are unsure of the legal requirements and the intent or meaning of a law, or lack the technical knowledge required for a design project.

Additionally, licensees should make every effort to renew their licenses timely. The failure to renew an architect license places a licensee in a delinquent or expired status meaning he or she is "unlicensed" and cannot use the title "architect" or offer or provide any architectural services. The 30-day grace period after a license expires applies **only** to the delinquency fee and **does not permit** the holder of an expired license to continue practicing architecture after the expiration date has passed.

Coursework Regarding Disability Access Requirements

Licensees are required to complete five hours of continuing education coursework on disability access requirements within the previous two years and certify to the Board, as part of the license renewal process, that they have completed the required coursework, as outlined in [BPC section 5600.05](#). The coursework regarding disability access requirements must include information and practical guidance concerning requirements imposed by the Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws. Additionally, the coursework must be presented by trainers or educators with knowledge and expertise in disability access requirements.

Licensees are also required to retain records of completion of the required coursework for two years from the date of license renewal and to make those records available to the Board for auditing upon request. The records should include information such as the course title, subjects covered, name of the provider and trainer or educator, date of completion, number of hours completed, and a statement about the trainer's or educator's knowledge or expertise in disability access requirements.

In many instances, licensees have certified false or misleading information regarding their compliance with this requirement when filing their license renewal applications with the Board. Specifically, the Board's ongoing audit has revealed instances where licensees have: 1) completed the required coursework after submitting their license renewal applications to the Board and being notified of a Board audit; 2) completed the required coursework more than two years prior to license renewal; 3) completed coursework that was not regarding disability access requirements; 4) failed to maintain records of completion of the required coursework for two years from the date of license renewal; or 5) failed to provide the Board with records of completion of the required coursework upon request.

Business Entity Reporting Requirement

Many licensees have not filed the proper and current name and address of each business entity through which they provide architectural services with the Board, as required by [BPC section 5558](#). Additionally, licensees often fail to immediately notify the Board of *any changes* to the name or address of the business entity through which they provide architectural services.

Licensees should comply with this requirement by completing a [Business Entity Report Form](#) and mailing, faxing, or emailing it to the Board. Additionally, the Board must be immediately notified of any changes to the name or address of the business entity, giving both the old and new business names or addresses. This



Architectural Exterior

Written Contract Requirements

The Board's investigations often find that licensees fail to obtain an executed written contract prior to commencing work on a project, or that one or more of the required contract elements are missing. [BPC section 5536.22\(a\)](#) requires an architect to use a written contract when providing professional services to a client, and that contract must be executed by all parties involved prior to commencing any work, unless the client knowingly states in writing that work may commence before the final contract is executed. An architect's written contract must contain the following required elements:

1. A description of the services to be provided by the architect to the client;
2. A description of any basis of compensation applicable to the contract and method of payment agreed upon by both parties;
3. The name, address, and **license number** (often omitted) of the architect and the name and address of the client;
4. A description of the procedure that the architect and the client will use to accommodate additional services; and
5. A description of the procedure to be used by either party to terminate the contract.

A contract that contains the elements listed above will comply with BPC 5536.22. However, good business practices may warrant additional terms and conditions be included, especially on more complex design projects.

Exceptions to the written contract requirement may apply when: 1) pro bono professional services are rendered by an architect; 2) the architect has provided services to the client previously that are the same general kind of services and compensation; 3) the client knowingly states in writing, after full disclosure of BPC 5536.22, that a contract is not required; or 4) professional services are rendered to a registered engineer or licensed land surveyor.

Failure to Respond to a Board Investigation

The Enforcement Program seeks to thoroughly investigate each complaint received by the Board in an expeditious manner. However, the investigation process is often delayed when subjects do not promptly provide the Board with requested information or evidence or fail to respond to the Board's written requests.

Whenever the Board is conducting an investigation, licensees and candidates are required to respond to the Board's requests for information and/or evidence within 30 days, as stated in [California Code of Regulations, title 16 section 160\(b\)\(2\)](#).

reporting requirement provides the Board and the public with a means to determine if a business offering or providing architectural services does in fact have an architect in responsible control of those services.

The full text of the [Act](#) is available on the Board's website under "Publications".

California Architects Board

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Landscape Architecture Scope of Practice

Landscape Architects are licensed by the California Landscape Architects Technical Committee (LATC), which operates under the purview of the California Architects Board. [Business and Professions Code \(BPC\) section 5615](#), within the [Landscape Architects Practice Act \(Act\)](#), defines the practice of landscape architecture as a professional service of landscape preservation, development, and enhancement inclusive of consultation, investigation, reconnaissance, research, planning, design, preparation of drawings, construction documents and specifications, and responsible construction observation. Only persons licensed as a landscape architect may use the title "landscape architect" or advertise themselves to provide landscape architectural services in California.

Landscape architects offer an essential array of talent and expertise to develop and implement solutions for the built and natural environment. Based on environmental, physical, social, and economic considerations, landscape architects produce overall guidelines, reports, master plans, conceptual plans, construction contract documents, and construction oversight for landscape projects that create a balance between the needs and wants of people and the limitations of the environment. The decisions and performance of landscape architects affect the health, safety, and welfare of the client, as well as the public and environment.

It is noteworthy that the Act does provide exceptions and exemptions to the scope of practice of a landscape architect. For example, [BPC section 5641.3](#) grants exemptions to licensed architects, professional engineers, and land surveyors with regard to scope of practice. However, these exceptions and exemptions do not permit anyone but a licensed landscape architect to use the professional title, "landscape architect".

For more information about a landscape architect's scope of practice, you may refer to the [Act](#). If you have any questions about the scope of practice of a landscape architect, please visit the [LATC's website](#) or contact the LATC at 916-575-7230 or [email](#).

For additional information about exemptions or the practice of professions related to landscape design services, you can refer to the LATC's "[Permitted Practices in California](#)" document.



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California Architects Board

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Enforcement Actions

The California Architects Board (Board) is responsible for receiving and investigating complaints against licensees and unlicensed persons. The Board also retains the authority to make final decisions on all enforcement actions taken against its licensees.

Included below are links to recent enforcement actions taken by the Board against individuals who were found to be in violation of the Architects Practice Act (Act).

Every effort is made to ensure the following information is correct. Before making any decision based upon this information, you should contact the Board. Further information on specific violations may also be obtained by contacting the Board's Enforcement Unit at (916) 574-7220.

