



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

April 7-8, 2022

Department of Consumer Affairs

HQ 2 Hearing Room

1747 North Market Blvd

Sacramento, CA 95834

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

The Landscape Architects Technical Committee (LATC or Committee) will hold a meeting as noted above.

AGENDA

April 7, 2022

10:30 a.m. to 5 p.m.

(or until completion of business)

Action may be taken on any item listed below.

- 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)).
- D. Update from the Department of Consumer Affairs (DCA) – Board and Bureau Relations, DCA
- E. Review and Possible Action on January 27, 2022, Committee Meeting Minutes
- F. Program Manager's Report - Update on Committee's Administrative/Management, Examination, Licensing, and Enforcement Programs

(Continued)

- G. Review and Discuss 2022 Legislation
 - 1. Assembly Bill (AB) 225 (Gray) Department of Consumer Affairs: Boards: Veterans: Military Spouses: Licenses
 - 2. AB 1662 (Gipson) Licensing Boards: Disqualification from Licensure: Criminal Conviction
 - 3. AB 1733 (Quirk) State Bodies: Open Meetings
 - 4. Senate Bill (SB) 1237 (Newman) Licenses: Military Service
 - 5. SB 1365 (Jones) Licensing Boards: Procedures
 - 6. SB 1443 (Roth) The Department of Consumer Affairs

- H. Council of Landscape Architectural Registration Boards (CLARB)
 - 1. Review and Possible Action on Uniform Standard Task Force Recommended Positions on CLARB Resolutions:
 - a. Resolution #1 *Adoption of the CLARB Uniform Licensure Standard for Landscape Architecture*
 - b. Resolution #2 *Revisions to the CLARB Model Law and Regulations to Align with the Draft Uniform Licensure Standard for Landscape Architecture*
 - c. Resolution #3 *Revisions to the CLARB Model Law and Regulations to Promote Diversity, Equity, and Inclusion in Licensure Standards and to Align with CLARB's DEI Principles*
 - 2. Discuss and Possible Action on CLARB Workgroup Invitation to Evaluate Outcomes of the Job Task Analysis

- I. Review of Future Committee Meeting Dates

- J. Recess

AGENDA

April 8, 2022

9 a.m. to 4 p.m.

(or until completion of business)

Department of Consumer Affairs

HQ 2 Hearing Room

1747 North Market Blvd

Sacramento, CA 95834

- K. Call to Order – Roll Call – Establishment of a Quorum

- L. Strategic Planning Session

- M. Adjournment

(Continued)

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 LATC plans to webcast the portion of the meeting held on April 7, 2022, 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)).

The meeting is accessible to the disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

Person: Kourtney Nation

Telephone: (916) 575-7230

Email: Kourtney.Nation@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).

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 S. Brief
Susan M. Landry
Patricia M. Trauth
Jon S. Wreschinsky

AGENDA ITEM B: CHAIR'S PROCEDURAL REMARKS AND COMMITTEE 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) – BOARD AND BUREAU RELATIONS, DCA

Board and Bureau Relations staff will provide the Committee with an update on the DCA.

AGENDA ITEM E: REVIEW AND POSSIBLE ACTION ON JANUARY 27, 2022, COMMITTEE MEETING MINUTES

Summary

The Committee is asked to review and take possible action on the minutes of the January 27, 2022 LATC meeting.

Action Requested

Approval of the January 27, 2022 LATC Meeting Minutes

Attachment

January 27, 2022 LATC Meeting Minutes (Draft)



Draft Minutes

CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee Meeting

January 27, 2022
WebEx Teleconference

Landscape Architects Technical Committee (LATC/Committee) Members Present

Jon S. Wreschinsky, Chair
Andrew C. N. Bowden, Vice Chair
Pamela S. Brief

LATC Members Absent

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
Blake Clark, Examination Analyst
Kourtney Nation, Special Projects Analyst
Stacy Townsend, Enforcement Analyst

Department of Consumer Affairs (DCA) Staff Present

Robert Calvert, Ph.D., Research Data Specialist II, Office of Professional Examination Services (OPES)
Harmony DeFilippo, Budget Analyst, Fiscal Operations/Budget Office
Karen Halbo, Regulatory Counsel, Attorney III
Carrie Holmes, Deputy Director, Board and Bureau Relations
Michael Kanotz, LATC Counsel, Attorney III
Heidi Lincer, Ph.D., Chief, OPES

Guests Present

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

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

LATC Chair, Jon Wreschinsky called the meeting to order at 10:08 a.m. and called roll. Three 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-1-22, dated January 5, 2022, 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)

Carrie Holmes reminded the Committee that California state workers are required to either show proof of full COVID-19 vaccination or be tested at least once a week. She shared that DCA and all its Boards and Bureaus continue to look to the future and use lessons learned to identify long-term efficiencies and policy changes and utilize telework where appropriate. Ms. Holmes reminded the Committee members of the 2022 required board member trainings and Form 700 deadline.

E. Review and Possible Action on August 4, 2021 LATC Meeting Minutes

- **Andrew C. N. Bowden moved to approve the August 4, 2021 LATC Meeting Minutes as presented.**

Pamela S. Brief seconded the motion.

There were no comments from the public.

Members Bowden, Brief, and Chair Wreschinsky voted in favor of the motion. Members Landry and Trauth were absent. The motion passed 3-0-2.

F. Program Manager’s Report

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

Trish Rodriguez advised the Committee of the status of the Business Modernization Project and announced the next Board meeting would be held February 18, 2022. Ms. Rodriguez noted that staff continue to telework as their duties allow. She shared that the LATC Examination Coordinator provided an outreach presentation at UC Davis on November 9, 2021. Ms. Rodriguez continued that recruitment is

underway for the Licensing Coordinator position as well as the limited-term Associate Governmental Program Analyst position to assist during Business Modernization.

Ms. Rodriguez also highlighted LATC's recent social media and website activities. She concluded her presentation with an overview of LATC's current rulemaking and enforcement activity. Mr. Wreschinsky noted that candidates who repeat the California Supplemental Examination have a higher fail rate and LATC may want to discuss further with OPES.

G. Discuss and Possible Action on the Committee's Annual Budget – DCA, Budget Office

Harmony DeFillippo presented the Committee's projected revenues and expenditures for fiscal years 2021-22, 2022-23, and 2023-24. She advised that the DCA Budget Office will continue to monitor LATC's budget and provide monthly updates to LATC Program Manager Trish Rodriguez.

Mr. Wreschinsky inquired about the process to collect delinquent license fees. Ms. DeFillippo advised that a delinquent fee is assessed when a licensee has not paid their renewal fee. Ms. Rodriguez confirmed that when a licensee pays their renewal fee 30 days after their license expiration date, they are assessed a delinquent fee equal to half the amount of the renewal fee.

Tracy Morgan Hollingworth asked what two positions were currently vacant. Ms. Rodriguez responded that recruitment is underway for the Licensing Coordinator Office Technician position and a limited-term Associate Governmental Program Analyst position which was recently approved to support upcoming business modernization efforts.

H. Review and Discuss 2021 Legislation

1. Assembly Bill (AB) 1010 (Berman) DCA: Architects: Continuing Education

Ms. Zuniga explained that the Governor signed AB 1010 last fall, which requires architects to complete an additional five hours of continuing education in zero net carbon design starting January 1, 2023 and the Board will need to adopt regulations by July 2024. Mr. Wreschinsky asked if the Board had received any inquiries from people who would like to establish a qualifying continuing education course. Ms. Zuniga responded that the American Institute of Architects California sponsored the bill and indicated they would offer continuing education classes.

Ms. Morgan Hollingworth commented that the American Society of Landscape Architects is pursuing a bill to implement carbon neutral requirements within building codes pertaining to landscape architecture.

I. Presentation by DCA Office of Professional Examination Services (OPES) on Examination Performance Statistics for Sections 1 and 2 of the Landscape Architect Registration Examination

Ms. Rodriguez reminded the Committee that the goal of performing an examination performance analysis was to evaluate success rates of candidates who utilized the LATC pathway to sit for sections 1 and 2 of the Landscape Architect Registration Examination (LARE) after graduation from a qualifying educational program. She announced that OPES Research Data Specialist Robert Calvert, Ph.D., would present the findings. Dr. Calvert announced that LATC recently asked OPES to perform an analysis of LARE pass rates before and after a 2012 policy change. He expanded that the 2012 policy change allowed candidates to take the first two LARE sections immediately after obtaining an approved degree, without having to wait to finish training experience requirements. Dr. Calvert explained that OPES analyzed the impact the 2012 policy change had on pass rates by reviewing data from 2010 through 2014. He clarified that OPES analyzed the difference in pass rates between candidates who took the LARE prior to the policy change and those who took the LARE after. Dr. Calvert reported that there is no statistically significant difference between pass rates of candidates who took LARE sections 1 and 2 (titled A and B prior to 2012). He noted that differences in LARE pass rates before and after the 2012 policy change could be attributed to other factors such as small variations in difficulty, changes in test population, and the testing environment. Dr. Calvert clarified that because the observed difference in pass rates is small, it is unlikely that any one factor, in this case the 2012 policy change, was the sole cause of the change in pass rates.

Mr. Wreschinsky noted that the presented August LARE pass rates seem worse than other times in the year when the LARE was administered and asked if an analysis could be done to determine any pass rate trends among LARE administrations. Dr. Calvert advised that since the data is over ten years old it is likely current pass rates could be affected by other factors. He confirmed that other DCA programs have experienced similar seasonal effects on examination pass rates based on test populations. Mr. Bowden shared that the material covered in LARE section 1 is relevant to training experience which could impact pass rates of candidates who sit for the LARE prior to obtaining training experience. Ms. Brief asked if data has been evaluated for LATC candidates who hold a degree from a California educational program. Ms. Rodriguez explained that LATC does track the educational experience of each candidate, however, staff do not currently have the ability to extract such data without manually reviewing candidate files. She added that current business modernization efforts will result in a platform that will allow staff to conduct such studies more easily. Mr. Wreschinsky asked if LATC collects sufficient data to compare pass rates with a candidate's educational experience and graduation date to determine any correlation. Ms. Rodriguez confirmed that the specified data is collected for each candidate. Mr. Wreschinsky added that further consideration and data analysis could be done at some point in the future when data is more easily available. Ms. Brief agreed and noted that the data would be easier to extract after the system has been updated.

J. Discuss and Possible Action on Council of Landscape Architectural Registration Boards' Uniform Standards, and Pre-Approval Process

Ms. Rodriguez reminded the Committee that CLARB is pursuing uniform standards for landscape architect licensure across member boards. She shared that LATC Chair Jon S. Wreschinsky recently wrote to CLARB on behalf of LATC to outline discrepancies between their proposed Uniform Standard and California's current statutes and regulations. She advised that CLARB will hold a membership vote on the proposed Uniform Standard during their meeting on April 20, 2022.

Mr. Wreschinsky shared that he has tracked CLARB's activity on this initiative and made an effort to attend every meeting that CLARB has held on the subject and carefully consider LATC responses to CLARB on the matter. He expressed that it would be extremely difficult for LATC to agree with the three resolutions CLARB has proposed. Mr. Wreschinsky added that further discussion and information from CLARB could help clarify some of the items before the CLARB membership vote on April 20, 2022 and suggested that LATC hold off on voting to allow more time and further review. Ms. Brief added that CLARB continues to discuss provisions for increased equity and yet the proposed Uniform Standard requires additional years of experience to obtain licensure. She added that it does not seem that CLARB has proven their case for providing increased equity in access to licensure. Mr. Bowden agreed and added that California pathways to licensure were intentionally expanded after the creation of the LATC to decrease barriers to licensure and that removing any pathways could raise concern among legislators. He added that LATC must do what is best for the population of California and CLARB has not taken LATC's considerations into account. Mr. Wreschinsky expanded that further discussion and review is necessary to clarify what is being asked of LATC if the CLARB membership votes to approve the Uniform Standard. Ms. Brief noted that CLARB has also stated that the proposed Uniform Standard would increase defensibility of landscape architecture licensure requirements, however, that is not the case for the state of California. Mr. Wreschinsky added that the Uniform Standard is more restrictive than California's current pathways to licensure and it seems to penalize alternative pathways by requiring additional years of experience, in comparison to California's current requirements. Mr. Wreschinsky suggested forming a subcommittee of at least two LATC members to work over the next month to put together a recommendation to the LATC on how to vote on the CLARB resolutions. Ms. Brief suggested that the subcommittee reach out to ASLA to understand the broader consensus on the defensibility of landscape architecture licensure requirements.

- **Pamela S. Brief moved to form a subcommittee consisting of LATC Chair Jon S. Wreschinsky and LATC member Pamela S. Brief with the intention of preparing a recommendation on the CLARB Uniform Standard resolutions to present at the April LATC meeting.**

Andrew C.N. Bowden seconded the motion.

There were no comments from the public.

Members Bowden, Brief, and Chair Wreschinsky voted in favor of the

motion. Members Landry and Trauth were absent. The motion passed 3-0-2.

K. Review and Discuss 2019-2021 Strategic Plan Objectives

Ms. Rodriguez shared that all the strategic plan objectives had been addressed or completed and explained that some objectives include ongoing workloads. She highlighted achievements in each goal area and reminded the Committee that, in response to LATC inquiries regarding the feasibility of a structured internship program, CLARB indicated that such a program may increase barriers to licensure. Ms. Rodriguez announced that CLARB recently invited a member of the LATC to participate in an upcoming work group to evaluate the outcomes of CLARB's current Job Task Analysis.

