

Landscape Architects Technical Committee



Minutes

CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee Meeting

August 4, 2021 WebEx Teleconference

Landscape Architects Technical Committee (LATC/Committee) Members Present Jon S. Wreschinsky, Chair Andrew C. N. Bowden Pamela S. Brief Susan M. Landry Patricia M. Trauth California Architects Board (Board) Members Present Ronald A. Jones, LATC Liaison Staff Present Laura Zuniga, Executive Officer Trish Rodriguez, Program Manager Marccus Reinhardt, Examination/Licensing Manager, Board Michael Kanotz, LATC Counsel, Attorney III, Department of Consumer Affairs (DCA) Tracy Montez, Chief of DCA Programs and Policy Review Division Karen Halbo, Regulatory Counsel, Attorney III, DCA Brianna Miller, Manager, DCA Board and Bureau Relations Stacy Townsend, Enforcement Analyst Blake Clark, Examination Analyst Kourtney Nation, Special Projects Analyst Harmony Navarro, Licensing Coordinator Heidi Lincer, Ph.D., Chief, Office of Professional Examination Services (OPES), DCA Robert Calvert, Ph.D., Data Specialist II, OPES Guests Present

Tracy Morgan Hollingworth, California Council of American Society of Landscape Architects

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. Five members of LATC were present, thus a quorum was established.

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

Mr. Wreschinsky explained the meeting was held via webcast pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated June 11, 2021, and there was no physical meeting location.

Mr. Wreschinsky thanked the meeting participants for their attendance and welcomed Ronald A. Jones, LATC Liaison to the Board.

C. Public Comment on Items Not on the Agenda

Mr. Wreschinsky invited members of the public to address the LATC. There were no comments from the public.

D. Update on the Department of Consumer Affairs (DCA)

Brianna Miller advised the Committee that, on July 26, 2021, the Governor announced that California state workers will be required to either show proof of full COVID-19 vaccination or be tested at least once a week. She also shared current reopening guidance pertaining to the use of face coverings and continuation of remote meetings. She shared that Boards and Bureaus are considering permanent changes for efficiency and employee wellbeing such as telework and eliminating paper processes. Ms. Miller reminded the Committee members of the 2021 required board member trainings and advised that trainings are now accessible through DCA's new training portal, the Learning Management System.

E. Business Modernization Project Update by the Office of Information Services

Lisa Rangel explained that LATC is one of 17 programs currently involved with DCA's Business Modernization Project and one of five programs included in Cohort 2. She explained that each program participates in extensive process mapping and functional requirement gathering with the assistance of DCA's Organizational Improvement Office before moving forward with the California Department of Technology's four-stage Project Approval Lifecycle. Ms. Rangel noted that LATC is currently in stage three of the Project Approval Lifecycle.

Andrew Bowden asked when the project will be completed. Ms. Rangel responded that completion of the project is expected in fall 2023.

F. Review and Possible Action on April 29, 2021 LATC Meeting Minutes

Mr. Wreschinsky suggested a revision to capitalize the word Assembly in the third paragraph on page nine.

• Andrew C. N. Bowden moved to approve the April 29, 2021 LATC Meeting Minutes with the specified correction.

Susan M. Landry seconded the motion.

There were no comments from the public.

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

- G. Review and Possible Action on May 25, 2021 LATC Meeting Minutes
 - Andrew C. N. Bowden moved to approve the May 25, 2021 LATC Meeting Minutes.

Pamela S. Brief seconded the motion.

There were no comments from the public.

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

H. Program Manager's Report

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

Trish Rodriguez advised the Committee of the recent budget approval, current outof-state travel requests, and plans for upcoming LATC and Board meetings. She added that staff continue to telework as well as work in the office. Ms. Rodriguez further shared that staff conducted an outreach presentation in April for landscape architecture students at the University of California, Berkeley and announced that LATC was approved to fill a temporary Associate Governmental Program Analyst position to assist with the Business Modernization Project.