Citations:

[Scott J. Glass](#)—Brooklyn, New York

[Ronald A. Jones](#)—San Francisco

[Elaine Louise Nesbit](#)—Los Angeles

[Fabio N. Rigo de Righi](#)—Los Angeles

[James Morrison Robertson](#)—Daly City

[Timothy Major Sweeney](#)—Reno, Nevada

[Laurence Tighe](#)—Los Angeles

[Jonathan Tsao](#)—San Francisco

[Kirk Edward Van Cleave](#)—Rancho Mission Viejo

[Daniel Arthur Westphal](#)—Santa Rosa



California Architects Board

2420 Del Paso Road, Suite 105
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2020 EDITION, ISSUE 1

President's Message – Fingerprinting Requirements

As of January 1, 2021, Senate Bill 608 (Glazer, Chapter 376, Statutes of 2019) will require the California Architects Board (Board) to obtain fingerprints from license applicants for purposes of conducting criminal history record checks. (See Bus. & Prof. Code §§ 144, 5552.1.)

If the Board receives information from the Department of Justice disclosing a criminal history for an applicant, the Board will make a determination whether to issue the license or deny the application based on the crime. Denial of a professional or vocational license is permitted if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made. (Bus. & Prof. Code § 480.) To make its determination on license issuance or denial, the Board applies its substantial relationship criteria to determine whether the crime is substantially related to the qualifications, functions, or duties of an architect. (16 CCR § 110.) The Board also evaluates the applicant's rehabilitation since criminal conviction. (16 CCR § 110.1.)

The Board will publicize additional information on its website about this new requirement before the implementation date.



Tian Feng

California Architects Board

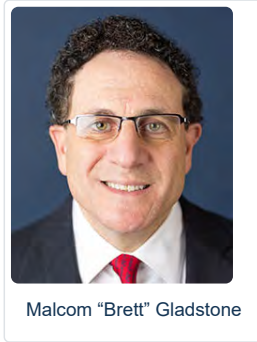
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2020 EDITION, ISSUE 1

New Board Members

In December 2019, the California Architects Board (Board) swore in two new Governor-appointed members.

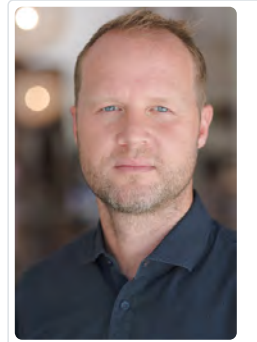
Malcom “Brett” Gladstone is the Board’s new public member. Brett is Of Counsel with Goldstein, Gellman, Melbostad, Harris & McSparran LLP in San Francisco. He focuses his practice on land use law and real estate transactions. Brett represents investors, developers, and government entities in land-use proceedings and CEQA compliance with respect to residential and mixed use development throughout the Bay Area. He makes regular appearances before Bay Area Planning Commissions, City Councils, Boards of Supervisors, and landmark preservation boards. Brett lectures on a variety of topics, including development entitlements, condominium law, and planned developments.



Malcom “Brett” Gladstone

Brett also serves on the Board’s Professional Qualifications Committee. Brett was appointed to fulfill the remaining public member term, which expires on June 30, 2020.

Charles “Sonny” Ward, III is an architect member of the Board. Sonny is a Principal of June Street Architect, Inc., in West Hollywood. He holds a Bachelor of Architecture from Woodbury University and a Master of Architecture from University of California, Los Angeles. He currently serves on the National Center on Adoption and Permanency Board of Advisors, Woodbury University School of Architecture Board of Advisors, Woodbury University Architecture of Civic Engagement Advisory Board, and the Emeritus Board for the Family Equality Council.



Charles “Sonny” Ward, III

Sonny also serves on the Board’s Professional Qualifications Committee. His term expires on June 30, 2022.

California Architects Board

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Octavius Morgan Distinguished Service Award

Named after the first president of the California Architects Board (Board), the Octavius Morgan Distinguished Service Award recognizes individuals who have over the years significantly contributed to the Board's mission through their volunteerism. The Board annually bestows the award on a recipient. Nominations are accepted from Board members, staff, and others.

The Board relies on volunteers, such as subject matter experts, committee and task force members, and others to assist in the fulfillment of its mandate to protect the public health, safety, and welfare.

The 2019 honoree is:

L. Kirk Miller

San Francisco / Oakland

In 1997, then Governor Pete Wilson appointed Miller to what was known as the California Board of Architectural Examiners (now the California Architects Board). He was reappointed by Governor Gray Davis in 2002. On the Board until late 2006, he served as Secretary in 2000 and 2006, Vice President in 2001, and President in 2002. While a member of the Board, Miller served on several committees including the Executive Committee, the Professional Qualifications Committee, of which he is still a member, and the Supplemental Examination Committee. He also served as Chair for the Postlicensure Competency Task Force, which examined the necessity for mandatory continuing education for architects – something Miller believes is essential to professional development.

Miller has volunteered hundreds of hours in service to the Board's mission in the various capacities in which he has served. He sees his volunteerism as a matter of duty to the greater good and societal well-being, and something he is very proud to have been able to do for more than 20 years.

A native of Alberta, Canada who holds dual citizenship with the United States, Miller started his more than 40-year career as a California-licensed architect by designing, developing, and managing luxury housing in San Francisco with his then partner Bobbie Sue Hood. Miller has managed all aspects of real estate development from land acquisition to governmental approvals, financing, construction and marketing, and has worked on numerous multimillion-dollar projects in San Francisco. Yet, he is a strong proponent for affordable housing and high-density low-rise construction. Miller is also a committed believer in the philosophy that form should follow function.

Prior to starting his own practice, Miller was a partner at Hood Miller Associates. His portfolio also includes numerous commercial, retail, and public projects.

Miller attended the University of California, Berkeley, (UC Berkeley) where he earned his Master of Architecture degree with an emphasis on project management and design. While at UC Berkeley, he had the opportunity to study under the widely influential British-American architect and design theorist, Christopher Alexander, father of the Pattern Language movement. A self-described disciple of Alexander, Miller incorporates many of the fundamental principles of Pattern Language into his approach to architectural design.

Miller believes that during the design process an architect should utilize contemporary technological innovations while blending them with the existing architectural style of the local area to develop a harmonious aesthetic meant to improve societal well-being. He also believes this design approach can be applied at any scale. Miller hopes architectural schools will adopt and embrace this approach in the education of the next generation of architects.

Active in the American Institute of Architects (AIA) since his years at UC Berkeley, Miller has held many positions within the organization. Most notable is that he was one of three leaders who prompted what is now AIA California to move its headquarters from San Francisco to Sacramento, where the organizational leadership would be closer to the political decision-making process at the State Capitol. Also notable was his work on the AIA Ethics Task Force, which resulted in the reimplementing of mandatory ethical standards for AIA membership.



Board President Tian Feng and L. Kirk Miller

Civic-minded, Miller founded and served as President of the Russian Hill Neighbors, which became one of the most effective neighborhood organizations in San Francisco. Miller was appointed by then-Mayor Diane Feinstein to serve as a Commissioner for the San Francisco Housing Authority. Later, he served as the Vice President of the San Francisco Planning and Urban Research Association, a then nearly 2,000-member citizen think-tank and government watchdog organization.