Mr. Bowden asked when staff will start work on the next Sunset Report. Ms. Rodriguez confirmed that staff will begin the process this year. Ms. Zuniga added that staff can start drafting the report using last year's template. Ms. Brief asked if LATC has discussed establishing accounts on other social media platforms, such as LinkedIn and Instagram. Ms. Rodriguez advised that the Committee could establish an objective to consider additional social media platforms during the next strategic planning session. Mr. Wreschinsky asked the Committee members to notify Ms. Rodriguez of any issues to consider in advance of the next strategic planning session.

L. Election of 2022 Committee Officers

Mr. Wreschinsky informed the members that he would like to self-nominate for another year as Chair and continue his role in ongoing discussions with CLARB. Ms. Brief announced that she would like to self-nominate for Vice Chair.

- **Andrew C.N. Bowden moved to elect Jon S. Wreschinsky as 2022 LATC Chair and Pamela S. Brief as 2022 LATC Vice Chair.**

Pamela S. Brief seconded the motion.

There were no comments from the public.

Members Bowden, Brief, and Chair Wreschinsky voted in favor of the motion. Members Landry and Trauth were absent. The motion passed 3-0-2.

M. Review of Future Committee Meeting Dates

Ms. Rodriguez announced upcoming meeting dates for both the Board and LATC. Mr. Bowden asked if the next LATC meeting would be held over two days and include strategic planning. Ms. Rodriguez confirmed it would be possible to coordinate a two-day, in-person meeting. The LATC members discussed their availability to attend the upcoming Board meetings.

Ms. Morgan Hollingworth shared that CCASLA revenues have decreased and the ability to attend LATC meetings virtually has helped reduce costs.

N. Adjournment

The meeting adjourned at 1:26 p.m.

AGENDA ITEM F: PROGRAM MANAGER’S REPORT – UPDATE ON COMMITTEE’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

Program Manager’s Report Dated March 1, 2022



DEPARTMENT OF CONSUMER AFFAIRS • BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY

CALIFORNIA ARCHITECTS BOARD

Landscape Architects Technical Committee

Public Protection through Examination, Licensure, and Regulation

Governor
Gavin Newsom

MEMORANDUM

DATE	March 1, 2022
TO	Landscape Architects Technical Committee (LATC) Members
FROM	Trish Rodriguez, Program Manager
SUBJECT	Program Manager Report

The following information is provided as an overview of Committee activities and projects as of February 28, 2022.

Administrative/Management

Business Modernization Cohort 2 project members consisting of LATC, California Architects Board, Structural Pest Control Board, Cemetery and Funeral Bureau, and the Bureau of Household Goods and Services is in California Department of Technology's fourth and final stage of the Project Approval Lifecycle. The software vendor has been identified as InLumon. A solicitation for System Integration services was released in November 2021. A contract will be awarded to the highest scoring bidder. Project is anticipated to commence in Spring 2022.

California Architects Board The Board met on February 18, 2022, via teleconference. Remaining dates for 2022 are May 20, September 9, and December 9.

Committee The Department of Consumer Affairs (DCA) Strategic Organization, Leadership & Individual Development (SOLID) will facilitate a strategic planning session in Sacramento on April 8, 2022, to identify objectives for LATC's next strategic plan.

Coronavirus (COVID-19) All state workers are required to either show proof of full vaccination or be tested for COVID-19 at least once per week when working on-site. In response to these requirements, DCA, in coordination with CalHR and the California Department of Public Health (CDPH), developed a testing program to serve the department, its 36 entities, and its employees. Tests kits, supplies and program technology are provided by the state's testing vendor, Color.

Face coverings are strongly recommended, but no longer mandatory, for vaccinated individuals except in certain high-risk settings, such as health care facilities and public transit. Unvaccinated individuals must continue to wear face coverings in all indoor settings. Staff whose duties can be performed remotely continue to telework as well as in the office.

Outreach An outreach presentation is planned for April 2022 at the University of California, Berkeley. The presentation will include an overview of LATC's mandate, Landscape Architects Practice Act, importance of licensure, examination process, and updates to the various

education and training pathways to licensure.

Personnel The Assistant Executive Officer position remains vacant. Nicholas Barnhart was hired on March 28, 2022, to fill the Licensing/Administration Coordinator (Office Technician) position.

Social Media LATC maintains a Twitter account that currently has 224 followers. This account largely permits the LATC to have active social media participation with the public and professionals.

Website On January 1, 2022, the requirement for all new initial license applicants to submit fingerprints prior to the issuance of a landscape architect license went into effect. Information regarding this requirement is available on the LATC website. LATC received Department of Justice approval for California-level background checks on February 1, 2022, and the live scan form was posted to LATC's website. The Federal Bureau of Investigation approved LATC for federal-level background checks on March 2, 2022, and an updated Live Scan fingerprint form was posted on its website on March 7, 2022. LATC received fingerprints from six applicants with only the California-level background checks. Additional searches for convictions of those six applicants were conducted using Pacer. Initial licenses were issued to four of those applicants. Three applicants submitted fingerprints prior to taking the California Supplemental Examination.

On January 24, 2022 the Notice of Availability of Second Modified Text and Addendum to the Initial Statement of Reasons concerning section 2620 (Education and Training Credits) of the California Code of Regulations (CCR) was posted to the LATC website.

On February 28, 2022 the Notice of Availability of Modified Text concerning CCR section 2620.5 (Requirements for an Approved Extension Certificate Program) was posted to the LATC website.

Legislative Proposal ***Business and Professions Code (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. The bill was resubmitted to legislative staff in January 2021 however proposed language in the omnibus bill would delay review for other programs, thus removed. At this time, LATC is planning to include this proposal in its next Sunset bill.

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
January 2021	Submitted to the Business, Professions, and Economic Development Committee
March 2021	Resubmitted to Senate Business, Professions, and Economic Development Committee

Regulatory Proposals CCR Sections 2611 (Abandonment of Application), 2611.5 (Retention of Candidate Files), and 2616 (Application for Licensure Following Examination) LATC approved proposed changes to define the abandonment of an application and provide authority for the retention and purging of candidate files on February 5, 2020. These proposed changes were adopted by the Board on February 28, 2020. OAL approved the regulatory proposal and filed it with the Secretary of State on December 13, 2021. The regulatory action takes effect April 1, 2022.

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
May 20, 2021	Proposed regulation submitted to OAL to publish notice of 45-day comment period
September 30, 2021	Final regulation package submitted to OAL for review.
December 13, 2021	Regulatory proposal approved by OAL and filed with Secretary of State
April 1, 2022	Regulatory action takes effect

CCR Sections 2615 (Form of Examinations) and 2620 (Education and Training Credits)

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 Board approved the LATC’s proposed regulatory language at its meeting on September 12, 2018. Staff proceeded with the regulatory proposal process and on April 27, 2021, the package was submitted to OAL to publish Notice of the 45-day comment period which commenced on May 7, 2021 and ended on June 22, 2021. In response to public comment received on June 7, 2021, LATC staff worked with DCA Legal to prepare modified proposed regulatory language for CCR section 2620. This new proposal was provided to the public on June 24, 2021, and the related public comment period ended on July 9, 2021. No comments were received regarding the modified regulatory proposal. The LATC and Board approved the modified regulatory proposal at their meetings on August 4, 2021, and September 10, 2021, respectively. On August 25, 2021, the final regulatory proposal was provided to DCA for review. On December 1, 2021, the final regulatory package was provided to OAL for review. On January 11, 2022, the assigned OAL reviewing attorney notified LATC staff of an issue within the rulemaking file that would require a 15-day notice to the public in order to proceed with the rulemaking as directed by the LATC and Board. As a result, the regulatory proposal was withdrawn from OAL review on January 12, 2022, and staff issued the 15-day Notice of Availability of Second Modified Text and Addendum to the Initial Statement of Reasons on January 24, 2022. The public comment period ended on February 9, 2022, and staff worked with DCA Legal to resubmit the rulemaking file to OAL in April 2022.

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

Date	Action Taken
September 12, 2018	Board approved proposed amendments and directed the EO

	to proceed with the combined rulemaking file
February 7, 2019	Proposed regulation submitted to DCA Legal for pre-review
June 6, 2019	Proposed regulation to DCA Legal Affairs 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
November 5, 2020	Budget re-approved (STD. 399).
November 18, 2020	Proposed regulation submitted to Agency for review
April 27, 2021	Proposed regulation submitted to OAL to publish notice of 45-day comment period
June 22, 2021	End of public comment period
June 24, 2021	Modified Text issued, commencing 15-day comment period
July 9, 2021	End of 15-day public comment period. No comments received.
August 4, 2021	LATC recommended Board approval of Modified Text
August 25, 2021	Submitted final regulation package to DCA Legal for review
September 10, 2021	Board approved Modified Text and directed the EO to proceed with the rulemaking file
October 18, 2021	Submitted final regulation package to Agency for review.
December 1, 2021	Final regulation package submitted to OAL for review.
January 12, 2022	Regulatory Package Withdrawn to Issue 15-Day Notice and Resubmit
January 24, 2022	Second Modified Text issued, commencing 15-day comment period
February 9, 2022	End of 15-day public comment period. No comments received.
February 18, 2022	Second Modified Text approved by Board
April 1, 2022	Final regulation package resubmitted to OAL

CCR Section 2620.5 (Requirements for an Approved Extension Certificate Program) At the December 6, 2018, LATC meeting, the Committee began discussions 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.

The Board approved the LATC's proposed regulatory language at its meeting on June 12, 2019. Staff proceeded with the regulatory proposal process and on June 24, 2021, the package was submitted to OAL to publish Notice of the 45-day comment period which began on July 9, 2021 and ended on August 24, 2021. No comments were received. On September 3, 2021, the final regulatory proposal was provided to DCA for review. On December 27, 2021, the final regulatory package was provided to OAL for review. On February 4, 2022, the assigned OAL reviewing attorney notified LATC staff that the text changes made after the Board's June 12, 2019, meeting were not clearly reflected in the minutes and carried through in the text. Additionally, the OAL reviewing attorney raised clarity concerns within the proposed text that would require a 15-day notice to the public of modified text.

As a result, the regulatory proposal was withdrawn from OAL review on February 8, 2022, and staff issued the 15-day notice of modified text indicating changes to subdivisions (b), (c), (d), and (j) on February 28, 2022. The public comment period ended on March 16, 2022, and staff are worked with DCA Legal to resubmit the rulemaking file to OAL in early April 2022.

At the December 2, 2020, LATC meeting, the Committee recommend to the Board approval of the extension certificate program within the University of California, Los Angeles effective through December 31, 2025.

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

Date	Action Taken
June 12, 2019	Proposed regulatory language approved by Board
February 5, 2020	Proposed regulation submitted to Budget Office for approval
April 8, 2020	DCA Legal Affairs Division returned proposed regulation to LATC staff for review
May 6, 2020	Proposed regulation submitted to DCA Legal Affairs Division for continued initial analysis
October 9, 2020	Underlying data for proposed regulation provided to DCA Legal Affairs Division
February 3, 2021	Budgets reviewed and revised Budget Language
March 24, 2021	Budget approved Economic and Fiscal Impact Statement (Std. 399). Pending Legal Review of Initial Analysis
May 24, 2021	Proposed regulation submitted to Agency for review
June 24, 2021	Proposed regulation submitted to OAL to publish notice of 45-day comment period
August 24, 2021	End of public comment period
September 3, 2021	Submitted final regulation package to DCA Legal for review
December 9, 2021	Submitted final regulation package to Agency for review.
December 27, 2021	Final regulation package submitted to OAL for review.
February 8, 2022	Regulatory Package Withdrawn to Issue 15-Day Notice and Resubmit
February 18, 2022	Modified Text approved by Board
February 28, 2022	Modified Text issued, commencing 15-day comment period
March 16, 2022	End of 15-day public comment period. No comments received.

CCR Sections 2630 (Issuance of Citations) and 2630.2 (Appeal of Citations) To be more in line with the Board’s procedures for the appeal of citations, staff proposed edits to LATC’s appeal of citations regulation. Additionally, it was advised by legal counsel that additional edits needed to be made to the issuance of citations regulation. Language has been added clarifying the Board’s existing ability to issue orders of corrections to cease unlawful advertising under BPC section 149, clarifying that the 30-day deadlines are counted as calendar days, amending the appeal of citations process. The proposed language was presented to the LATC on December 2, 2020, and adopted by the Board at its December 11, 2020, meeting. DCA Legal completed their pre-review on April 5, 2021. The package was submitted for Initial Analysis on April 6, 2021. In September 2021, staff worked with DCA Legal on amendments to the package while in the Initial Analysis phase. The amendments made were substantial and were reviewed, and approved, by the Board at its December 10, 2021, meeting. Staff revised the necessary documents and submitted to DCA Legal for review on January 4, 2022.

Following is a chronology of the regulatory proposal for CCR sections 2630 and 2630.2:

Date	Action Taken
December 11, 2020	Proposed regulatory language approved by Board
March 2, 2021	Proposed regulation package submitted to DCA Legal for pre-review
April 5, 2021	DCA Legal Affairs Division completed pre-review
April 6, 2021	Proposed regulation submitted to DCA Legal for Initial Analysis and Budget Office for approval
December 10, 2021	Proposed amendments to the regulation approved by the Board
January 4, 2022	Revised regulatory documents provided to DCA Legal for initial analysis

CCR Section 2651 (Waiver of Fees for Licensure, Renewal, or Replacement of License Upon Declaration of Emergency) Effective January 1, 2020, section 11009.5 of the Government Code allows state licensing entities to reduce or waive licensing fees for people affected by a proclaimed or declared emergency in the previous year. Licensing programs within DCA may, but are not required to, establish a process for reducing or waiving the licensing fees of those impacted by federal, state, or local emergencies.