Ms. Rodriquez highlighted LATC's recent social media and website activities, most notably, the remediation of all inaccessible documents to comply with requirements set by Assembly Bill 434. She concluded her presentation with an overview of LATC's current rulemaking and enforcement activity.

2. Discuss and Possible Action on Annual Enforcement Report

Stacy Townsend presented the annual Enforcement Program Report summarizing recent complaint data and enforcement actions. Ms. Landry questioned if pending cases carry over to the following fiscal year complaint data. Ms. Townsend confirmed that closed complaints are reported under the fiscal year they were closed. Mr. Wreschinsky asked if there are trends in types of complaints received over the year. Ms. Townsend replied that complaints are consistent throughout the year. Ms. Brief inquired if there is a portion of the profession that sees more complaints than others. Ms. Townsend explained that most complaints received are related to unlicensed activity, however, complaints received against licensees usually pertain to residential projects.

I. Review and Possible Action on Modified Proposed Regulatory Language for California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620 Education and Training Credits

Ms. Rodriguez advised the Committee that LATC had received a comment from Stephanie Landregan, Director of the UCLA Extension Landscape Architecture Program, concerning proposed CCR section 2620(a)(11) which prompted staff to issue a Modified Regulatory Proposal. She added that no additional comments were received during the associated 15-day public comment period, which opened June 24, 2021 and closed July 9, 2021. Ms. Rodriguez then directed the Committee to the proposal included within the meeting materials.

Ms. Brief recused herself from the discussion due to the fact that she currently teaches at UCLA. Ms. Landry asked for the meaning of "partial completion" as used in the Modified Regulatory Proposal to amend CCR section 2620. Ms. Rodriguez clarified that applicants must complete at least 80 percent of the total units required for completion of the program to meet the specified requirement.

Mr. Bowden asked if Ms. Landregan had reviewed the Modified Regulatory Proposal. Ms. Rodriguez confirmed that the proposal was drafted to address the concern outlined in Ms. Landregan's comment. Kourtney Nation added that the proposal is necessary to correct the proposed regulatory text in order to retain an existing pathway to licensure.

• Andrew C. N. Bowden moved to recommend to the Board approval and adoption of the proposed modified regulatory text for section 2620 Education and Training Credits as modified and delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required to complete the rulemaking file.

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. Member Brief abstained. The motion passed 4-0-1.

J. Review, Discussion, and Possible Action Regarding Staff Request to Reconsider Previously Approved Text to Amend Title 16, California Code of Regulations (CCR) Section 2680 (Disciplinary Guidelines) and Authorization to Initiate a New Rulemaking

Ms. Halbo explained to LATC that each of the changes made by legal are described in depth within the agenda's memo. She informed the committee that all changes made since the Disciplinary Guidelines (Guidelines) were last approved have been highlighted in yellow. Ms. Halbo continued stating that senior legal counsel with experience in enforcement reviewed the Guidelines very closely to ensure that the Guidelines are useful. She then indicated that, in looking over the Guidelines prior to the meeting, a typo was found in the previously approved language on page 5 in which the word "committee" needs to be edited to read "committed" and, although this is considered to be a non-substantive grammatical correction that the Executive Officer has the power to make, it can be added to the motion.

Ms. Halbo explained to the Committee that amendments were made to the Guidelines to strengthen them for approval.

Mr. Wreschinsky inquired on whether the amendments to the Guidelines were made to conform with the guidelines of other boards and bureaus. Ms. Halbo replied that they are not just to conform but to make the Guidelines more effective for the Committee, explaining that having model orders streamlines the enforcement process allowing Administrative Law Judges (ALJs) to "drag and drop" the appropriate language.

Ms. Halbo explained that since the previously approved language had not progressed to the 45-day comment period, the Guidelines were able to be brought back with the additional amendments and essentially begin a new rulemaking package. Mr. Wreschinsky requested confirmation that the existing regulation is what the ALJs are utilizing, to which, Ms. Halbo confirmed.