California Architects Board

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2020 EDITION, ISSUE 1

Exam Statistics

Performance statistics of the California candidates for the Architect Registration Examination (ARE 5.0) for 2019 are in the below table.

Architect Registration Examination (ARE) 5.0

Performance Statistics for Divisions Taken by California Candidates in 2019.

Division	Divisions Administered	Total Passed		Total Failed	
		Divisions	Passed	Divisions	Failed
	785	488	62%	297	
Practice Management	1679	740	44%	939	56%
Programming & Analysis	1271	552	43%	719	57%
Project Development & Documentation	1358	592	44%	766	56%
Project Management	1164	652	56%	512	44%
Project Planning & Design	1697	577	34%	1120	66%
Total Divisions Administered	7954	3601	45%	4353	55%

The pass rate for California Supplemental Exam (CSE) administrations in 2019 is displayed in the following table:

California Supplemental Examination (CSE)

Performance Statistics for Administrations Taken by California Candidates in 2019.

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
Instate First-time	419	72%	167	28%	586
Instate Repeat	233	59%	161	41%	394
Reciprocity First-time	128	54%	107	46%	235
Reciprocity Repeat	52	61%	33	39%	85
Relicensure First-time	4	50%	4	50%	8
Relicensure Repeat	0	0%	3	100%	3
TOTAL	836	64%	475	36%	1311

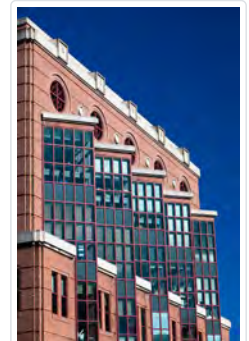
2020 EDITION, ISSUE 1

Restrictions for Business Entities Providing Architectural Services

Article 7 of the Architects Practice Act (Bus. & Prof. Code §§ 5610-5610.7) regulates business entities that provide architectural services through a professional corporation. A professional architecture corporation is authorized to render professional services so long as it and its shareholders, officers, directors, and employees rendering professional services who are licensed architects, are in compliance with the Moscone-Knox Professional Corporation Act (Corporations Code § 13400 et seq.).

Under Business and Professions Code, section 5610.3, the name of a professional architectural corporation and any name or names under which it may be rendering professional services shall contain and be restricted to the name or the last name of one or more of the present, prospective, or former shareholders, or of persons who were associated with a predecessor person, partnership, or other organization and whose name or names appeared in the name of the predecessor organization, and shall include either (1) the words "architectural corporation" or (2) the word "architect" or "architects" and wording or abbreviations denoting corporate existence.

The California Secretary of State has recently advised the Board that applications for other types of business entities that will provide architectural services will be rejected if the proposed business name is misleadingly similar to that of a professional corporation. For example, a general stock corporation or partnership may not be named "Smith Architects, Inc."



Architectural Exterior

California Architects Board

2420 Del Paso Road, Suite 105
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2020 EDITION, ISSUE 1

New Written Contract Requirements for Architectural Services

Pursuant to Business and Professions Code (BPC) section 5536.22, subdivision (a), all architects must use a written contract when contracting to provide professional services to a client. That written contract must be executed by both the architect and the client, or the client's representative, prior to the architect commencing work.

Beginning on January 1, 2020, the written contract must include all of the following items (**new requirements in bold**):

A description of the project for which the client is seeking services.

A description of the services to be provided by the architect to the client.

A description of any basis of compensation applicable to the contract and the method of payment agreed upon by both parties.

The name, address, and license number of the architect, the name and address of the client, and **the project address.**

A description of the procedure that the architect and the client will use to accommodate additional services **and contract changes, including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and method of payment.**

A description of the procedure to be used by either party to terminate the contract.

A statement identifying the ownership and use of instruments of service prepared by the architect.

A statement in at least 12-point type that reads: "Architects are licensed and regulated by the California Architects Board located at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834."

As outlined in BPC section 5536.22, subdivision (b), the written contract requirement does not apply to any of the following:

Professional services rendered by an architect for which the client will not pay compensation.

An arrangement as to the basis for compensation and manner of providing professional services implied by the fact that the architect's services are of the same general kind which the architect has previously rendered to and received payment from the same client.

If the client knowingly states in writing after full disclosure of this section that a writing which complies with the requirements of this section is not required.

Professional services rendered by an architect to a professional engineer registered to practice engineering under Chapter 7 (commencing with [BPC] Section 6700), or to a land surveyor licensed under Chapter 15 (commencing with [BPC] Section 8700).

Professional services rendered by an architect to a public agency when using that public agency's written contract.

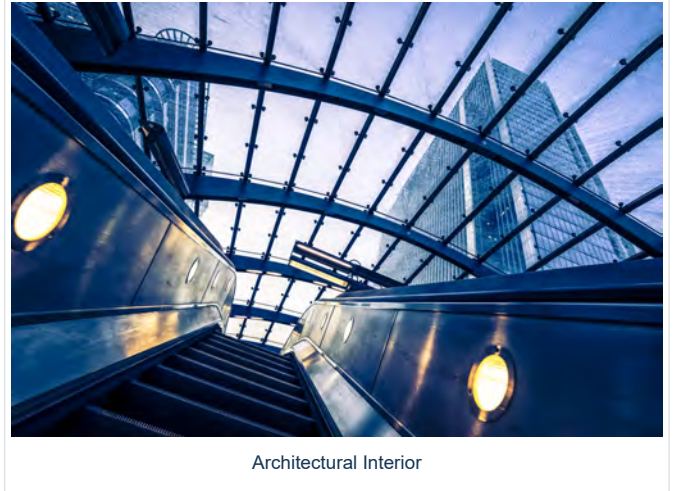
California Architects Board

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2020 EDITION, ISSUE 1

Retired License Fee

At its December 11, 2019 meeting, the Board voted to set the retired license fee at \$40 and proceed with the process to adopt regulations to establish that fee. Once those regulations are adopted and effective, the Board will resume issuing retired licenses. At this time, the Board is not issuing any retired licenses; retired licenses issued on or before January 3, 2020 are not affected by this change.



Architectural Interior

California Architects Board

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2020 EDITION, ISSUE 1

Enforcement Actions

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Included below are links to recent enforcement actions taken by the Board against individuals who were found to be in violation of the Architects Practice Act (Act).

Every effort is made to ensure the following information is correct. Before making any decision based upon this information, you should contact the Board. Further information on specific violations may also be obtained by contacting the Board's Enforcement Unit at (916) 574-7220.