In February 2021, staff worked with DCA regulations counsel to prepare a draft regulatory proposal that would implement an emergency fee waiver by adopting CCR, title 16, division 26, article 1, section 2651. Waiver of Fees for Licensure, Renewal, or Replacement of License Upon Declaration of Emergency. The proposed language was presented to the LATC on April 29, 2021 and adopted by the Board at its June 11, 2021 meeting. After DCA Legal initiated their pre-review on July 6, 2021, revisions are recommended and will be presented at a future LATC meeting.

Following is a chronology of the regulatory proposal for CCR section 2651:

Date	Action Taken
June 11, 2021	Proposed regulatory language approved by Board
July 6, 2021	Proposed regulation package submitted to DCA Legal for pre-review

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. 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) required 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*. The rulemaking file was submitted to the DCA Legal Affairs Office for Initial Analysis. During Initial Analysis, DCA Legal Affairs found that additional amendments were necessary. The LATC and Board approved additional amendments to the proposed regulatory language at their meetings on August 4, 2021 and September 10, 2021, respectively. After the Committee’s approval and in anticipation of the Board’s approval, staff revised documents for the regulatory proposal to incorporate the additional amendments

and submitted them to DCA Legal for review on August 26, 2021. Revised Economic and Fiscal Impact statement submitted to DCA Budget Office on January 10, 2022. On March 4, 2022, DCA Legal completed their review and provided edits to the regulatory package for staff review. On March 10, 2022, staff provided the revised documents to DCA Legal for submittal for Executive and Agency review. On March 25, the revised documents were submitted to the Director's office for review.

Following is a chronology of LATC's regulatory proposal for CCR section 2680:

Date	Action Taken
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 for review
November 12, 2015	DCA Legal 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 proposal of LATC's Disciplinary Guidelines, with additional substantive changes approved by Board
December 7, 2017	Amended proposal 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 recommended Board approval
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 changes to LATC's Disciplinary Guidelines submitted to DCA Legal for prereview
October 8, 2019	DCA Legal Affairs Division concluded pre-review of LATC's Disciplinary Guideline's regulatory package

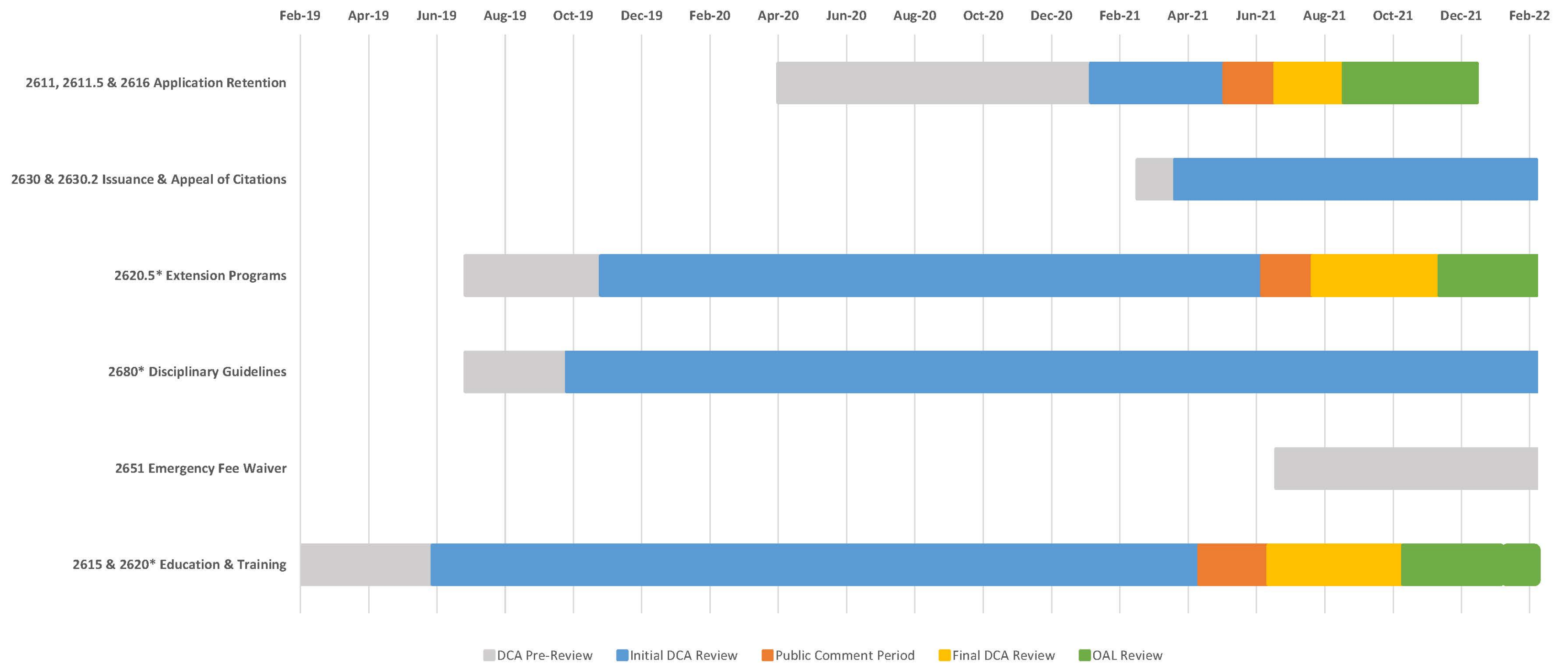
October 15, 2019	Proposed regulation package to DCA Legal for initial analysis
April 17, 2020	DCA Budget Office approved Economic and Fiscal Impact Statement (Std. 399)
October 19, 2020	Signed revised Economic and Fiscal Impact Statement (Std. 399) provided to DCA Budget Office
August 4, 2021	The Committee reviewed and approved additional amendments to the Guidelines.
August 26, 2021	Staff submitted revised documents for the regulation package incorporating the additional amendments to DCA Legal.
September 10, 2021	The Board reviewed and approved the additional amendments to the Guidelines.
January 10, 2022	Revised Economic and Fiscal Impact statement provided to DCA Budget Office.
March 10, 2022	Revised documents provided to DCA Legal for Executive and Agency review.
March 25, 2022	Revised documents provided to the Director's office for review.

Regulation Proposals Tracker This chart allows at-a-glance tracking of the pending regulation packages. Since the January LATC meeting, two regulation packages for CCR sections 2615/2620 and 2620.5 entered the final DCA review stage (Education and Training Credits and Requirements for an Approved Extension Certificate Program). On April 1, 2022, a regulatory action becomes effective amending CCR sections 2611 (Abandonment of Application) and 2616 (Application for Licensure Following Examination) to define the abandonment of an application and to adopt CCR section 2611.5 (Retention of Candidate Files) to provide LATC with authority and procedure for the retention and purging of candidate files.

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	Jan-21	284	Jan-21	May-21	121	Jun-21	Jul-21	46	Jul-21	Sep-21	62	Sep-21	Dec-21	121
2630 & 2630.2 Issuance & Appeal of Citation	Mar-21	Apr-21	34	Apr-21	Feb-22	328			0			0			0
2620.5* Extension Programs	Jul-19	Nov-19	123	Nov-19	Jun-21	600	Jul-21	Aug-21	46	Sep-21	Dec-21	115	Dec-21	Feb-22	89
2680* Disciplinary Guidelines	Jul-19	Oct-19	92	Oct-19	Feb-22	881			0			0			0
2651 Emergency Fee Waiver	Jul-21	Feb-22	237			0			0			0			0
2615 & 2620* Education & Training	Feb-19	Jun-19	120	Jun-19	Apr-21	696	May-21	Jul-21	63	Aug-21	Dec-21	122	Dec-21	Feb-22	89

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). Performance data for the CSE during the current and prior FYs is displayed in the following tables.

CSE Performance by Candidate Type (July 1, 2021 to February 28, 2022)

Candidate Type	Passed	Rate	Failed	Rate	Total
First-time	39	63%	23	37%	62
Repeat	7	29%	17	71%	24
Total	46	53%	40	47%	86

CSE Performance by Candidate Type (FY 20/21)

Candidate Type	Passed	Rate	Failed	Rate	Total
First-time	75	68%	35	32%	110
Repeat	20	67%	10	33%	30
Total	95	68%	45	32%	140

Landscape Architect Registration Examination (LARE). A LARE administration is scheduled for March 28 – April 9, 2022. Examination results for all LARE administrations are released by CLARB within six weeks of the last day of administration.

CLARB 2022 Job/Task Analysis In late January 2022, CLARB launched its Job Task Analysis (JTA). Conducted every 5-7 years as a survey, a JTA of the practice of landscape architecture ensures what is tested on the Landscape Architect Registration Examination (LARE) accurately reflects the knowledge and skills required to practice as a licensed professional. CLARB sent the survey to stakeholders between February 1 - March 16. The JTA is used in the development of LARE content and to create the next LARE blueprint.

On March 16, 2022, Intra-Departmental Contracts #75737 and #75738 were executed to allow the DCA Office of Professional Examination Services (OPES) to conduct annual written examination development as well as the LARE National Review and Linkage Study with costs of \$23,808 and \$26,212, respectively. The total cost for both contracts is \$50,020. Once CLARB has completed their JTA for the LARE in Spring 2022, OPES will work with the LATC to complete the linkage study of the LARE and make any needed changes to the contents of the CSE.

LATC ENFORCEMENT PROGRAM

Fingerprinting Effective January 1, 2022, all applicants for licensure must submit fingerprints to LATC prior to the issuance of a license. The LATC received approval from the Department of Justice on February 1, 2022, to begin receiving California-level background checks on candidates. On March 2, 2022, the LATC received approval from the Federal Bureau of Investigations to begin receiving Federal-level background checks on applicants. LATC received six submitted fingerprint reports with only the California-level background checks conducted and issued four initial licenses. There have not been any more (or less) conviction cases opened as a result of fingerprint submittal.

Enforcement Actions No new enforcement actions.

<u>Enforcement Statistics</u>	<u>Current Quarter</u> Jan-Feb 2022	<u>Prior Quarter</u> Oct-Dec 2021	<u>FYTD</u> 21/22	<u>5-FY Avg</u> 2016/17- 2020/21
Complaints				
Received/Opened (Reopened):	8 (0)	6 (1)	21 (1)	34 (0)
Closed:	6	7	16	34
Average Days to Close:	209 days	77 days	142 days	109 days
Pending:	11*	9*	9*	10
Average Age (Pending):	86 days*	109 days*	93 days	106 days
Citations				
Issued:	0	0	1*	2
Pending:	0*	0*	0*	0
Pending AG: †	0*	0*	0*	0
Final:	0	0	0	2
Disciplinary Actions				
Pending AG:	0*	0*	0*	0
Pending DA:	0*	0*	0*	0
Final:	0	0	0	0
Settlement Reports (§5678)**				
Received/Opened:	0	0	0	2
Closed:	2	0	2	2
Pending:	0*	1*	0*	0

* Calculated as a quarterly average of pending cases.

** Also included within "Complaints" information.

† Also included within "Pending Citations"

CONTRACT NUMBER IAC #75737	AMENDMENT NUMBER
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INTRA-AGENCY CONTRACT

1. This Contract is entered into between the Board/Bureau/Divisions named below
 REQUESTING BOARD/BUREAU/DIVISION'S NAME
California Architects Board/Landscape Architects Technical Committee (Committee)
 PROVIDING BOARD/BUREAU/DIVISION'S NAME
Office of Professional Examination Services (OPES)
2. The term of this Contract is: **July 1, 2022 through June 30, 2023**
3. The maximum amount of this Contract is: **\$23,808**
4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Contract:
Landscape Architects California Supplemental Examination, Written Examination Development
 - Exhibit A – Scope of Work 1 Page
 - Attachment I – Project Plan 1 Page
 - Attachment II – Roles and Responsibilities 3 Pages
 - Exhibit B – Budget Detail and Payment Provisions 1 Page
 - Attachment I – Cost Sheets 2 Pages
 - Exhibit C – General Terms and Conditions 1 Page
 - Exhibit D – Special Terms and Conditions 1 Page

IN WITNESS WHEREOF, this Contract has been executed by the parties hereto.

DEPARTMENT OF CONSUMER AFFAIRS	Department of Consumer Affairs Contracts Unit Use Only
REQUESTING BOARD/BUREAU/DIVISION'S NAME California Architects Board/Landscape Architects Technical Committee	
BY (Authorized Signature) 	DATE SIGNED 3/16/2022
PRINTED NAME AND TITLE OF PERSON SIGNING Laura Zuniga, Executive Officer	
ADDRESS 2420 Del Paso Road, Suite 105 Sacramento, CA 95834	
BUDGET OFFICER'S SIGNATURE	
DEPARTMENT OF CONSUMER AFFAIRS	
PROVIDING BOARD/BUREAU/DIVISION'S NAME Office of Professional Examination Services (OPES)	
BY (Authorized Signature) 	DATE SIGNED 3-8-2022
PRINTED NAME AND TITLE OF PERSON SIGNING Heidi Lincer, Ph.D., Chief	
ADDRESS 2420 Del Paso Road, Suite 265 Sacramento, CA 95834	
BUDGET OFFICER'S SIGNATURE	

EXHIBIT A

SCOPE OF WORK

1. The Office of Professional Examination Services (OPES) agrees to provide the following services:

Review current examination outline, review existing items, write new items for Landscape Architects California Supplemental Examination, construct one new forms of the written examination, and establish passing score for the one forms of the examination.