Ms. Brief thanked staff and legal counsel for the thoroughness going through the Guidelines and putting together the memo and materials which made it easy to follow and review. Ms. Landry agreed with Ms. Brief's sentiments.

• Member Susan M. Landry moved to recommend to the Board approval and adoption of the proposed amendments to the previously approved amendments to 16 CCR Section 2680, Disciplinary Guidelines, and to direct staff to initiate a new rulemaking by submitting the text to the Director of the Department of Consumer Affairs and Business Consumer Services and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process. If no adverse comments are received during the 45-day comments period, and no hearing is requested, authorize the Executive Officer to make any grammatical or non-substantial changes required of the package and adopt the proposed regulations of CCR section 2680, as noticed.

Member Pamela S. Brief seconded the motion.

There were no comments from the public.

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

K. Review and Discuss 2021 Legislation

1. Assembly Bill (AB) 107 (Salas) Department of Consumer Affairs (DCA): Boards: Temporary Licenses: Military Spouses

Laura Zuniga provided an update on AB 107, regarding temporary licenses for military spouses. She explained that an applicant for temporary license would

need to provide a criminal background check and possibly pass a Californiaspecific exam. Mr. Wreschinsky added that applicants for a temporary license may also pursue reciprocity licensure. Tracy Morgan Hollingworth recommended that LATC try to implement passage of the California Supplemental Examination (CSE) as a requirement to obtain temporary license.

2. AB 1010 (Berman) DCA: Architects: Continuing Education

Ms. Zuniga explained that AB 1010 requires architects to complete an additional five hours of continuing education in zero net carbon design.

3. Senate Bill 607 (Roth) Professions and Vocations

Ms. Zuniga explained that this bill pertains to implementation of the upcoming LATC fingerprint requirement which will become effective next year. She added that the bill also requires all DCA Boards to waive fees for spouses of active-duty military personnel.

L. Presentations by DCA Office of Professional Examination Services (OPES) on the Examination Performance Statistics for the Landscape Architect Registration Examination and the California Supplemental Examination

Ms. Rodriguez announced that Research Data Specialist Dr. Robert Calvert would present OPES' Evaluation of Passing Scores report pertaining to the LARE and CSE. Dr. Calvert first shared an overview of services provided by OPES to DCA licensing programs. He explained that the focus of this evaluation was to determine if California LARE pass rates are significantly different than national LARE pass rates and identify possible causes of the current discrepancy. Dr. Calvert then presented results of the 2018-2020 LARE data analysis reflecting a statistically significant difference in the candidate pass rates of LARE section 2. He further explained that pass rate differences among LARE sections 1, 3, and 4 were not found to be statistically significant. Dr. Calvert also presented that exact reasons for pass rate discrepancies are unknown, however, possible causes include chance, pathway to qualification, education of the candidate, quality of work experience, and quality of examination. He noted that California candidates are significantly more likely to take LARE sections 1 and 2 concurrently, which can have a negative effect on pass rates.

Mr. Wreschinsky asked if there are specific areas of the CSE that are difficult for California candidates and if repeat test data is available. Dr. Calvert responded that, depending on the scope of the Committee's request, OPES staff could review CSE data to determine if there are areas where candidates are struggling. He added that repeat test data across all DCA programs shows that candidates who fail are likely to test again and repeat candidates are about as likely to pass the second time as they were the first time around. He added that chances of passing an exam decline after a candidate has failed twice.

Mr. Bowden asked if the presented pass rate findings are typical of other examinations. Dr. Calvert responded that this evaluation was in line with other evaluations conducted by OPES. Ms. Brief asked how many more California

candidates take LARE sections 1 and 2 concurrently compared to other states. Dr. Calvert responded that about 10 percent of California candidates took sections 1 and 2 concurrently compared to the national average which was about 4 percent of overall candidates from 2018-2020. Ms. Brief asked Dr. Calvert if the 4 percent discrepancy is significant enough to suggest that California candidates should not take the two sections concurrently. Dr. Calvert advised that LATC may consider communicating the pass rate concern to candidates, however, OPES is not in the position to recommend that candidates are prevented to take LARE sections 1 and 2 concurrently. Mr. Bowden asked if LARE section 2 pass rates have changed significantly since LATC began allowing candidates to sit for LARE sections 1 and 2 prior to obtaining training experience credit. Dr. Calvert confirmed that if historical LARE data is available, OPES can conduct a comparison with the current pass rates.