Enforcement Actions

Administrative Action:

[Christine J. Bodouva—Sands Point, NY](#)

Citations:

[Douglas Duane Andresen—Fontana](#)
[Glush Dada—Cupertino](#)
[Eliad Dorfman—Los Angeles](#)
[Patricia N. Esposito—Loomis](#)
[Robert Trent Fechtmeister—Gretna, NE](#)
[Lynn L. Fisher—Palo Alto](#)
[Ralph Harmer Goodell, III—Cathedral City](#)
[John P. Grounds—Washington, DC](#)
[Mojtaba Janatpour—Walnut Creek](#)
[John P. Jensen—Solana Beach](#)

[Steven M. Lawler—Walnut Creek](#)
[David H. Lyon—Carlsbad](#)
[Siddhartha Majumdar—Los Angeles](#)
[Francis Ong—Irvine](#)
[Narendra C. Patel—Rancho Mirage](#)
[Luis Antonio Robles—Pacifica](#)
[Randall W. Russom—Arroyo Grande](#)
[Jeffrey Lee Sobin—Los Angeles](#)
[Kurt Von Puttkammer—West Point](#)

California Architects Board

2420 Del Paso Road, Suite 105
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2020 EDITION, ISSUE 2

President's Message

The National Council of Architectural Registration Boards (NCARB) held a virtual Annual Business Meeting on June 19, 2020. NCARB presented updates on regular business and the 2020 President's Medalists for Distinguished Service and conducted an election for the Board of Directors for fiscal year 2021. The California Architects Board would like to congratulate former Board member Jon Baker, FAIA, NCARB, LEED AP, on his election as Treasurer on the Board of Directors for the upcoming year.

The meeting closed with an invitation from me, on behalf of the California Architects Board, to attend the 2021 NCARB Annual Business Meeting in Los Angeles, on June 24-26, 2021.



Tian Feng

California Architects Board

2420 Del Paso Road, Suite 105
Sacramento, CA 95834

2020 EDITION, ISSUE 2

New Board Member

In June 2020, the Governor appointed a new member to the California Architects Board (Board).

Ronald A. Jones is the Board's new architect member. Jones is a founding principal at Hunt Hale Jones since 1993. His portfolio includes award-winning single and multifamily projects, both domestic and international. His body of work covers affordable, custom, active adult, resort, and planned residential communities. Jones is a member of the American Institute of Architects, California Building Industry Association, and the National Association of Home Builders. He is co-founder of the Judie Davis Marrow Donor Recruitment Program and past chair of the Minority Affairs Committee for the National Institute of Health's National Marrow Donor Program.

Jones also serves on the Board's Regulatory and Enforcement Committee. He was appointed to fulfill the remaining architect member term, which expires on June 30, 2021.



Ronald A. Jones

California Architects Board

2420 Del Paso Road, Suite 105
Sacramento, CA 95834

2020 EDITION, ISSUE 2

Fingerprinting Requirements

Effective January 1, 2021, all new architect license applicants will be required to submit fingerprints for licensure. Senate Bill 608 (Glazer, Chapter 376, Statutes of 2019) requires the California Architects Board (Board) to obtain fingerprints from license applicants for purposes of conducting criminal history record checks. (More information can be found at Business and Professions Code (BPC) §§ 144, 5552.1.) The fingerprints will be sent to the California Department of Justice (DOJ) to search for the applicant's federal and state criminal records, which may be used as grounds for license denial.

Applicants who reside in California must complete the electronic Live Scan fingerprint process. Applicants residing outside of California may either travel to California to complete the Live Scan process or obtain hardcopy fingerprint cards from their local law enforcement agency. However, submission of hardcopy fingerprint cards can take significantly longer to process.

All costs associated with meeting the fingerprinting requirement are the responsibility of the applicant. For applicants who are fingerprinted in California through the Live Scan process, the cost is currently \$49, plus an additional Live Scan "rolling" fee paid at the Live Scan location. The rolling fee varies by Live Scan location and is not set by the Board. For out-of-state applicants, fingerprint rolling and cards are usually available at a local police or fire department. The applicant will complete the fingerprint rolling and card and submit them directly to the California DOJ along with a \$49 payment. Detailed instructions on the fingerprinting requirements will be provided to each applicant upon applying to take the California Supplemental Examination.

The Board must receive state and federal criminal history records for all applicants prior to their licensure. If the Board receives criminal conviction history for an applicant, the Board will review the record, including conviction dismissal or expungement documents, to decide whether to issue or deny the license. Denial of a license is permitted when the Board determines that a criminal conviction is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made. To make this determination, the Board also evaluates the applicant's rehabilitation since the conviction. If an application is denied due to the criminal history, the applicant has the right to appeal the denial. (More information can be found at BPC §§ 480, et seq., 5577, and Cal. Code Regs., tit. 16, §§ 110, 110.1.)

The Board will also maintain a web page to provide guidance and answer frequently asked questions regarding the new fingerprinting requirements.



Fingerprinting

California Architects Board

2420 Del Paso Road, Suite 105
Sacramento, CA 95834

2020 EDITION, ISSUE 2

Enforcement Actions

The California Architects Board (Board) is responsible for receiving and investigating complaints against licensees and unlicensed persons. The Board also retains the authority to make final decisions on all enforcement actions taken against its licensees.

Included below are links to recent enforcement actions taken by the Board against individuals who were found to be in violation of the Architects Practice Act (Act).

Every effort is made to ensure the following information is correct. Before making any decision based upon this information, you should contact the Board. Further information on specific violations may also be obtained by contacting the Board's Enforcement Unit at (916) 574-7220.



Enforcement Actions

Administrative Disciplinary Action:

David A. Udkow

Scottsdale, AZ - Effective March 30, 2020, David A. Udkow's architect license number C-8912 was revoked, and he thereby lost all rights and privileges as an architect in California. The action was a result of a Default Decision and Order, which was adopted by the Board on February 28, 2020.

An Accusation was filed against Udkow for alleged violations of Business and Professions Code sections 5586 (Discipline by a Public Agency), 5579 (Fraud in Obtaining License), 5582, and 5582.1, and California Code of Regulations, title 16, section 151 (Aiding Unlawful Practice).

The Accusation alleged that on or about August 22, 2012, the Nevada State Board of Architecture, Interior Design, and Residential Design (Nevada Board) adopted a Settlement Agreement and Order that disciplined Udkow for (1) reviewing and sealing architectural drawings for three projects in Las Vegas, Nevada for submittal to the building department that were not prepared under his responsible control; (2) aiding an unauthorized person to practice architecture in Nevada; and (3) not executing a written contract with the client before providing professional services. On or about October 1, 2012, Udkow surrendered his architect license to the Nevada Board.