The Landscape Architects Technical Committee (Committee) agrees to provide the following services:

See attached: I. Project Plan
 II. Roles and Responsibilities

2. The project representatives during the term of this Contract will be:

Requesting Committee:

Name: Laura Zuniga, Executive Officer
Phone: (916) 471-0760

Office of Professional Examination Services:

Name: Heidi Lincer, Ph.D., Chief
Phone: (916) 574-7588

Direct all Contract inquiries to:

**Department of Consumer Affairs
Contracts Unit:**

Address: 1625 North Market Blvd., Suite S-103
Phone: (916) 574-7277
Fax: (916) 574-8652

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #75737
PROJECT PLAN
for
LANDSCAPE ARCHITECT TECHNICAL COMMITTEE
CALIFORNIA SUPPLEMENTAL EXAMINATION
WRITTEN EXAMINATION DEVELOPMENT
FISCAL YEAR 2022-23

Project Objectives: *Develop new items for LATC examination, review existing items, construct 1 new form of the examination, and establish a passing score for 1 form of the written examination.*

Proposed Completion Date: June 30, 2023

Committee Contact(s): Kourtney Nation
(916) 575-7233

OPES Contact(s): Brian Knox
(916) 574-7580

MAJOR PROJECT EVENTS	TARGET DATE	RESPONSIBILITY
1. Item Writing Workshop Recruit SMEs for 2-day workshop Provide list of SMEs to OPES Conduct workshop with SMEs Perform post workshop activities	August 2022 August 2022 September 16-17, 2022 September 2022	Board Board OPES OPES
2. Item Review Workshop Recruit SMEs for 2-day workshop Provide list of SMEs to OPES Conduct workshop with SMEs Perform post workshop activities	September 2022 September 2022 October 7-8, 2022 October 2022	Board Board OPES OPES
3. Exam Construction Workshop Examination constructed activities performed by OPES	November 2022	OPES
4. Passing Score Workshop Recruit SMEs for 2-day workshop Provide list of SMEs to OPES Conduct workshop with SMEs Analyze data, prepare passing score memo	October 2022 October 2022 November 18-19, 2022 December 2022	Board Board OPES OPES
5. Publish Examination Prepare final copies for one form of examination Prepare examination for CBT	May 2023 June 2023	OPES OPES

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #75737
ROLES AND RESPONSIBILITIES
for
LANDSCAPE ARCHITECT TECHNICAL COMMITTEE
CALIFORNIA SUPPLEMENTAL EXAMINATION
WRITTEN EXAMINATION DEVELOPMENT
FISCAL YEAR 2022-23

INTRODUCTION

The Office of Professional Examination Services (OPES) of the Department of Consumer Affairs (DCA) provides psychometric consulting in examination development and occupational analysis to DCA's regulatory entities through intra-agency contract (IAC) agreements.

The purpose of a licensure examination is to identify individuals who have the minimum knowledge and skills to perform job tasks safely and competently. An occupational analysis (OA) of the profession is required to determine the most critical job tasks and knowledge. The OA must be conducted prior to examination development and reviewed every 5-7 years. To ensure legal defensibility, the content of the examination must be based on the results of a current OA.

The examination development process is conducted in several workshops and requires a total of 24 licensed landscape architects to serve as expert consultants known as subject matter experts (SMEs). A minimum of 6 SMEs, with a goal of 8-10 SMEs, are needed for each workshop. The SMEs in each workshop should be different to ensure objectivity of the examination development process and to ensure that all aspects of the profession are represented.

The examination development services to be provided will include: item writing, item review, examination construction, and passing score processes.

ROLE OF THE BOARD / BUREAU / COMMITTEE

The primary role of the Landscape Architects Technical Committee (Committee) is to recruit a representative sample of SMEs for development of the examination. The Committee should also inform SMEs about the nature of their participation and the OPES security requirements.

The selection of SMEs critically affects the quality and defensibility of a licensure examination program. The SMEs selected to participate in an examination development workshop panel should:

- reflect the landscape architecture in terms of geographic location, practice specialty area, ethnicity, and gender;
- be currently working in the field and have up-to-date skills; and
- maintain a license in good standing that is not retired nor inactive.

Additionally, approximately half of all SMEs in each workshop should have received their license within the past 5 years to ensure that an entry-level perspective is maintained. It is essential that a Committee representative consult with OPES before beginning SME recruitment.

Due to potential conflict of interest, undue influence, security considerations, or all of the above, board members, committee members, and instructors shall not serve as SMEs for, nor participate in, any aspect of licensure examination development or administration, pursuant to DCA Policy OPES 20-01.

In addition, the Committee has the responsibility to acquire any reference materials to be used by the SMEs in the development of examination items.

The nature of the work performed by OPES can result in unanticipated changes. For example, work may be completed ahead of or behind schedule. Flexibility on the part of both parties is essential to the success of the contract.

ROLE OF THE OFFICE OF PROFESSIONAL EXAMINATION SERVICES

The primary role of OPES is to develop the written examination. OPES will link the examination to the results of an occupational analysis to ensure the content validity of the examination. During the workshops, OPES will work with the SMEs to develop items, review items, construct an examination, and establish the passing score for one examinations.

Following each workshop, OPES and Committee staff will review the performance of each SME to determine those who should be invited back. The Committee agrees to recruit SMEs so as to build a competent pool of representative, productive participants.

SECURITY

OPES has implemented various controls to ensure the integrity, security, and appropriate level of confidentiality of licensure examination programs. These controls include prohibiting certain items, such as electronic devices and items that could potentially conceal recording devices, in all workshops.

SMEs are required to:

- provide valid photo identification;
- allow for electronic devices to be secured in the reception area during workshops; and
- sign one or more agreements accepting responsibility for maintaining strict confidentiality of licensure examination material and information to which they have access.

Any person who fails to comply with OPES' security requirements will not be allowed to participate in licensure examination workshops. In addition, any person who subverts or attempts to subvert a licensure examination will face serious consequences, which may include loss of licensure, criminal charges per Business and Professions Code section 123, or both.

OPES will notify the Committee of any SME whose conduct during a workshop violates policy or whose presence is disruptive. OPES reserves the right to immediately dismiss any SME whose presence poses a security risk. OPES will take steps to manage disruptive behavior; however, if such behavior persists or prevents other SMEs from completing their tasks, or both, OPES may dismiss the person from the workshop.

SUMMARY OF EVENTS

- Committee recruits one panel of SMEs to serve as item writers for one workshop.
- OPES works with SMEs to develop new items.
- Committee recruits one panel of SMEs to serve as item reviewers for one workshop. The reviewers should be different SMEs than the item writers.
- OPES works with SMEs to review items.
- OPES performs activities to construct new examination form.
- Committee recruits one panel of SMEs to serve as judges in one passing score workshops.
- OPES works with SMEs to establish the passing score. OPES analyzes the ratings and prepares a passing score memo.

EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

1. Invoicing and Payment

- A. For services satisfactorily rendered and upon receipt and approval of the invoices, the Landscape Architects Technical Committee (Committee) agrees to compensate the Office of Professional Examination Services (OPES) for services rendered and expenditures incurred.
- B. Invoices shall include the Contract number and shall be submitted on a quarterly basis for the cost of services completed as identified in Exhibit B, Attachment I; any related travel expenses will be billed as actuals. Signed/approved invoices from the Committee will be due to OPES fifteen (15) working days from the date of invoice billings. OPES will then submit the approved invoices to the Department of Consumer Affairs for processing and payment. Invoices will be submitted to:

Laura Zuniga, Executive Officer
California Architects Board/Landscape Architects Technical Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
- C. The Committee will reimburse OPES for the partial performance (e.g. workshop preparation, rescheduling) of any services provided by OPES if the Committee does not fulfill, in good faith, their roles and responsibilities as defined by Exhibit A, Attachment II.

2. Budget Contingency Clause

- A. It is mutually agreed that if the Budget Act of the current year or any subsequent years covered under this Contract does not appropriate sufficient funds for the program, this Contract shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to OPES or to furnish any other considerations under this Contract and OPES shall not be obligated to perform any provisions of this Contract.
- B. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Contract with no liability occurring to the State or offer a Contract amendment to OPES to reflect the reduced amount.

3. Payment

- A. Costs for this Contract shall be computed in accordance with State Administrative Manual §§ 8752 and 8752.1.
- B. Nothing herein contained shall preclude advance payments pursuant to Title 2, Division 3, Part 1, Chapter 3, Article 1 of the California Government Code.

4. Costs

- A. Costs for this Contract are subject to any collective bargaining agreements negotiated in Fiscal Year 2000/2001 or thereafter.

INTRA-AGENCY CONTRACT (IAC) #75737
LANDSCAPE ARCHITECT TECHNICAL COMMITTEE
LANDSCAPE ARCHITECTS CALIFORNIA SUPPLEMENTAL EXAMINATION
WRITTEN EXAMINATION DEVELOPMENT
FISCAL YEAR 2022-23

1. Item Writing Workshop	\$ 4,744
2. Item Review Workshop	\$ 4,744
3. Examination Construction	\$ 2,368
4. Passing Score Workshop	\$ 4,208
5. Publish Examination	\$ 2,264
Administrative Support	\$ 5,480
TOTAL	\$23,808

Index/PCA/Object Code 6000/60000/427.10

**INTRA-AGENCY CONTRACT AGREEMENT (IAC) #75737
LANDSCAPE ARCHITECT TECHNICAL COMMITTEE
CALIFORNIA SUPPLEMENTAL EXAMINATION
WRITTEN EXAMINATION DEVELOPMENT COSTS
FISCAL YEAR 2022-23**

	Test Validation Staff				Editor		Support Staff		Totals	GRAND TOTAL
	\$72.00		OT @ \$102		\$67.00		\$52.00			
	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost		
1. Item Writing Workshop										
Workshop preparation	8	\$ 576					2	\$ 104	\$ 680	
Conduct 2-day workshop	8	\$ 576	12	\$ 1,224					\$ 1,800	
Perform post workshop activities	24	\$ 1,728			8	\$ 536			\$ 2,264	
										\$ 4,744
2. Item Review Workshop										
Workshop preparation	8	\$ 576					2	\$ 104	\$ 680	
Conduct 2-day workshop	8	\$ 576	12	\$ 1,224					\$ 1,800	
Perform post workshop activities	24	\$ 1,728			8	\$ 536			\$ 2,264	
										\$ 4,744
3. Exam Construction										
Activities performed by OPES	24	\$ 1,728			8	\$ 536	2	\$ 104	\$ 2,368	
										\$ 2,368
4. Passing Score Workshop										
Workshop preparation	16	\$ 1,152					2	\$ 104	\$ 1,256	
Conduct 2-day workshop	8	\$ 576	12	\$ 1,224					\$ 1,800	
Analyze data, prepare passing score memo	16	\$ 1,152							\$ 1,152	
										\$ 4,208
5. Publish Examination										
Prepare final copies for one form of examination	16	\$ 1,152			8	\$ 536			\$ 1,688	
Prepare examination for CBT	8	\$ 576							\$ 576	
										\$ 2,264
Administrative Support										
Technical oversight (40 hours @ \$76/hour)									\$ 3,040	
Cost oversight (40 hours @ \$61/hour)									\$ 2,440	
										\$ 5,480
TOTAL	168	\$ 12,096	36	\$ 3,672	32	\$ 2,144	8	\$ 416	\$ 23,808	\$ 23,808

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. **Approval:**

This Contract is not valid until signed by both parties.

2. **Payment:**

Costs for this Contract shall be computed in accordance with State Administrative Manual §§ 8752 and 8752.1.

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

1. **Cooperation**

The Office of Professional Examination Services (OPES) is entering into a partnership with the Landscape Architects Technical Committee (Committee) in which cooperation is the overriding principle.

2. **Evaluation**

OPES and the Committee reserve the right to evaluate progress, make midcourse corrections as needed, and to negotiate changes to this Contract as necessary to ensure a high-quality examination program. This may affect the cost of the analysis.

3. **Examination Criteria**

The primary responsibility of OPES is to develop examinations that are psychometrically sound, legally defensible, and job related.

4. **Good Faith**

In good faith, OPES believes that the project steps accurately describe the work to be performed and that the costs are reasonable. This Contract will remain in effect until the work is completed.

INTRA-DEPARTMENTAL CONTRACT

CONTRACT NUMBER IAC #75738	AMENDMENT NUMBER
--------------------------------------	------------------

- This Contract is entered into between the Board/Bureau/Divisions named below
REQUESTING BOARD/BUREAU/DIVISION'S NAME
California Architects Board/Landscape Architects Technical Committee (Committee)
PROVIDING BOARD/BUREAU/DIVISION'S NAME
Office of Professional Examination Services (OPES)
- The term of this Contract is: **July 1, 2022 through June 30, 2023**
- The maximum amount of this Contract is: **\$26,212**
- The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Contract:

**Landscape Architect
 Review of Landscape Architect Registration
 Examination (LARE) and Linkage Study**

Exhibit A – Scope of Work	1 Page
• Attachment I - Project Plan	1 Page
• Attachment II - Roles and Responsibilities	3 Pages
Exhibit B – Budget Detail and Payment Provision	1 Page
• Attachment I - Cost Sheet - Global Costs	2 Pages
Exhibit C – General Terms and Conditions	1 Page
Exhibit D – Special Terms and Conditions	1 Page

IN WITNESS WHEREOF, this Contract has been executed by the parties hereto.