• Pamela S. Brief moved to direct staff to collect and present, for LATC consideration, pass rate data from a few years prior to when California began allowing students to take LARE sections 1 and 2 after graduation.

Patricia M. Trauth seconded the motion.

There were no comments from the public.

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

M. Council of Landscape Architectural Registration Boards

1. Review CLARB September 2021 Annual Meeting Agenda

Ms. Rodriguez directed the Committee members to the CLARB Annual Meeting Agenda for September 22-24, 2021. Mr. Wreschinsky noted that the CLARB Uniform Standards will be considered at the upcoming Annual Meeting. He added that CLARB will also hold a session on increasing access and equity in licensure and inquired about potential solutions to address that issue. Ms. Trauth asked who would represent LATC at the 2021 CLARB Annual Meeting. Mr. Wreschinsky responded that he and Ms. Rodriguez will attend. Mr. Jones noted that the Board is also working through issues related to diversity and equity with the National Council of Architectural Registration Boards. He expressed the importance of these initiatives to strengthen the industry by expanding access to licensure. Mr. Jones acknowledged that California is not currently represented within CLARB leadership and encouraged the Committee members to consider opportunities to serve in those leadership roles. Members Bowden, Trauth, and Wreschinksy agreed and shared their personal experiences applying for, or being considered for, open CLARB positions.

2. Review and Possible Action on 2021 CLARB Board of Directors and Leadership Advisory Council Elections Ballot Ms. Rodriguez announced that the final slate of candidates for the 2021 CLARB elections is included in the meeting materials for the Committee's consideration. She advised that the related Election Ballot and Letter of Delegate Credentials must be submitted to CLARB by September 16, 2021. Mr. Bowden noted that among the candidates running, he is familiar with Allison Fleury and Joel Kurokawa. Mr. Wreschinksy expressed that President-Elect candidate Carisa McMullen seems to have more experience suited for the position. Ms. Trauth agreed.

• Andrew C. N. Bowden moved to select Carisa McMullen for President-Elect, Joel Kurokawa for Treasurer, and Daniel Biggs and Julia Manley for Leadership Advisory Council.

Patricia M. Trauth seconded the motion.

There were no comments from the public.

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

• Pamela S. Brief moved to approve Jon S. Wreschinksy as delegate and Trish Rodriguez as representative in attendance on the Letter of Delegate Credentials for the 2021 CLARB Annual Meeting.

Patricia M. Trauth seconded the motion.

There were no comments from the public.

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

3. Discuss and Possible Action on CLARB Uniform Standards, and Pre-Approval Process

Ms. Rodriguez reminded the Committee that CLARB presented information regarding the proposed Uniform Standards at the September 4, 2020 LATC meeting and added that this topic will be further discussed at the 2021 CLARB Annual Meeting. Mr. Wreschinsky added that the CLARB board will present a decision on the proposed Uniform Standards and application at the upcoming Annual Meeting. Ms. Trauth questioned how CLARB will manage candidate experience verifications after examination. Specifically, if CLARB or the licensing jurisdiction will be responsible for reviewing experience documentation. Ms. Brief stated that California statutes and regulations may supersede the changes proposed by CLARB. Members Bowden, Brief, and Wreschinksy expressed that Option 4 was unclear as outlined in the material provided by CLARB. Ms. Landry suggested that staff draft a letter outlining LATC concerns with the CLARB proposal and submit for discussion before or during the CLARB Annual Meeting. Mr. Wreschinsky advised the Committee that he and Ms. Rodriguez had previously voiced LATC's concerns to CLARB and will

discuss possible further action. Mr. Bowden expressed that LATC's main concern with the proposal is that California requires pre-approval to ensure adequate candidate progress and the proposal allows examination directly through CLARB. He added that this may affect California candidate pass rates.