Udkow also was disciplined by the Colorado Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors (Colorado Board) and the Montana Board of Architects and Landscape Architects (Montana Board) on January 21, 2014, and April 7, 2015, respectively, based upon the action that was taken against him by the Nevada Board. The Colorado Board issued a Letter of Admonition to the Subject, and the Montana Board suspended his license through a Final Order by Default.

A review of Udkow's 2013 and 2015 California Architect License Renewal Applications dated June 20, 2013, and May 25, 2015, respectively, revealed that he had indicated under penalty of perjury that he had not been disciplined by a public agency during either of the previous two-year renewal cycles.

On or about March 2, 2016, an Ohio architect issued a "Consultant Work Authorization" to Udkow to "Review/Sign/Seal plans for Landlord and City submittal" for a fee of \$1,700 to obtain a building permit for a business referred to as BTG in Torrance, California. The next day, Udkow signed and stamped the construction documents, which had not been prepared by him, or under his responsible control.

Citations:

Zaven Ayvazian

Van Nuys— The Board issued a one-count citation that included a \$750 administrative fine to Zaven Ayvazian, dba ZAA Studio, an unlicensed individual, for alleged violations of Business and Professions Code section 5536, subdivision (a) (Practice Without License or Holding Self Out as Architect). The action alleged Ayvazian's company profile on LinkedIn was categorized under "Architecture & Planning," stated, "Recognized throughout the Los Angeles architect community for their communication and ongoing collaboration with clients and builders," and offered "Architecture" under *Specialties*. Further, Ayvazian's company signage was displayed in front of a

residence located in Los Angeles, California offering “Residential & Commercial Architectural Design.” Ayvazian used the term “architectural” and “architecture” in ZAA Studio’s description of services without an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity, which violated Business and Professions Code section 5536 and California Code of Regulations, title 16, section 134. Ayvazian paid the fine, satisfying the citation. The citation became final on April 10, 2020.

Michael Burke

Irvine – The Board issued a two-count citation that included a \$3,500 administrative fine to Michael Burke, dba Bar International Design and Development Co., Inc. (Bar International), Bar Building Division, LLC, and The Development Bar, an unlicensed individual, for alleged violations of Business and Professions Code section 5536, subdivision (a) (Practice Without License or Holding Self Out as Architect). The action alleged that an auto and truck services company (client) hired Burke and his company, Bar International, in September 2014, to design and engineer a 1,400 square foot gas station convenience store in Bell Gardens, California. The contract between the client and Bar International dated September 29, 2014, was signed by Burke as “Architect for Bar International Design & Development Inc.,” and promised schematic design, architectural sheets, and “plans finalized for architectural stamp.” Change orders dated October 14, 2014; October 30, 2014; January 8, 2015; February 10, 2015; and April 3, 2015, included an “Architect’s Project Number,” specified “Not valid until signed by architect,” and were signed by Burke.

Burke’s invoices to the client dated October 2, 2014, October 8, 2014, October 14, 2014, October 30, 2014, and November 13, 2014, itemized conceptual design, schematic design, and design development of “plans finalized for architectural stamp.” The company’s contract with an outside engineering firm dated March 5, 2015, designated Michael Burke of Bar International as the architect of record. Preliminary design sheets for the Bell Gardens project displayed a title block listing Commercial Design and Architecture under Bar International’s description of services. A design agreement between the client and Bar Building Division, LLC dated March 24, 2016, promised “Complete architectural drawings” and “All documentation for planning commission submittal.” Burke used a contract he signed as Architect for Bar Building Division, LLC, Project Status Reports specifying “architectural/ planning commission submittal,” and an Estimated Timeline for “complete architectural” services.

As new commercial construction, the designs for a gas station convenience store, restaurant, and expansion are not exempt from licensing requirements under Business and Professions Code section 5537. Burke represented his company as an architectural firm, provided architectural services, and included architecture in his company’s description of services without an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity, which violated Business and Professions Code section 5536 and California Code of Regulations, title 16, section 134.

In February 2020, Burke’s business, The Development Bar, maintained a website offering project management and design services and featured the design of the client’s gas station convenience store among its many commercial design accomplishments. By advertising non-exempt commercial architectural services through his company’s website, Burke violated Business and Professions Code section 5536, subdivision (a). The citation became final on March 11, 2020.

Helmi El Senoussi

Las Vegas, NV – The Board issued a two-count citation that included a \$3,500 administrative fine to Helmi El Senoussi, dba Bar International Design and Development Co., Inc. (Bar International), Bar Building Division, LLC, and The Development Bar, an unlicensed individual, for alleged violations of Business and Professions Code section 5536, subdivision (a) (Practice Without License or Holding Self Out as Architect). The action alleged that an auto and truck services company (client) hired El Senoussi and his company, Bar International, in September 2014, to design and engineer a 1,400 square foot gas station convenience store in Bell Gardens, California. The contract between the client and Bar International dated September 29, 2014, was signed by El Senoussi’s unlicensed partner, Michael Burke, as “Architect for Bar International Design & Development Inc.,” and promised schematic design, architectural sheets, and “plans finalized for architectural stamp.” Change orders dated October 14, 2014, October 30, 2014, January 8, 2015, February 10, 2015, and April 3, 2015, included an “Architect’s Project Number,” specified “Not valid until signed by architect,” and were signed by Michael Burke.

El Senoussi’s invoices to the client dated October 2, 2014, October 8, 2014, October 14, 2014, October 30, 2014, and November 13, 2014, itemized conceptual design, schematic design, and design development of “plans finalized for architectural stamp.” The company’s contract with an outside engineering firm dated March 5, 2015, designated Michael Burke of Bar International as the architect of record. Preliminary design sheets for the Bell Gardens project displayed a title block listing Commercial Design and Architecture under Bar International’s description of services. A design agreement between the client and Bar Building Division, LLC dated March 24, 2016, promised “Complete architectural drawings” and “All documentation for planning commission submittal.” El Senoussi used a contract signed by Michael Burke as Architect for Bar Building Division, LLC, Project Status Reports specifying “architectural/planning commission submittal,” and an Estimated Timeline for “complete architectural” services.

As new commercial construction, the designs for a gas station convenience store, restaurant, and expansion are not exempt from licensing requirements under Business and Professions Code section 5537. El Senoussi represented his company as an architectural firm, provided architectural services, and included architecture in his company’s description of services without an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity, which violated Business and Professions Code section 5536 and California Code of Regulations, title 16, section 134.

In or around February 2020, El Senoussi’s business, The Development Bar, maintained a website offering project management and design services and featured the design of the client’s gas station convenience store among its many commercial design accomplishments. By advertising non-exempt commercial architectural services through his company’s website, El Senoussi violated Business and Professions Code section 5536, subdivision (a). The citation became final on March 11, 2020.