DEPARTMENT OF CONSUMER AFFAIRS	Department of Consumer Affairs Contracts Unit Use Only
<small>REQUESTING BOARD/BUREAU/DIVISION'S NAME</small> California Architects Board/Landscape Architects Technical Committee	
<small>BY (Authorized Signature)</small> <i>Laura Zuniga</i>	<small>DATE SIGNED</small> 3/16/2022
<small>PRINTED NAME AND TITLE OF PERSON SIGNING</small> Laura Zuniga, Executive Officer	
<small>ADDRESS</small> 2420 Del Paso Road, Suite 105 Sacramento, CA 95834	
<small>BUDGET OFFICER'S SIGNATURE</small>	
DEPARTMENT OF CONSUMER AFFAIRS	
<small>PROVIDING BOARD/BUREAU/DIVISION'S NAME</small> Office of Professional Examination Services	
<small>BY (Authorized Signature)</small> <i>Heidi Lincer</i>	<small>DATE SIGNED</small> 3-1-2022
<small>PRINTED NAME AND TITLE OF PERSON SIGNING</small> Heidi Lincer, Chief	
<small>ADDRESS</small> 2420 Del Paso Road, Suite 265 Sacramento, CA 95834	
<small>BUDGET OFFICER'S SIGNATURE</small>	

EXHIBIT A

SCOPE OF WORK

1. The Office of Professional Examination Services (OPES) agrees to provide the following services:
Review National Examination and perform linkage study using California Occupational Analysis (OA).
2. The Landscape Architects Technical Committee (Committee) agrees to provide the following services:
See attached: I. Project Plan
II. Roles and Responsibilities
3. The project representatives during the term of this agreement will be:

Requesting Committee:

Name: Laura Zuniga
Phone: (916) 471-0760

Office of Professional Examination Services:

Name: Heidi Lincer
Phone: (916) 574-7588

Direct all agreement inquiries to:

**Department of Consumer Affairs
Contracts Unit:**

Address: 1625 North Market Blvd. Suite S-103
Sacramento, CA 95834
Phone: (916) 574-7277
Fax: (916) 574-8658

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #75738
PROJECT PLAN
for
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
LANDSCAPE ARCHITECTS
REVIEW of LARE and LINKAGE STUDY
FISCAL YEAR 2022-23

Project Objectives:	<i>Review LARE and perform linkage study using California Occupational Analysis.</i>
Proposed Completion Date:	June 30, 2023
Committee Contact:	Kourtney Nation (916) 575-7233
OPES Contact:	Ruxandra Nunn (916) 574-7595

MAJOR PROJECT EVENTS	TARGET DATE	RESPONSIBILITY
1. Review Background Information > Review LARE information > Review The Council of Landscape Architectural Registration Boards OA > Review LARE development and administration procedures	July 2022	Committee/OPES OPES OPES
2. Review Psychometric Quality of National Examination > Evaluate psychometric quality of LARE	August 2022	OPES
3. Linkage Study of National Examination Plan and CA OA Results > Recruit SMEs for 2-day workshop > Provide list of SMEs to OPES > Conduct workshop with SMEs > Evaluate workshop findings	August 2022 September 2022 October 2022 October 2022	Committee Committee OPES/SMEs OPES
4. Data Analysis > Analyze Linkage Study results	October 2022	OPES
5. Submit Report > Prepare draft of LARE and Linkage Study report > Finalize report > Prepare, print, and submit final audit report	November 2022 December 2022 December 2022	OPES OPES OPES

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #75738
ROLES AND RESPONSIBILITIES
for
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
LANDSCAPE ARCHITECTS
REVIEW OF LARE and LINKAGE STUDY
FISCAL YEAR 2022-23

INTRODUCTION

The Office of Professional Examination Services (OPES) of the Department of Consumer Affairs (DCA) provides psychometric consulting in examination development and occupational analysis to DCA's regulatory entities through intra-agency contract (IAC) agreements.

The purpose of a licensure examination is to identify individuals who have the minimum knowledge and skills to perform job tasks safely and competently. The content of the examination should be based upon the results of an occupational analysis (OA) to ensure that the examination assesses the most critical competencies of the job. The Landscape Architects Committee (Committee) is interested in evaluating the Landscape Architect Registration Examination (LARE) for continued use in California. The Committee has requested that the Department of Consumer Affairs' Office of Professional Examination Services (OPES) conduct an independent review and evaluation of the LARE.

The review process requires that a linkage study be performed to demonstrate the extent to which the content of the of the LARE reflects the content identified in the most recent California OA of landscape architects. The linkage study also requires a minimum of 6 licensed landscape architects, with a goal of 8-10 licensed landscape architects, to serve as subject matter experts (SMEs) in a workshop to compare the content of the LARE to the examination specifications derived from the California OA of the landscape architect profession.

ROLE OF THE COMMITTEE

The primary role of the Committee is to recruit a representative sample of SMEs for the review workshop. The Committee should also inform SMEs about the nature of their participation and the OPES security requirements.

The Committee is also responsible for making initial contact and maintaining the ongoing cooperation of The Council of Landscape Architectural Registration Boards. The Committee should introduce OPES and request that The Council of Landscape Architectural Registration Boards identify the appropriate parties who can provide technical information about LARE and the LARE OA.

The selection of SMEs critically affects the quality and defensibility of a licensure examination. Therefore, the SMEs selected to participate in an examination review workshop panel should:

- reflect the landscape architect profession in terms of geographic location, practice specialty area, ethnicity, and gender;
- represent the current pool of practitioners;
- possess current skills and a valid license in good standing; and
- articulate specialized technical knowledge related to the profession.

Additionally, approximately half of all SMEs in the workshop should have received their license within the past 5 years to ensure that an entry-level perspective is maintained. It is essential that a Committee representative consult with OPES before beginning SME recruitment.

Due to potential conflict of interest, undue influence, security considerations, or all of the above, board members, committee members, and instructors shall not serve as SMEs for, nor participate in, any aspect of licensure examination development or administration, pursuant to DCA Policy OPES 20-01.

Due to potential conflict of interest, licensees who participate in any form of examination development activities for the LARE shall not serve as SMEs for the linkage study workshop.

In addition, the Committee has the responsibility to acquire any reference materials to be used by the SMEs.

The nature of the work performed by OPES can result in unanticipated changes. For example, work may be completed ahead of or behind schedule. Flexibility on the part of both parties is essential to the success of the contract.

ROLE OF THE OFFICE OF PROFESSIONAL EXAMINATION SERVICES

The primary role of OPES is to conduct the review of the LARE. OPES will evaluate documentation and information about the OA of landscape architects, examination development procedures, passing score procedures, test administration, statistical performance of examinations, and examination security methods.

A panel of SMEs will review the LARE specifications and compare them to the examination specifications derived from the California landscape architect OA to identify the areas of landscape architect practice addressed and not addressed by the LARE. During the workshop, OPES will work with the SMEs to perform this evaluation.

OPES will analyze all information and documentation and prepare a report of the analyses and recommendations for the Committee.

SECURITY

OPES has implemented various controls to ensure the integrity, security, and appropriate level of confidentiality of licensure examination programs. These controls include prohibiting certain items, such as electronic devices and items that could potentially conceal recording devices, in all workshops.

SMEs are required to:

- provide valid photo identification;
- allow for electronic devices to be secured in the reception area during workshops; and
- sign one or more agreements accepting responsibility for maintaining strict confidentiality of licensure examination material and information to which they have access.

Any person who fails to comply with OPES' security requirements will not be allowed to participate in licensure examination workshops. In addition, any person who subverts or attempts to subvert a licensure examination will face serious consequences, which may include loss of licensure, criminal charges per Business and Professions Code section 123, or both.

OPES will notify the Committee of any SME whose conduct during a workshop violates policy or whose presence is disruptive. OPES reserves the right to immediately dismiss any SME whose presence poses a security risk. OPES will take steps to manage disruptive behavior; however, if such behavior persists or prevents other SMEs from completing their tasks, or both, OPES may dismiss the person from the workshop.

SUMMARY OF EVENTS

- OPES, in collaboration with the Committee, collects the information and documentation about the LARE that is required to perform the review.
- OPES evaluates the OA and examination development procedures such as passing score development, test administration, statistical performance of examinations, and examination security methods related to the LARE.
- Committee recruits a representative group of SMEs for the Linkage Study workshop.
- OPES works with SMEs to evaluate the areas of California practice tested by the LARE and to identify whether there are any critical areas of California practice not covered by the LARE.
- OPES prepares a report of findings and recommendations to the Committee regarding the review of the LARE program and the linkage between the content of the LARE and the results of the California OA of landscape architects.
- OPES prepares and submits final report to the Committee.

EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

1. Invoicing and Payment

- A. For services satisfactorily rendered and upon receipt and approval of the invoices, the Landscape Architects Technical Committee (Committee) agrees to compensate the Office of Professional Examination Services (OPES) for services rendered and expenditures incurred.
- B. Invoices shall include the agreement number and shall be submitted on a quarterly basis for the cost of services completed as identified in Exhibit B, Attachment I; any related travel expenses will be billed as actuals. Signed/approved invoices from the Committee will be due to OPES fifteen (15) working days from the date of invoice billings. OPES will then submit the approved invoices to the Department of Consumer Affairs for processing and payment. Invoices will be submitted to:

Laura Zuniga
California Architects Board/Landscape Architects Technical Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
- C. The Committee will reimburse OPES for the partial performance (e.g. workshop preparation, rescheduling) of any services provided by OPES if the Committee does not demonstrate in good faith their roles/responsibilities as defined by Attachment II – Roles and Responsibilities.

2. Budget Contingency Clause

- A. It is mutually agreed that if the Budget Act of the current year or any subsequent years covered under this Contract does not appropriate sufficient funds for the program, this Contract shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to OPES or to furnish any other considerations under this Contract and OPES shall not be obligated to perform any provisions of this Contract.
- B. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Contract with no liability occurring to the State or offer an agreement amendment to OPES to reflect the reduced amount.

3. Payment

- A. Costs for this Contract shall be computed in accordance with State Administrative Manual §§ 8752 and 8752.1.
- B. Nothing herein contained shall preclude advance payments pursuant to Title 2, Division 3, Part 1, Chapter 3, Article 1 of the California Government Code.

4. Cost

- A. Costs for this Contract shall be subject to any collective bargaining agreements negotiated in Fiscal Year 2000/2001 or thereafter.

**INTRA-AGENCY CONTRACT AGREEMENT (IAC) #75738
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
LANDSCAPE ARCHITECTS
REVIEW OF LARE and LINKAGE STUDY
FISCAL YEAR 2022-23**

1. Review Background Information	\$ 4,608
2. Review Psychometric Quality of National Examination	\$ 3,168
3. Linkage Study of LARE Examination Plan & CA OA Results	\$ 4,208
4. Evaluate Linkage Study Results	\$ 2,304
5. Submit Report	\$ 6,444
Administrative Support	\$ 5,480
TOTAL	\$26,212

Index/PCA/Object Code 6000/60000/427.10

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #75738

for

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

LANDSCAPE ARCHITECTS

REVIEW OF LARE and LINKAGE STUDY COSTS

FISCAL YEAR 2022-23

	Test Validation Staff				Editor		Support Staff		Totals	GRAND TOTAL
	\$72		OT @ \$102		\$67		\$52			
	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost		
1. Review Background Information										
Review National Examination information	24	\$ 1,728							\$ 1,728	
Review National OA	24	\$ 1,728							\$ 1,728	
Review National Examination administration procedures	16	\$ 1,152							\$ 1,152	
										\$ 4,608
2. Review Psychometric Quality of National Examination										
Evaluate psychometric quality of the LARE	36	\$ 2,592							\$ 2,592	
Evaluate security protocols for LARE	8	\$ 576							\$ 576	
										\$ 3,168
3. Linkage Study of National Examination Plan and CA OA										
Prepare for linkage study workshop	16	\$ 1,152							\$ 1,152	
Conduct 2-day workshop with SMEs	8	\$ 576	12	\$ 1,224			2	\$ 104	\$ 1,904	
Compile results of workshop	16	\$ 1,152							\$ 1,152	
										\$ 4,208
4. Evaluate Linkage Study Results										
Evaluate linkage study results and integrate review findings	16	\$ 1,152							\$ 1,152	
Evaluate acceptability of LARE for use in California	16	\$ 1,152							\$ 1,152	
										\$ 2,304
5. Submit Report										
Prepare draft of report	48	\$ 3,456			24	\$ 1,608			\$ 5,064	
Prepare, print, and submit final report	8	\$ 576			12	\$ 804			\$ 1,380	
										\$ 6,444
Administrative Support										
Technical oversight (40 hours @ \$76/hour)									\$ 3,040	
Cost oversight (40 hours @ \$61/hour)									\$ 2,440	
										\$ 5,480
TOTAL	236	\$ 16,992	12	\$ 1,224	36	\$ 2,412	2	\$ 104	\$ 26,212	\$ 26,212

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. **Approval:**

This Contract is not valid until signed by both parties.

2. **Payment:**

Costs for this Contract shall be computed in accordance with State Administrative Manual §§ 8752 and 8752.1.

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

1. **Cooperation**

The Office of Professional Examination Services (OPES) is entering into a partnership with the Landscape Architects Technical Committee (Committee) in which cooperation is the overriding principle.

2. **Evaluation**

OPES and the Committee reserve the right to evaluate progress, make midcourse corrections as needed, and to negotiate changes to the agreement as necessary to ensure a high quality examination program. This may affect the cost of the analysis.

3. **Examination Criteria**

The primary responsibility of OPES is to coordinate an independent review of the LARE.

4. **Good Faith Agreement**

In good faith, OPES believes the project steps accurately describe the work to be performed and that the costs are reasonable. This Contract will remain in effect until the work is completed.

AGENDA ITEM G: REVIEW AND DISCUSS 2022 LEGISLATION

Summary

An update to the 2022 legislative items listed below will be presented to the LATC.