N. Discuss and Possible Action on 2019-2021 Strategic Plan Objective to 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

Ms. Townsend provided a brief overview explaining to the Committee that the Board was mandated to require architects to complete five hours of CE on disability access requirements prior to the renewal of their license. She continued that, most recently, the American Institute of Architects (AIA) California submitted a proposal to require architects obtain additional CE in Zero Net Carbon Design, of which the Board is in support.

Ms. Townsend also reported that LATC was recently contacted by the ASLA, Sierra Chapter requesting that a discussion begin on requiring landscape architects to complete CE prior to renewal. She continued that through LATC enforcement over the past five fiscal years, there have been five citations issued against licensees for violations of contract requirements and rules of professional conduct, in addition to 10 letters of advisement for violations of rules of professional conduct, contract requirements, and negligence, however, no disciplinary action was taken. Ms. Townsend explained that 75% of other landscape architectural jurisdictions require CE varying between 12 to 32 hours, and they all require minimum number of hours to be completed in health, safety, and welfare of the public.

Ms. Townsend reminded LATC that at its December 2, 2020 meeting, the members expressed the need for additional research regarding CE requirements in other jurisdictions, recently amended regulations, and the fiscal and time impact on staff. She explained that most landscape architect registration boards requiring CE made the decision as a Board to ensure the health, safety, and welfare of the public. She continued that it would be difficult to determine the fiscal and time impact CE requirements would have on staff, however, factors would include whether LATC would approve courses or providers, the auditing of licensees for compliance, and enforcement of non-compliance. Ms. Townsend also provided that in the past five years the only statutory change was amendments to Business and Professions Code (BPC) section 5616 for contract requirements, however, there are proposed amendments that would affect the profession such as BPC section 5659 for the inclusion of license number and, also California Code of Regulations section 2671 for public presentments and advertising requirements.

Ms. Townsend explained that at the Committee's April 29, 2021 meeting, members continued to express the need for additional research, specifically to research whether the jurisdictions requiring CE found an association between the requirement of CE and enforcement or health, safety, and welfare issues within the profession; assess the California Supplemental Examination (CSE) to determine if there were any specific areas of practice that could be a potential CE requirement; contact the California Council of ASLA to inquire on whether they feel there is a

critical need for CE; and survey the California licensee population on CE. She continued that after reaching out to the CE jurisdictions it was found that most of the jurisdictions did not find an association or they were unable to determine an association between their CE requirement and enforcement issues due to a lack of cases against licensees. Ms. Townsend continued that after assessing the CSE, which is comprised of topics related to site assessment, program development, design process, and construction documents and contract performance; it was found over the past three fiscal years candidates performed the poorest in program development followed by construction documents and contract performance.

Ms. Townsend continued that staff worked with Mr. Wreschinsky to develop a survey regarding CE which was sent out to every California licensed landscape architect with an email on file with LATC. She stated that LATC received 658 survey responses showing that approximately 50% of licensees are participating in CE and 42% of those licensees maintain a license in another jurisdiction that requires CE for license renewal. Ms. Townsend continued that most licensees from the survey participating in CE complete between one and five hours followed by six to ten hours which are obtained in multiple subject areas with a cost ranging from \$0 to \$100. She explained that the survey results indicated most licensees participating in CE feel zero to five hours would be a reasonable CE requirement followed by six to ten hours. Ms. Townsend explained most licensees that do not currently participate in CE feel there are current issues within the landscape architecture profession that could be potential CE topics, ranging from environmental solutions to design.