Christopher Faulhammer

Venice – The Board issued a one-count citation that included a \$1,500 administrative fine to Christopher Faulhammer, dba BSPK Design, Inc., E-Z Builders, Inc., and Think Design Office, an unlicensed individual, for alleged violations of Business and Professions Code section 5536, subdivision (a) (Practice Without License or Holding Self Out as Architect). The action alleged Faulhammer

provided a "Design Services Proposal" to Mr. R.Y. (client) to remodel a one-story house located in Tujunga, California. The agreement provided for a complete interior remodel to an existing home. It offered "architectural and engineering design services" and an architect to be provided by Faulhammer. Faulhammer's personal LinkedIn profile identified him as a "Project Architect" and his company's Archinect profile included "Architecture" under *Services Offered*. Faulhammer used the term "architecture" in BSPK Design, Inc's description of services without an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity, which violated Business and Professions Code section 5536 and California Code of Regulations title 16, section 134. Faulhammer paid the fine, satisfying the citation. The citation became final on April 16, 2020.

Kamran Farahi

Los Angeles – The Board issued a one-count citation that included a \$1,500 administrative fine to Kamran Farahi, dba Farahi Construction, Inc., an unlicensed individual, for alleged violations of Business and Professions Code section 5536, subdivision (a) (Practice Without License or Holding Self Out as Architect). The action alleged Farahi reused sets of swimming pool plans and/or plan details he had previously purchased from an architect on seven swimming pool construction projects, for which those plans were never designed or otherwise intended to be used. Farahi's use of plans that had been stamped and signed by an architect or the firm's engineer for another project, without their consent, violated Business and Professions Code section 5536, subdivision (a). The citation became final on February 13, 2020.

John R. Garakian

Laguna Beach - The Board issued a one-count citation that included a \$500 administrative fine to John R. Garakian, architect license number C-9826, for an alleged violation of Business and Professions Code section 5600.05, subdivision (a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Garakian certified false or misleading information on his 2019 License Renewal Application. Garakian paid the fine, satisfying the citation. The citation became final on February 24, 2020.

Rodolfo Garces

Palmdale - The Board issued a one-count citation that included a \$2,000 administrative fine to Rodolfo Garces, dba Affordable Blueprints Inc., ADS Architecture Group, and Affordable Drafting Services, an unlicensed individual, for alleged violations of Business and Professions Code section 5536, subdivision (a) (Practice Without License or Holding Self Out as Architect). The action alleged that Garces' Buzzfile and LinkedIn profiles described him as providing "architecture" and "architectural" services. Further, his company's Manta, ProMatcher, and Yelp profiles used the terms "architects," "architecture," and "architectural" in ADS Architecture Group and Affordable Drafting Services' description of services, without an architect who is in management control of the services that are offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity. The citation became final on March 1, 2020.

Roi Gavriely

Canoga Park - The Board issued a one-count citation that included a \$1,000 administrative fine to Roi Gavriely, dba Loyalty Construction, Inc., an unlicensed individual, for alleged violations of Business and Professions Code section 5536, subdivision (a) (Practice Without License or Holding Self Out as Architect). The action alleged that Gavriely's company print advertisement, company website, and Angie's List profile described him as providing "architectural" services and offering "architects" without an architect who is in management control of the services that are offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity. The citation became final on February 13, 2020.

Sebastian Rey Gonzalez

San Diego - The Board issued a one-count citation that included a \$1,000 administrative fine to Sebastian Rey Gonzalez, dba S3DA Design, an unlicensed individual, for alleged violations of Business and Professions Code section 5536, subdivision (a) (Practice Without License or Holding Self Out as Architect). The action alleged Gonzalez described himself in advertising as an "Architect" and described the company, S3DA Design, as an "[architectural design](#) firm" that provides "architectural services" on the company website. Gonzalez's company Facebook profile categorized him as an "Architectural Designer" and listed "Architectural Design" under *Services*. Gonzalez's company Upwork profile described the company as providing "Architectural and Interior designing- Structural engineering" and stated, "Our professional engineers and architects have years of experience in servicing many great clients. We are an architectural design, structural engineering, and interior design company" and "Feel free to contact us if you like to know more about our architectural and structural services." The Upwork profile also included the words "Architecture" and "Interior Architecture" to describe the company's services. Gonzalez's company Yelp profile was categorized under "Architects." Gonzalez's company ZoomInfo profile described him as an "Architectural Designer." Gonzalez used the terms "architectural" and "architecture" in S3DA Design's description of services without an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity, which violated Business and Professions Code section 5536, subdivision (a), as defined in California Code of Regulations, title 16, section 134, subdivision (a). The citation became final on May 14, 2020.

Mark G. Harold

Fresno - The Board issued a one-count citation that included a \$750 administrative fine to Mark G. Harold, architect license number C-10301, for an alleged violation of Business and Professions Code section 5600.05, subdivision (a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Harold certified false or misleading information on his 2019 License Renewal Application and failed to complete the coursework on disability access requirements. The citation became final on March 20, 2020.

Michael J. Harlock

Corte Madera - The Board issued a one-count citation that included a \$500 administrative fine to Michael J. Harlock, architect license number C-12696, for an alleged violation of Business and Professions Code section 5600.05, subdivision (a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Harlock certified false or misleading information on his 2019 License Renewal Application. Harlock paid the fine, satisfying the citation. The citation became final on February 20, 2020.

Thomas W. Jull

Oakland - The Board issued a one-count citation that included a \$750 administrative fine to Thomas W. Jull, architect license number C-25981, for an alleged violation of Business and Professions Code section 5600.05, subdivision (a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Jull certified false or misleading information on his 2019 License Renewal Application and failed to complete the coursework on disability access requirements. The citation became final on March 19, 2020.

Jeffrey C. Kadlowec

Las Vegas, NV - The Board issued a one-count citation that included a \$500 administrative fine to Jeffrey C. Kadlowec, architect license number C-31642, for an alleged violation of Business and Professions Code section 5579 (Fraud in Obtaining License). The action alleged that on or about June 12, 2019, a Settlement Agreement and Order by the Nevada State Board of Architecture, Interior Design and Residential Design (NSBAIDRD) became effective, based on a Notice of Charges filed on or about May 14, 2019 against Kadlowec, alleging that he failed to act with reasonable care and was negligent in the practice of architecture. NSBAIDRD sent Kadlowec a letter on or about June 13, 2019 stating, "be aware that this Board does consider this settlement agreement to constitute disciplinary action." The action alleged that Kadlowec represented on his October 17, 2019 California license renewal application that he had not been disciplined by a public agency during the preceding two-year renewal period. The citation became final on February 27, 2020.