Action Requested

None

Attachments

1. [Assembly Bill \(AB\) 225 \(Gray\) Department of Consumer Affairs: Boards: Veterans: Military Spouses: Licenses](#)
2. [AB 1662 \(Gipson\) Licensing Boards: Disqualification from Licensure: Criminal Conviction](#)
3. [AB 1733 \(Quirk\) State Bodies: Open Meetings](#)
4. [Senate Bill \(SB\) 1237 \(Newman\) Licenses: Military Service](#)
5. [SB 1365 \(Jones\) Licensing Boards: Procedures](#)
6. [SB 1443 \(Roth\) The Department of Consumer Affairs](#)

AMENDED IN SENATE JUNE 28, 2021

AMENDED IN ASSEMBLY MAY 24, 2021

AMENDED IN ASSEMBLY APRIL 20, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 225

Introduced by Assembly Members Gray, Gallagher, and Patterson
(Coauthor: Senator Dodd)

January 11, 2021

An act to amend Section 115.6 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 225, as amended, Gray. Department of Consumer Affairs: boards: veterans: military spouses: licenses.

Under existing law, the Department of Consumer Affairs, under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires specified boards within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant holds a current,

active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board. Existing law requires these temporary licenses to expire 12 months after issuance. Under existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated.

This bill would expand the eligibility for a temporary license to an applicant who meets the specified criteria and who supplies evidence satisfactory to the board that the applicant is a veteran of the Armed Forces of the United States within ~~6 months~~ *60 months* of separation from active duty under ~~other than dishonorable~~ *other than dishonorable* conditions, ~~and an applicant who supplies evidence satisfactory to the board that the applicant is a veteran of the Armed Forces of the United States within 120 months of separation from active duty under other than dishonorable conditions and a resident of California prior to entering into military service, or an active duty member of the Armed Forces of the United States with official orders for separation within 90 days under~~ *other than dishonorable other than dishonorable* conditions. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill’s expansion of the requirement to issue temporary licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

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.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
 State-mandated local program: yes.

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

- 1 SECTION 1. Section 115.6 of the Business and Professions
- 2 Code is amended to read:
- 3 115.6. (a) A board within the department shall, after
- 4 appropriate investigation, issue the following eligible temporary

1 licenses to an applicant if the applicant meets the requirements set
2 forth in subdivision (c):

3 (1) Registered nurse license by the Board of Registered Nursing.

4 (2) Vocational nurse license issued by the Board of Vocational
5 Nursing and Psychiatric Technicians of the State of California.

6 (3) Psychiatric technician license issued by the Board of
7 Vocational Nursing and Psychiatric Technicians of the State of
8 California.

9 (4) Speech-language pathologist license issued by the
10 Speech-Language Pathology and Audiology and Hearing Aid
11 Dispensers Board.

12 (5) Audiologist license issued by the Speech-Language
13 Pathology and Audiology and Hearing Aid Dispensers Board.

14 (6) Veterinarian license issued by the Veterinary Medical Board.

15 (7) All licenses issued by the Board for Professional Engineers,
16 Land Surveyors, and Geologists.

17 (8) All licenses issued by the Medical Board of California.

18 (9) All licenses issued by the Podiatric Medical Board of
19 California.

20 (b) The board may conduct an investigation of an applicant for
21 purposes of denying or revoking a temporary license issued
22 pursuant to this section. This investigation may include a criminal
23 background check.

24 (c) An applicant seeking a temporary license pursuant to this
25 section shall meet the following requirements:

26 (1) The applicant shall supply evidence satisfactory to the board
27 that the applicant is one of the following:

28 (A) Married to, or in a domestic partnership or other legal union
29 with, an active duty member of the Armed Forces of the United
30 States who is assigned to a duty station in this state under official
31 active duty military orders.

32 (B) A veteran of the Armed Forces of the United States within
33 ~~six~~ 60 months of separation from active duty under
34 ~~other than dishonorable~~ *other than dishonorable* conditions.

35 (C) *A veteran of the Armed Forces of the United States within*
36 *120 months of separation from active duty under other than*
37 *dishonorable conditions and a resident of California prior to*
38 *entering into military service.*

39 (E)

1 (D) An active duty member of the Armed Forces of the United
2 States with official orders for separation within 90 days under
3 ~~other than dishonorable~~ *other than dishonorable* conditions.

4 (2) The applicant shall hold a current, active, and unrestricted
5 license that confers upon the applicant the authority to practice,
6 in another state, district, or territory of the United States, the
7 profession or vocation for which the applicant seeks a temporary
8 license from the board.

9 (3) The applicant shall submit an application to the board that
10 shall include a signed affidavit attesting to the fact that the
11 applicant meets all of the requirements for the temporary license
12 and that the information submitted in the application is accurate,
13 to the best of the applicant's knowledge. The application shall also
14 include written verification from the applicant's original licensing
15 jurisdiction stating that the applicant's license is in good standing
16 in that jurisdiction.

17 (4) The applicant shall not have committed an act in any
18 jurisdiction that would have constituted grounds for denial,
19 suspension, or revocation of the license under this code at the time
20 the act was committed. A violation of this paragraph may be
21 grounds for the denial or revocation of a temporary license issued
22 by the board.

23 (5) The applicant shall not have been disciplined by a licensing
24 entity in another jurisdiction and shall not be the subject of an
25 unresolved complaint, review procedure, or disciplinary proceeding
26 conducted by a licensing entity in another jurisdiction.

27 (6) The applicant shall, upon request by a board, furnish a full
28 set of fingerprints for purposes of conducting a criminal
29 background check.

30 (d) A board may adopt regulations necessary to administer this
31 section.

32 (e) A temporary license issued pursuant to this section may be
33 immediately terminated upon a finding that the temporary
34 licenseholder failed to meet any of the requirements described in
35 subdivision (c) or provided substantively inaccurate information
36 that would affect the person's eligibility for temporary licensure.
37 Upon termination of the temporary license, the board shall issue
38 a notice of termination that shall require the temporary
39 licenseholder to immediately cease the practice of the licensed
40 profession upon receipt.

1 (f) An applicant seeking a temporary license as a civil engineer,
2 geotechnical engineer, structural engineer, land surveyor,
3 professional geologist, professional geophysicist, certified
4 engineering geologist, or certified hydrogeologist pursuant to this
5 section shall successfully pass the appropriate California-specific
6 examination or examinations required for licensure in those
7 respective professions by the Board for Professional Engineers,
8 Land Surveyors, and Geologists.

9 (g) A temporary license issued pursuant to this section shall
10 expire 12 months after issuance, upon issuance of a standard
11 license, a license by endorsement, or an expedited license pursuant
12 to Section 115.5, whichever occurs first.

13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

O

ASSEMBLY BILL**No. 1662**

Introduced by Assembly Member GipsonJanuary 18, 2022

An act to amend Section 480 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1662, as introduced, Gipson. Licensing boards: disqualification from licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

This bill would authorize a prospective applicant that has been convicted of a crime to submit to a board a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction. The bill would require a board that receives that request to determine if the prospective applicant would be disqualified from licensure by the board based on the information submitted with the request, and deliver that determination to the prospective applicant.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 480 of the Business and Professions Code
2 is amended to read:

3 480. (a) Notwithstanding any ~~other~~ provision of this code, a
4 board may deny a license regulated by this code on the grounds
5 that the applicant has been convicted of a crime or has been subject
6 to formal discipline only if either of the following conditions are
7 met:

8 (1) The applicant has been convicted of a crime within the
9 preceding seven years from the date of application that is
10 substantially related to the qualifications, functions, or duties of
11 the business or profession for which the application is made,
12 regardless of whether the applicant was incarcerated for that crime,
13 or the applicant has been convicted of a crime that is substantially
14 related to the qualifications, functions, or duties of the business or
15 profession for which the application is made and for which the
16 applicant is presently incarcerated or for which the applicant was
17 released from incarceration within the preceding seven years from
18 the date of application. However, the preceding seven-year
19 limitation shall not apply in either of the following situations:

20 (A) The applicant was convicted of a serious felony, as defined
21 in Section 1192.7 of the Penal Code or a crime for which
22 registration is required pursuant to paragraph (2) or (3) of
23 subdivision (d) of Section 290 of the Penal Code.

24 (B) The applicant was convicted of a financial crime currently
25 classified as a felony that is directly and adversely related to the
26 fiduciary qualifications, functions, or duties of the business or
27 profession for which the application is made, pursuant to
28 regulations adopted by the board, and for which the applicant is
29 seeking licensure under any of the following:

30 (i) Chapter 6 (commencing with Section 6500) of Division 3.

31 (ii) Chapter 9 (commencing with Section 7000) of Division 3.

32 (iii) Chapter 11.3 (commencing with Section 7512) of Division
33 3.

34 (iv) Licensure as a funeral director or cemetery manager under
35 Chapter 12 (commencing with Section 7600) of Division 3.

36 (v) Division 4 (commencing with Section 10000).

37 (2) The applicant has been subjected to formal discipline by a
38 licensing board in or outside California within the preceding seven

1 years from the date of application based on professional misconduct
2 that would have been cause for discipline before the board for
3 which the present application is made and that is substantially
4 related to the qualifications, functions, or duties of the business or
5 profession for which the present application is made. However,
6 prior disciplinary action by a licensing board within the preceding
7 seven years shall not be the basis for denial of a license if the basis
8 for that disciplinary action was a conviction that has been dismissed
9 pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425
10 of the Penal Code or a comparable dismissal or expungement.

11 (b) Notwithstanding any ~~other~~ provision of this code, a person
12 shall not be denied a license on the basis that the person has been
13 convicted of a crime, or on the basis of acts underlying a conviction
14 for a crime, if that person has obtained a certificate of rehabilitation
15 under Chapter 3.5 (commencing with Section 4852.01) of Title 6
16 of Part 3 of the Penal Code, has been granted clemency or a pardon
17 by a state or federal executive, or has made a showing of
18 rehabilitation pursuant to Section 482.

19 (c) Notwithstanding any ~~other~~ provision of this code, a person
20 shall not be denied a license on the basis of any conviction, or on
21 the basis of the acts underlying the conviction, that has been
22 dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42,
23 or 1203.425 of the Penal Code, or a comparable dismissal or
24 expungement. An applicant who has a conviction that has been
25 dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42
26 of the Penal Code shall provide proof of the dismissal if it is not
27 reflected on the report furnished by the Department of Justice.

28 (d) Notwithstanding any ~~other~~ provision of this code, a board
29 shall not deny a license on the basis of an arrest that resulted in a
30 disposition other than a conviction, including an arrest that resulted
31 in an infraction, citation, or a juvenile adjudication.

32 (e) A board may deny a license regulated by this code on the
33 ground that the applicant knowingly made a false statement of fact
34 that is required to be revealed in the application for the license. A
35 board shall not deny a license based solely on an applicant's failure
36 to disclose a fact that would not have been cause for denial of the
37 license had it been disclosed.

38 (f) A board shall follow the following procedures in requesting
39 or acting on an applicant's criminal history information:

1 (1) A board issuing a license pursuant to Chapter 3 (commencing
 2 with Section 5500), Chapter 3.5 (commencing with Section 5615),
 3 Chapter 10 (commencing with Section 7301), Chapter 20
 4 (commencing with Section 9800), or Chapter 20.3 (commencing
 5 with Section 9880), of Division 3, or Chapter 3 (commencing with
 6 Section 19000) or Chapter 3.1 (commencing with Section 19225)
 7 of Division 8 may require applicants for licensure under those
 8 chapters to disclose criminal conviction history on an application
 9 for licensure.

10 (2) Except as provided in paragraph (1), a board shall not require
 11 an applicant for licensure to disclose any information or
 12 documentation regarding the applicant’s criminal history. However,
 13 a board may request mitigating information from an applicant
 14 regarding the applicant’s criminal history for purposes of
 15 determining substantial relation or demonstrating evidence of
 16 rehabilitation, provided that the applicant is informed that
 17 disclosure is voluntary and that the applicant’s decision not to
 18 disclose any information shall not be a factor in a board’s decision
 19 to grant or deny an application for licensure.

20 (3) If a board decides to deny an application for licensure based
 21 solely or in part on the applicant’s conviction history, the board
 22 shall notify the applicant in writing of all of the following:

- 23 (A) The denial or disqualification of licensure.
- 24 (B) Any existing procedure the board has for the applicant to
 25 challenge the decision or to request reconsideration.
- 26 (C) That the applicant has the right to appeal the board’s
 27 decision.
- 28 (D) The processes for the applicant to request a copy of the
 29 applicant’s complete conviction history and question the accuracy
 30 or completeness of the record pursuant to Sections 11122 to 11127
 31 of the Penal Code.

32 (g) (1) *A prospective applicant that has been convicted of a*
 33 *crime may submit to a board, by mail or email, and at any time,*
 34 *including before obtaining any training or education required for*
 35 *licensure by that board or before paying any application fee, a*
 36 *request for a preapplication determination that includes*
 37 *information provided by the prospective applicant regarding their*
 38 *criminal conviction.*

39 (2) *Upon receiving a request submitted pursuant to paragraph*
 40 *(1), a board shall determine if the prospective applicant may be*

1 *disqualified from licensure by the board based on the information*
2 *submitted with the request, and deliver the determination by mail*
3 *or email to the prospective applicant within a reasonable time.*

4 ~~(g)~~

5 (h) (1) For a minimum of three years, each board under this
6 code shall retain application forms and other documents submitted
7 by an applicant, any notice provided to an applicant, all other
8 communications received from and provided to an applicant, and
9 criminal history reports of an applicant.

10 (2) Each board under this code shall retain the number of
11 applications received for each license and the number of
12 applications requiring inquiries regarding criminal history. In
13 addition, each licensing authority shall retain all of the following
14 information:

15 (A) The number of applicants with a criminal record who
16 received notice of denial or disqualification of licensure.

17 (B) The number of applicants with a criminal record who
18 provided evidence of mitigation or rehabilitation.

19 (C) The number of applicants with a criminal record who
20 appealed any denial or disqualification of licensure.