Mr. Bowden expressed interest in knowing what the Sierra Chapter of ASLA was expecting in terms of CE requirements and the topics they were concerned about. Ms. Townsend informed the members that she had reached out to the Sierra Chapter, however, had not received a response. Mr. Bowden explained that he is not against requiring CE but opined that more guidance is needed as well as a demonstrated need for CE rather than requiring CE in general health, safety, and welfare topics. He continued that the information presented does not seem to provide a demonstrated need for CE and expressed concerns about requiring CE in specific topics which could not be justified for license renewal.

Ms. Brief reminded LATC that their charge is to protect the health, safety, and welfare of consumers and, although she feels there are other important reasons for CE, the information provided did not support the need to require CE as it specifically relates to the health, safety, and welfare of consumers.

Mr. Wreschinsky opined that LATC has researched as much as possible and suggested reaching back out to the Sierra Chapter of ASLA and inform them of what was found in staff's research and inquire if they are aware of any specific issues that they feel need to be addressed.

Ms. Landry explained that she has been promoting CE for Americans with Disabilities Act (ADA) requirements. She opined that it would be interesting to contact larger cities and inquire on the number of plan reviews done for landscape architects that are providing ADA plans. She continued that not only licensees providing public work should be familiar with ADA requirements and laws but those providing residential services should as well. Ms. Landry also opined that LATC should not just consider the submitted enforcement issues to determine if violations have occurred because not all potential violations are submitted to LATC for review. She also agreed with Mr. Wreschinsky in that it would be helpful to know what the Sierra Chapter of ASLA had in mind in terms of a CE requirement.

Mr. Wreschinsky asked Ms. Trauth if she knew of any particular issues LATC should be concerned about given her involvement in many different projects, especially public works. Ms. Trauth acknowledged there are several topics of concern that could be a potential CE requirement, one of which is ADA requirements as well as climate change repercussions and water use. However, she opined that it could be difficult not knowing where the Governor and state stands on CE requirements and did not want to spend time and money attempting to require CE for license renewal only to be denied.

Mr. Jones explained that architects are required to complete five hours of ADA accessibility requirements. He continued that California has one of the lowest CE requirements in the nation and because of that architects were encouraged to do more in terms of CE. Mr. Jones acknowledged that natural disasters are prevalent in California and the architectural profession felt that those were important topics for CE. He continued that he is a residential architect servicing large subdivisions and multi-family projects working with landscape architects and expressed the value that landscape architects bring to the conversations and solutions in terms of site and accessibility constraints.

Mr. Wreschinsky inquired on if there needed to be a motion to direct staff to draft a letter to send to the Sierra Chapter of ASLA regarding the CE topic. Mr. Bowden expressed interest in knowing what the California Council ASLA thoughts were especially after receiving a public comment letter requesting LATC to take into consideration the amount of staff time and the need for requiring CE. Mr. Wreschinsky reminded LATC that researching the need for CE is a current strategic plan objective and questioned whether the objective was fulfilled or if it should be discussed for the next strategic plan.

Ms. Hollingworth agreed that it would be beneficial to know from the Sierra Chapter, or anyone else, what would be helpful in the industry and acknowledged that ADA requirements as well as defensible space are both important topics for professionals to be aware of. She also offered to assist LATC with potentially surveying other ASLA chapters to obtain their thoughts on a CE requirement for licensure renewal.

Ms. Landry informed LATC that she has noticed some issues with ADA compliance and therefore she is in favor of having an ADA CE requirement. Mr. Bowden questioned whether requiring ADA CE every two years would be beneficial or would licensees learn the same information over and over.

• Susan M. Landry motioned to defer the topic until the strategic planning session as part of the bigger conversation and have staff reach out the Sierra Chapter of ASLA for their input.

Member Patricia M. Trauth seconded the motion.

There were no comments from the public.

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

O. Future Committee Meeting Dates

Ms. Rodriguez announced upcoming meeting dates for both LATC and the Board. The LATC members discussed their availability to attend the upcoming Board meetings.

P. Adjournment

The meeting adjourned at 3:09 p.m.