Robert J. Klob

Chandler, AZ - The Board issued a two-count citation that included a \$3,000 administrative fine to Robert J. Klob, dba Robert Klob Designs Inc., an unlicensed individual, for alleged violations of Business and Professions Code section 5536, subdivision (a) (Practice Without License or Holding Self Out as Architect). The action alleged that Klob's company website advertised that he provides design plans for Insulated Concrete Forms (ICF) homes in California. The action further alleged that on or about June 18, 2018, Klob sent a client a Proposal and Agreement for Residential Design Services to provide designs, drawings and documents for a new custom home in Lake Arrowhead, California using ICF, which is not described in Business and Professions Code section 5537, subdivision (a) as an exempt building. The citation became final on February 20, 2020.

Erik Kramer

Redwood City - The Board issued a one-count citation that included a \$1,000 administrative fine to Erik Kramer, dba Speck Design, an unlicensed individual, for alleged violations of Business and Professions Code section 5536, subdivision (a) (Practice Without License or Holding Self Out as Architect). The action alleged that Kramer identified himself as an "Architect" on his company website. The citation became final on February 13, 2020.

Ruth Michael

Chicago, IL - The Board issued a one-count citation that included a \$750 administrative fine to Ruth Michael, architect license number C-36234, for an alleged violation of Business and Professions Code section 5600.05, subdivision (a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Michael certified false or misleading information on her 2019 License Renewal Application and failed to complete the coursework on disability access requirements. Michael paid the fine, satisfying the citation. The citation became final on March 19, 2020.

Karim Moradi

San Diego - The Board issued a one-count citation that included a \$1,000 administrative fine to Karim Moradi, dba S3DA Design, an unlicensed individual, for alleged violations of Business and Professions Code section 5536, subdivision (a) (Practice Without License or Holding Self Out as Architect). The action alleged Moradi solicited business from a California licensed architect as the "Technical Marketing Manager" of a company named "S3DA Structural & Architectural Design." Both the company's website and Moradi's personal email signature included "Structural & Architectural" in the logo to describe the services offered by the company. Moradi's personal LinkedIn profile described him as an "Architectural Designer" under *Experience* and included "Architectural Design" under *Skills & Endorsements* to describe his services. Moradi's personal Twitter profile stated, "We provide #Architectural #Structural...#California" services. Moradi used the term "architectural" in S3DA Design's description of services without an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity, which violated Business and Professions Code section 5536, subdivision (a), as defined by California Code of Regulations, title 16, section 134, subdivision (a). The citation became final on May 14, 2020.

Kunal Nagpal (Santa Rosa) The Board issued a four-count citation that included a \$10,000 administrative fine to Kunal Nagpal, dba Emerge Rebuild, an unlicensed individual, for alleged violations of Business and Professions Code section 5536, subdivision (a) (Practice Without License or Holding Self Out as Architect) and California Code of Regulations, title 16, section 134, subdivision (a) (Use of the Term Architect; Responsible Control Within Business Entity). The action alleged that Nagpal represented himself as an architect and his company as an architectural firm when he entered into contracts to rebuild the homes of three victims of the October 2017 Tubbs Fire. The parties executed a Detail Design Agreement, which provided for "Preliminary Architectural Designs," "architectural renderings," and "architectural and structural design and specifications," documents which were to be "checked and verified by a licensed professional." Nagpal's company website advertised that their natural disaster recovery team, "which comprises of insurance specialists, architects, and general contractors," would assist fire victims by "first getting funds approved by insurance companies and then assisting with rebuilding the home for you by managing every step along the way," including Debris Cleanup, Insurance, Financing, Design/ Architect/ Engineering/ Permitting, and General Contracting. Nagpal paid the fine, satisfying the citation. The citation became final on February 27, 2020.

John Newton

Oakland - The Board issued a three-count citation that included a \$2,500 administrative fine to John Newton, dba John Newton Design & Development, an unlicensed individual, for alleged violations of Business and Professions Code section 5536, subdivision (a) (Practice Without License or Holding Self Out as Architect). The action alleged that Newton submitted plans for three three-story residences to the City of Berkeley. These plans were not stamped by a licensed professional. The plans prepared by Newton indicated

residences to the City of Berkeley. These plans were not stamped by a licensed professional. The plans prepared by Newton indicated three distinct living levels in each of the houses, which are not exempt from the requirements of the Architects Practice Act pursuant to Business and Professions Code sections 5537, subdivision (a) and 5538. Newton paid the fine, satisfying the citation. The citation became final on February 20, 2020.

Scott A. Rivers

Long Beach – The Board issued a one-count citation that included a \$500 administrative fine to Scott A. Rivers, architect license number C-23228, for an alleged violation of Business and Professions Code section 5600.05, subdivision (a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Rivers certified false or misleading information on his 2019 License Renewal Application and completed the coursework on disability access requirements after his October 31, 2019 license renewal date. Rivers paid the fine, satisfying the citation. The citation became final on March 12, 2020.

Jeffrey A. Shiozaki

Saratoga - The Board issued a one-count citation that included a \$500 administrative fine to Jeffrey A. Shiozaki, architect license number C-35153, for an alleged violation of Business and Professions Code section 5600.05, subdivision (a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Shiozaki certified false or misleading information on his 2019 License Renewal Application and completed the coursework on disability access requirements after his November 30, 2019 license renewal date. Shiozaki paid the fine, satisfying the citation. The citation became final on March 13, 2020.

Anat Shmariahu (Los Gatos) The Board issued a one-count citation that included a \$2,000 administrative fine to Anat Shmariahu, dba Anav Design, an unlicensed individual, for alleged violations of Business and Professions Code section 5536, subdivision (a) (Practice Without License or Holding Self Out as Architect). The action alleged that Shmariahu executed an "Architectural Design Proposal," which included a feasibility study for remodel designs, a complete set of "architectural drawings," delivery of drawings, and submittal to the City of San Jose to obtain a permit. Shmariahu's personal profile on Dwell.com described "White House" and "Japan House" projects, which identified her as the "architect" and stated, "I directed the architecture and interior design of the house..." Shmariahu's company website and Bayfickr profile stated Anav Design "is specialized in single houses architecture." The citation became final on March 6, 2020.

Ann Y. Sullivan

Kensington – The Board issued a one-count citation that included a \$500 administrative fine to Ann Y. Sullivan, architect license number C-6498, for an alleged violation of Business and Professions Code section 5600.05, subdivision (a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Sullivan certified false or misleading information on her 2019 License Renewal Application and completed the coursework on disability access requirements after her July 31, 2019 license renewal date. Sullivan paid the fine, satisfying the citation. The citation became final on May 22, 2020.