21 (D) The final disposition and demographic information,
22 consisting of voluntarily provided information on race or gender,
23 of any applicant described in subparagraph (A), (B), or (C).

24 (3) (A) Each board under this code shall annually make
25 available to the public through the board's internet website and
26 through a report submitted to the appropriate policy committees
27 of the Legislature deidentified information collected pursuant to
28 this subdivision. Each board shall ensure confidentiality of the
29 individual applicants.

30 (B) A report pursuant to subparagraph (A) shall be submitted
31 in compliance with Section 9795 of the Government Code.

32 ~~(h)~~

33 (i) "Conviction" as used in this section shall have the same
34 meaning as defined in Section 7.5.

35 ~~(i)~~

36 (j) This section does not in any way modify or otherwise affect
37 the existing authority of the following entities in regard to
38 licensure:

39 (1) The State Athletic Commission.

40 (2) The Bureau for Private Postsecondary Education.

- 1 (3) The California Horse Racing Board.
- 2 ~~(j) This section shall become operative on July 1, 2020.~~

O

ASSEMBLY BILL**No. 1733**

Introduced by Assembly Member QuirkJanuary 31, 2022

An act to amend Section 101.7 of the Business and Professions Code, and to amend Sections 11122.5, 11123, 11124, 11125, 11125.4, 11128.5, and 11129 of, and to repeal Section 11123.5 of, the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1733, as introduced, Quirk. State bodies: open meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act defines a “meeting” to include any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains. The act authorizes teleconferenced meetings under specified circumstances, provided that at least one member of the state body is physically present at the location specified in the notice of the meeting, and all votes taken during a teleconferenced meeting are taken by rollcall. The act provides that if the state body elects to conduct a meeting or proceeding by teleconference, the state body is required to post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. The act requires each teleconference location to be identified in the notice and agenda of the meeting or proceeding, and each teleconference

location to be accessible to the public, and the agenda to provide an opportunity for members of the public to address the state body at each teleconference location.

Existing law requires a state body to provide notice of its meeting to any person who requests that notice in writing and to provide notice of the meeting of its internet website at least 10 days in advance of the meeting, as prescribed. Existing law exempts from the 10-day notice requirement, special meetings and emergency meetings in accordance with specified provisions. Existing law authorizes a state body to adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment, and authorizes a state body to similarly continue or recontinue any hearing being held, or noticed, or ordered to be held by a state body at any meeting.

This bill would specify that a “meeting” under the act, includes a meeting held entirely by teleconference. The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public. The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service, as specified, and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely. The bill would require the state body to provide an opportunity for members of the public to address the state body. The bill would require the state body to provide members of the public a physical location to hear, observe, and address the state body, and would authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location, and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting. The bill would require the agenda to be posted 10 days in advance of the meeting, or as provided in accordance with the provisions applicable to a special or emergency meeting, as well as posted on the state body’s internet website and, on the day of the meeting, at any physical meeting location designated in the notice. The bill would also provide that the notice of the meeting is required to specify the means by which a meeting may be accessed by teleconference. The bill would prohibit the notice and agenda from disclosing any information regarding any remote location

from which a member is participating, and require members attending a meeting from a remote location to disclose whether any other individuals 18 years of age or older are present in the room, as specified.

If a state body discovers that a means of remote participation, as defined, required by these provisions has failed during a meeting and cannot be restored, the state body would be required to end or adjourn the meeting and take specified actions to notify participants and communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of, or observe, the meeting.

This bill would remove certain notice provisions specific to advisory bodies of state boards.

Existing law prohibits a state body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition an internet website or other online platform that may require identification to log into a teleconference.

Existing law limits the purposes for which a state body is authorized to call a special meeting, including, among others, consideration of disciplinary action involving a state officer or employee and consideration of license examinations and applications.

This bill would add to those purposes deliberation on a decision to be reached in a proceeding required to be conducted pursuant to provisions governing administrative adjudicative proceedings or similar provisions of law.

Under existing law, the Department of Consumer Affairs, which is under the control of the Director of Consumer Affairs, is composed of various boards, as defined, that license and regulate various professions and vocations. Existing law requires the boards to meet at least 2 times each calendar year. Existing law requires those boards to meet at least once each calendar year in northern California and once each calendar year in southern California in order to facilitate participation by the public and its licensees.

This bill would exempt a board from the requirement to meet in northern and southern California each once a year if the board's meetings are held entirely by teleconference.

This bill would also make conforming changes.

This bill would declare the Legislature’s intent, consistent with the Governor’s Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 101.7 of the Business and Professions
2 Code is amended to read:
3 101.7. (a) Notwithstanding any other provision of law, boards
4 shall meet at least two times each calendar year. Boards shall meet
5 at least once each calendar year in northern California and once
6 each calendar year in southern California in order to facilitate
7 participation by the public and its ~~licensees~~. *licensees, unless the*
8 *board’s meetings are held entirely by teleconference.*
9 (b) The director has discretion to exempt any board from the
10 requirement in subdivision (a) upon a showing of good cause that
11 the board is not able to meet at least two times in a calendar year.
12 (c) The director may call for a special meeting of the board
13 when a board is not fulfilling its duties.
14 (d) An agency within the department that is required to provide
15 a written notice pursuant to subdivision (a) of Section 11125 of
16 the Government Code, may provide that notice by regular mail,
17 email, or by both regular mail and email. An agency shall give a
18 person who requests a notice the option of receiving the notice by
19 regular mail, email, or by both regular mail and email. The agency
20 shall comply with the requester’s chosen form or forms of notice.
21 (e) An agency that plans to webcast a meeting shall include in
22 the meeting notice required pursuant to subdivision (a) of Section
23 11125 of the Government Code a statement of the board’s intent
24 to webcast the meeting. An agency may webcast a meeting even
25 if the agency fails to include that statement of intent in the notice.
26 SEC. 2. Section 11122.5 of the Government Code is amended
27 to read:

1 11122.5. (a) As used in this article, “meeting” includes any
2 congregation of a majority of the members of a state body at the
3 same time and ~~place~~ *place, including one held entirely by*
4 *teleconference*, to hear, discuss, or deliberate upon any item that
5 is within the subject matter jurisdiction of the state body to which
6 it pertains.

7 (b) (1) A majority of the members of a state body shall not,
8 outside of a meeting authorized by this chapter, use a series of
9 communications of any kind, directly or through intermediaries,
10 to discuss, deliberate, or take action on any item of business that
11 is within the subject matter of the state body.

12 (2) Paragraph (1) shall not be construed to prevent an employee
13 or official of a state agency from engaging in separate
14 conversations or communications outside of a meeting authorized
15 by this chapter with members of a legislative body in order to
16 answer questions or provide information regarding a matter that
17 is within the subject matter jurisdiction of the state agency, if that
18 person does not communicate to members of the legislative body
19 the comments or position of any other member or members of the
20 legislative body.

21 (c) The prohibitions of this article do not apply to any of the
22 following:

23 (1) Individual contacts or conversations between a member of
24 a state body and any other person that do not violate subdivision
25 (b).

26 (2) (A) The attendance of a majority of the members of a state
27 body at a conference or similar gathering open to the public that
28 involves a discussion of issues of general interest to the public or
29 to public agencies of the type represented by the state body, if a
30 majority of the members do not discuss among themselves, other
31 than as part of the scheduled program, business of a specified
32 nature that is within the subject matter jurisdiction of the state
33 body.

34 (B) Subparagraph (A) does not allow members of the public
35 free admission to a conference or similar gathering at which the
36 organizers have required other participants or registrants to pay
37 fees or charges as a condition of attendance.

38 (3) The attendance of a majority of the members of a state body
39 at an open and publicized meeting organized to address a topic of
40 state concern by a person or organization other than the state body,

1 if a majority of the members do not discuss among themselves,
 2 other than as part of the scheduled program, business of a specific
 3 nature that is within the subject matter jurisdiction of the state
 4 body.

5 (4) The attendance of a majority of the members of a state body
 6 at an open and noticed meeting of another state body or of a
 7 legislative body of a local agency as defined by Section 54951, if
 8 a majority of the members do not discuss among themselves, other
 9 than as part of the scheduled meeting, business of a specific nature
 10 that is within the subject matter jurisdiction of the other state body.

11 (5) The attendance of a majority of the members of a state body
 12 at a purely social or ceremonial occasion, if a majority of the
 13 members do not discuss among themselves business of a specific
 14 nature that is within the subject matter jurisdiction of the state
 15 body.

16 (6) The attendance of a majority of the members of a state body
 17 at an open and noticed meeting of a standing committee of that
 18 body, if the members of the state body who are not members of
 19 the standing committee attend only as observers.

20 SEC. 3. Section 11123 of the Government Code is amended
 21 to read:

22 11123. (a) All meetings of a state body shall be open and
 23 public and all persons shall be permitted to attend any meeting of
 24 a state body except as otherwise provided in this article.

25 (b) (1) This article ~~does not prohibit~~ *requires* a state body ~~from~~
 26 ~~holding to hold~~ an open ~~or closed~~ meeting by teleconference for
 27 the benefit of the public and state ~~body.~~ *body, and allows for use*
 28 *of teleconference in closed sessions.* The meeting or proceeding
 29 held by teleconference shall otherwise comply with all applicable
 30 requirements or laws relating to a specific type of meeting or
 31 proceeding, including *all of* the following:

32 (A) ~~The teleconferencing~~ *teleconferenced* meeting shall comply
 33 with all requirements of this article applicable to other meetings.

34 (B) The portion of the teleconferenced meeting that is required
 35 to be open to the public *at any physical location specified in the*
 36 *notice of the meeting* shall be *visible and* audible to the public at
 37 the location specified in the notice of the meeting.

38 (C) ~~If the~~ *The* state body ~~elects to conduct a meeting or~~
 39 ~~proceeding by teleconference, it shall post agendas at all~~
 40 ~~teleconference locations and shall~~ conduct teleconference meetings

1 in a manner that protects the rights of any party or member of the
2 public appearing before the state body. *The state body shall provide*
3 *a means by which the public may remotely hear audio of the*
4 *meeting or remotely hear and observe the meeting, and a means*
5 *by which the public may remotely address the state body, as*
6 *appropriate, via either a two-way audio-visual platform or a*
7 *two-way telephonic service. Should the state body elect to use a*
8 *two-way telephonic service only, it must also provide live*
9 *webcasting of the open meeting. The applicable teleconference*
10 *phone number or internet website, or other information indicating*
11 *how the public can access the meeting remotely, shall be specified*
12 *in any notice required by this article. ~~Each teleconference location~~*
13 *shall be identified in the notice and agenda of the meeting or*
14 *proceeding, and each teleconference location shall be accessible*
15 *to the public. The agenda shall provide an opportunity for members*
16 *of the public to remotely address the state body directly pursuant*
17 *to Section ~~11125.7~~ at each teleconference location. 11125.7.*

18 (D) *The state body shall provide members of the public with a*
19 *physical location at which the public may hear, observe, and*
20 *address the state body. Each physical location shall be identified*
21 *in the notice of the meeting.*

22 (E) *Members of the public shall be entitled to exercise their*
23 *right to directly address the state body during the teleconferenced*
24 *meeting without being required to submit public comments prior*
25 *to the meeting or in writing.*

26 ~~(D)~~

27 (F) *The members of the state body may remotely participate in*
28 *a meeting. The members of the state body may also be physically*
29 *present and participate at a designated physical meeting location,*
30 *but no member of the state body shall be required to be physically*
31 *present at any physical meeting location designated in the notice*
32 *of the meeting in order to be deemed present at the meeting. All*
33 *votes taken during a teleconferenced meeting shall be by rollcall.*

34 ~~(E)~~ *The portion of the teleconferenced meeting that is closed*
35 *to the public may not include the consideration of any agenda item*
36 *being heard pursuant to Section ~~11125.5~~.*

37 ~~(F)~~ *At least one member of the state body shall be physically*
38 *present at the location specified in the notice of the meeting.*

39 (G) *This section does not affect the requirement prescribed by*
40 *this article that the state body post an agenda of a meeting in*

1 accordance with the applicable notice requirements of this article,
 2 including Section 11125, requiring the state body post an agenda
 3 of a meeting at least 10 days in advance of the meeting, Section
 4 11125.4, applicable to special meetings, and Sections 11125.5 and
 5 11125.6, applicable to emergency meetings. The state body shall
 6 post the agenda on its internet website and, on the day of the
 7 meeting, at any physical meeting location designated in the notice
 8 of the meeting. The notice and agenda shall not disclose
 9 information regarding any remote location from which a member
 10 is participating.

11 (H) Upon discovering that a means of remote participation
 12 required by this section has failed during a meeting and cannot
 13 be restored, the state body shall end or adjourn the meeting in
 14 accordance with Section 11128.5. In addition to any other
 15 requirements that may apply, the state body shall provide notice
 16 of the meeting's end or adjournment on the state body's internet
 17 website and by email to any person who has requested notice of
 18 meetings of the state body by email under this article. If the meeting
 19 will be adjourned and reconvened on the same day, further notice
 20 shall be provided by an automated message on a telephone line
 21 posted on the state body's agenda, internet website, or by a similar
 22 means, that will communicate when the state body intends to
 23 reconvene the meeting and how a member of the public may hear
 24 audio of the meeting or observe the meeting.

25 (2) For the purposes of this subdivision, ~~“teleconference”~~ all of
 26 the following definitions shall apply:

27 (A) ~~“Teleconference”~~ means a meeting of a state ~~body, the~~
 28 ~~members of which are at different locations, connected~~ body that
 29 provides for a connection by electronic means, including by
 30 telephone, an internet website, or other online platform, through
 31 ~~either audio or both~~ audio and video. This section does not prohibit
 32 a state body from providing members of the public with additional
 33 physical locations in which the public may observe ~~or~~ and address
 34 the state body by electronic means, through either audio or both
 35 audio and video.