Zaccharin Thibodeau

San Bernardino – The Board issued a citation that included five causes for citation and a \$6,500 administrative fine to Zaccharin Thibodeau, dba Get It Done, An Architectural Design Company and Zachitect Designs, an unlicensed individual, for alleged violations of Business and Professions Code section 5536, subdivision (a) (Practice Without License or Holding Self Out as Architect). The action alleged on or about September 27, 2018, Thibodeau's company, "Get It Done, An Architectural Design Company," included the word "architectural" in its name and had a website that offered architectural services. There was a picture of Thibodeau on the website that identified him as the co-owner. Thibodeau's business name, "Get It Done, An Architectural Design Company" included the word architectural, and his website included the word architectural without an architect who was in management control of the services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity, which violated Business and Professions Code section 5536 and California Code of Regulations, title 16, section 134.

On or about April 12, 2018, Thibodeau signed a contract entitled "Architect Contract" to provide "Architect's" services to P.S. for a single-family residence located in Cerritos, California. This contract identified Thibodeau as an architect and offered architectural services 49 times. In an email to P.S. dated June 11, 2018, Thibodeau identified himself as an architect in his signature line. On or about March 5, 2018, Thibodeau signed a contract entitled "Architect Contract" to provide "Architect's" services to C.B. for a property located in San Bernardino, California. On or about June 28, 2018, Thibodeau produced plans for the property including a title block that said, "Get It Done, An Architectural Design Company." These contracts, email, and plans that identified Thibodeau as an architect, or qualified to engage in the practice of architecture, violated Business and Professions Code section 5536, subdivision (a).

On or about March 5, 2018, Thibodeau used the business name "Zachitect Designs." This business name included a term confusingly similar to the word architect. Zachitect Designs had a website that described the firm as "Southern California's Premiere Architect Firm." These devices might indicate to the public that Thibodeau is an architect, is qualified to engage in the practice of architecture, or is an architectural designer, and violate Business and Professions Code section 5536, subdivision (a). The citation became final on April 11, 2020.

Gregory P. Wesner

Castro Valley - The Board issued a one-count citation that included a \$500 administrative fine to Gregory P. Wesner, architect license number C-27967, for an alleged violation of Business and Professions Code section 5600.05, subdivision (a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Wesner certified false or misleading information on his 2019 License Renewal Application. Wesner paid the fine, satisfying the citation. The citation became final on February 26, 2020.

AGENDA ITEM N: DISCUSS AND POSSIBLE ACTION ON NEW COMMITTEE LOGO

Summary

On February 5, 2020, the LATC was presented with 12 draft logo designs developed by the Department of Consumer Affairs' (DCA) Office of Publications, Design and Editing (PDE). During the meeting, the LATC agreed to develop feedback outlining their overall design expectations to inform further discussion at the next meeting. On September 4, 2020, the LATC continued the discussion and narrowed the logo design options to two, L.2 and L.2.3 from the September meeting materials (Attachment 1). The design feedback was relayed to PDE including simplifying the design, changing the tree selection, and being representative of the landscape architecture profession. LATC member Patricia Trauth and staff met with PDE on September 24 and October 14 to provide additional clarification and guidance on the design.

Attached are the draft logo designs incorporating LATC's feedback (Attachment 2).

Action Requested

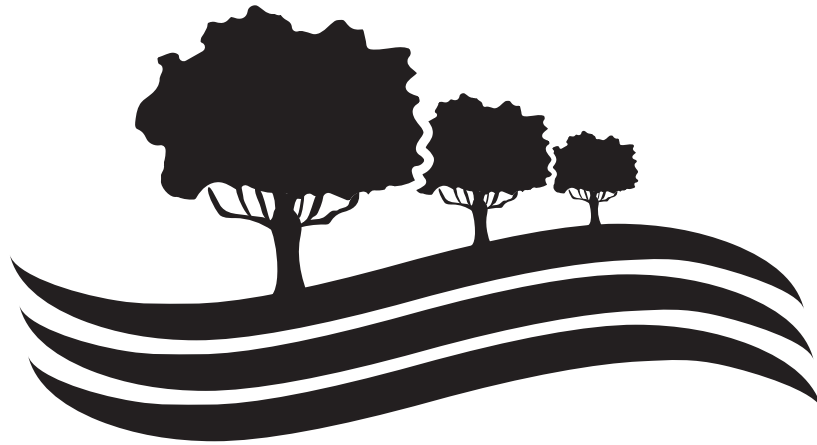
Discuss and possible decision on new LATC logo design.

Attachments

1. Logo Selections from September 4, 2020 Meeting (L.2 and L.2.3)
2. Logo Revisions



This logo is clean, simple and says it all in a very easy-to-read, quick look. There is no question that you're looking at a planned environment with layers of elements that are all working together.



LANDSCAPE ARCHITECTS

TECHNICAL COMMITTEE

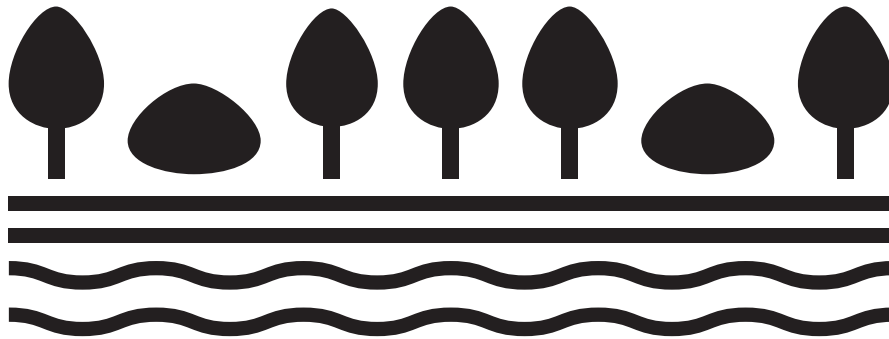


This clean and easily recognizable logo uses stacked curved shapes to convey nature's movement while at the same time suggests elevation, water, and pathways. The fact that it is very structured brings to the forefront a man-made design influence.

DRAFT



DRAFT



LANDSCAPE ARCHITECTS
TECHNICAL COMMITTEE



DRAFT



**LANDSCAPE
ARCHITECTS**

TECHNICAL COMMITTEE



**LANDSCAPE
ARCHITECTS**

TECHNICAL COMMITTEE

DRAFT



LANDSCAPE ARCHITECTS
TECHNICAL COMMITTEE



DRAFT



**LANDSCAPE
ARCHITECTS**

TECHNICAL COMMITTEE



DRAFT



LANDSCAPE ARCHITECTS
TECHNICAL COMMITTEE



AGENDA ITEM O: ELECTION OF 2021 LATC OFFICERS

Members of the Landscape Architects Technical Committee will nominate and elect a Chair and Vice Chair for 2021 at today's meeting.

AGENDA ITEM P: REVIEW OF FUTURE LATC MEETING DATES

A schedule of planned meetings and events for the remainder of 2020 are provided to the Committee.

<u>Date</u>	<u>Event</u>	<u>Location</u>
December 11	Board Meeting	Teleconference