36 (B) ~~“Remote location”~~ means a location from which a member
 37 of a state body participates in a meeting other than any physical
 38 meeting location designated in the notice of the meeting. Remote
 39 locations need not be accessible to the public.

1 (C) “Remote participation” means participation in a meeting
2 by teleconference at a location other than any physical meeting
3 location designated in the notice of the meeting. Watching or
4 listening to a meeting via webcasting or another similar electronic
5 medium that does not permit members to interactively hear,
6 discuss, or deliberate on matters, does not constitute participation
7 remotely.

8 (D) “Two-way audio-visual platform” means an online platform
9 that provides participants with the ability to participate in a
10 meeting via both an interactive video conference and a two-way
11 telephonic function.

12 (E) “Two-way telephonic service” means a telephone service
13 that does not require internet access, is not provided as part of a
14 two-way audio-visual platform, and allows participants to dial a
15 telephone number to listen and verbally participate.

16 (F) “Webcasting” means a streaming video broadcast online
17 or on television, using streaming media technology to distribute
18 a single content source to many simultaneous listeners and viewers.
19 This section does not prohibit a state body from providing members
20 of the public with additional physical locations in which the public
21 may observe and address the state body by electronic means.

22 (c) The state body shall publicly report any action taken and the
23 vote or abstention on that action of each member present for the
24 action.

25 (d) A state body that is organized within the Department of
26 Consumer Affairs and meets at least two times each calendar year
27 shall be deemed to have met the requirements of subdivision (a)
28 of Section 101.7 of the Business and Professions Code.

29 (e) This section shall not be construed to deny state bodies the
30 ability to encourage full participation by appointees with
31 developmental or other disabilities.

32 (f) If a member of a state body attends a meeting by
33 teleconference from a remote location, the member shall disclose
34 whether any other individuals 18 years of age or older are present
35 in the room at the remote location with the member, and the
36 general nature of the member’s relationship with any such
37 individuals.

38 SEC. 4. Section 11123.5 of the Government Code is repealed.

39 ~~11123.5. (a) In addition to the authorization to hold a meeting~~
40 ~~by teleconference pursuant to subdivision (b) of Section 11123,~~

1 any state body that is an advisory board, advisory commission,
2 advisory committee, advisory subcommittee, or similar
3 multimember advisory body may hold an open meeting by
4 teleconference as described in this section, provided the meeting
5 complies with all of the section's requirements and, except as set
6 forth in this section, it also complies with all other applicable
7 requirements of this article.

8 (b) A member of a state body as described in subdivision (a)
9 who participates in a teleconference meeting from a remote location
10 subject to this section's requirements shall be listed in the minutes
11 of the meeting.

12 (c) The state body shall provide notice to the public at least 24
13 hours before the meeting that identifies any member who will
14 participate remotely by posting the notice on its Internet Web site
15 and by emailing notice to any person who has requested notice of
16 meetings of the state body under this article. The location of a
17 member of a state body who will participate remotely is not
18 required to be disclosed in the public notice or email and need not
19 be accessible to the public. The notice of the meeting shall also
20 identify the primary physical meeting location designated pursuant
21 to subdivision (e).

22 (d) This section does not affect the requirement prescribed by
23 this article that the state body post an agenda of a meeting at least
24 10 days in advance of the meeting. The agenda shall include
25 information regarding the physical meeting location designated
26 pursuant to subdivision (c), but is not required to disclose
27 information regarding any remote location.

28 (e) A state body described in subdivision (a) shall designate the
29 primary physical meeting location in the notice of the meeting
30 where members of the public may physically attend the meeting
31 and participate. A quorum of the members of the state body shall
32 be in attendance at the primary physical meeting location, and
33 members of the state body participating remotely shall not count
34 towards establishing a quorum. All decisions taken during a
35 meeting by teleconference shall be by rolleall vote. The state body
36 shall post the agenda at the primary physical meeting location, but
37 need not post the agenda at a remote location.

38 (f) When a member of a state body described in subdivision (a)
39 participates remotely in a meeting subject to this section's
40 requirements, the state body shall provide a means by which the

1 public may remotely hear audio of the meeting or remotely observe
2 the meeting, including, if available, equal access equivalent to
3 members of the state body participating remotely. The applicable
4 teleconference phone number or Internet Web site, or other
5 information indicating how the public can access the meeting
6 remotely, shall be in the 24-hour notice described in subdivision
7 (a) that is available to the public.

8 (g) Upon discovering that a means of remote access required
9 by subdivision (f) has failed during a meeting, the state body
10 described in subdivision (a) shall end or adjourn the meeting in
11 accordance with Section 11128.5. In addition to any other
12 requirements that may apply, the state body shall provide notice
13 of the meeting's end or adjournment on its Internet Web site and
14 by email to any person who has requested notice of meetings of
15 the state body under this article. If the meeting will be adjourned
16 and reconvened on the same day, further notice shall be provided
17 by an automated message on a telephone line posted on the state
18 body's agenda, or by a similar means, that will communicate when
19 the state body intends to reconvene the meeting and how a member
20 of the public may hear audio of the meeting or observe the meeting.

21 (h) For purposes of this section:

22 (1) "Participate remotely" means participation in a meeting at
23 a location other than the physical location designated in the agenda
24 of the meeting.

25 (2) "Remote location" means a location other than the primary
26 physical location designated in the agenda of a meeting.

27 (3) "Teleconference" has the same meaning as in Section 11123.

28 (i) This section does not limit or affect the ability of a state body
29 to hold a teleconference meeting under another provision of this
30 article.

31 SEC. 5. Section 11124 of the Government Code is amended
32 to read:

33 11124. (a) No person shall be required, as a condition to
34 attendance at a meeting of a state body, to register his or her *the*
35 *person's* name, to provide other information, to complete a
36 questionnaire, or otherwise to fulfill any condition precedent to
37 his or her *the person's* attendance.

38 If

39 (b) If an attendance list, register, questionnaire, or other similar
40 document is posted at or near the entrance to the room where the

1 meeting is to be held, *or electronically posted*, or is circulated to
2 persons present during the meeting, it shall state clearly that the
3 signing, registering, or completion of the document is voluntary,
4 and that all persons may attend the meeting regardless of whether
5 a person signs, registers, or completes the document.

6 *(c) This section does not apply to an internet website or other*
7 *online platform that may require identification to log into a*
8 *teleconference.*

9 SEC. 6. Section 11125 of the Government Code is amended
10 to read:

11 11125. (a) The state body shall provide notice of its meeting
12 to any person who requests that notice in writing. Notice shall be
13 given and also made available on the ~~Internet~~ *state body's internet*
14 *website* at least 10 days in advance of the meeting, and shall include
15 the name, address, and telephone number of any person who can
16 provide further information prior to the meeting, but need not
17 include a list of witnesses expected to appear at the meeting. The
18 written notice shall additionally include the address of the ~~Internet~~
19 *site internet website* where notices required by this article are made
20 available. *The notice shall specify the means by which a meeting*
21 *may be accessed by teleconference in accordance with the*
22 *requirements of subparagraph (C) of paragraph (1) of subdivision*
23 *(b) of Section 11123, including sufficient information necessary*
24 *to access the teleconference. The notice shall also specify any*
25 *designated physical meeting location at which the public may*
26 *observe and address the state body.*

27 (b) The notice of a meeting of a body that is a state body shall
28 include a specific agenda for the meeting, containing a brief
29 description of the items of business to be transacted or discussed
30 in either open or closed session. A brief general description of an
31 item generally need not exceed 20 words. A description of an item
32 to be transacted or discussed in closed session shall include a
33 citation of the specific statutory authority under which a closed
34 session is being held. No item shall be added to the agenda
35 subsequent to the provision of this notice, unless otherwise
36 permitted by this article.

37 ~~(c) Notice of a meeting of a state body that complies with this~~
38 ~~section shall also constitute notice of a meeting of an advisory~~
39 ~~body of that state body, provided that the business to be discussed~~
40 ~~by the advisory body is covered by the notice of the meeting of~~

1 ~~the state body, provided that the specific time and place of the~~
2 ~~advisory body's meeting is announced during the open and public~~
3 ~~state body's meeting, and provided that the advisory body's~~
4 ~~meeting is conducted within a reasonable time of, and nearby, the~~
5 ~~meeting of the state body.~~

6 ~~(d)~~

7 (c) A person may request, and shall be provided, notice pursuant
8 to subdivision (a) for all meetings of a state body or for a specific
9 meeting or meetings. In addition, at the state body's discretion, a
10 person may request, and may be provided, notice of only those
11 meetings of a state body at which a particular subject or subjects
12 specified in the request will be discussed.

13 ~~(e)~~

14 (d) A request for notice of more than one meeting of a state
15 body shall be subject to the provisions of Section 14911.

16 ~~(f)~~

17 (e) The notice shall be made available in appropriate alternative
18 formats, as required by Section 202 of the Americans with
19 Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal
20 rules and regulations adopted in implementation thereof, upon
21 request by any person with a disability. The notice shall include
22 information regarding how, to whom, and by when a request for
23 any disability-related modification or accommodation, including
24 auxiliary aids or services may be made by a person with a disability
25 who requires these aids or services in order to participate in the
26 public meeting.

27 (f) *State bodies shall conduct meetings subject to this chapter*
28 *consistent with applicable state and federal civil rights laws,*
29 *including, but not limited to, any applicable language access and*
30 *other nondiscrimination obligations.*

31 SEC. 7. Section 11125.4 of the Government Code is amended
32 to read:

33 11125.4. (a) A special meeting may be called at any time by
34 the presiding officer of the state body or by a majority of the
35 members of the state body. A special meeting may only be called
36 for one of the following purposes when compliance with the 10-day
37 notice provisions of Section 11125 would impose a substantial
38 hardship on the state body or when immediate action is required
39 to protect the public interest:

- 1 (1) To consider “pending litigation” as that term is defined in
- 2 subdivision (e) of Section 11126.
- 3 (2) To consider proposed legislation.
- 4 (3) To consider issuance of a legal opinion.
- 5 (4) To consider disciplinary action involving a state officer or
- 6 employee.
- 7 (5) To consider the purchase, sale, exchange, or lease of real
- 8 property.
- 9 (6) To consider license examinations and applications.
- 10 (7) To consider an action on a loan or grant provided pursuant
- 11 to Division 31 (commencing with Section 50000) of the Health
- 12 and Safety Code.
- 13 (8) To consider its response to a confidential final draft audit
- 14 report as permitted by Section 11126.2.
- 15 (9) To provide for an interim executive officer of a state body
- 16 upon the death, incapacity, or vacancy in the office of the executive
- 17 officer.
- 18 (10) *To deliberate on a decision to be reached in a proceeding*
- 19 *required to be conducted pursuant to Chapter 5 (commencing with*
- 20 *Section 11500) or similar provisions of law.*
- 21 (b) When a special meeting is called pursuant to one of the
- 22 purposes specified in subdivision (a), the state body shall provide
- 23 notice of the special meeting to each member of the state body and
- 24 to all parties that have requested notice of its meetings as soon as
- 25 is practicable after the decision to call a special meeting has been
- 26 made, but shall deliver the notice in a manner that allows it to be
- 27 received by the members and by newspapers of general circulation
- 28 and radio or television stations at least 48 hours before the time
- 29 of the special meeting specified in the notice. Notice shall be made
- 30 available to newspapers of general circulation and radio or
- 31 television stations by providing that notice to all national press
- 32 wire services. Notice shall also be made available on the Internet
- 33 within the time periods required by this section. The notice shall
- 34 specify the time and place of the special meeting and the business
- 35 to be transacted. The written notice shall additionally specify the
- 36 address of the ~~Internet Web site~~ *internet website* where notices
- 37 required by this article are made available. No other business shall
- 38 be considered at a special meeting by the state body. The written
- 39 notice may be dispensed with as to any member who at or prior
- 40 to the time the meeting convenes files with the clerk or secretary

1 of the state body a written waiver of notice. The waiver may be
2 given by telegram, facsimile transmission, or similar means. The
3 written notice may also be dispensed with as to any member who
4 is actually present at the meeting at the time it convenes. Notice
5 shall be required pursuant to this section regardless of whether any
6 action is taken at the special meeting.

7 (c) At the commencement of any special meeting, the state body
8 must make a finding in open session that the delay necessitated
9 by providing notice 10 days prior to a meeting as required by
10 Section 11125 would cause a substantial hardship on the body or
11 that immediate action is required to protect the public interest. The
12 finding shall set forth the specific facts that constitute the hardship
13 to the body or the impending harm to the public interest. The
14 finding shall be adopted by a two-thirds vote of the body, or, if
15 less than two-thirds of the members are present, a unanimous vote
16 of those members present. The finding shall be made available on
17 the ~~Internet~~. *state body's internet website*. Failure to adopt the
18 finding terminates the meeting.

19 SEC. 8. Section 11128.5 of the Government Code is amended
20 to read:

21 11128.5. The state body may adjourn any regular, adjourned
22 regular, special, or adjourned special meeting to a time and ~~place~~
23 *place, including by teleconference*, specified in the order of
24 adjournment. Less than a quorum may so adjourn from time to
25 time. If all members are absent from any regular or adjourned
26 regular meeting, the clerk or secretary of the state body may declare
27 the meeting adjourned to a stated time and ~~place~~ *place, including*
28 *by teleconference*, and ~~he or she~~ *the clerk or the secretary* shall
29 cause a written notice of the adjournment to be given in the same
30 manner as provided in Section 11125.4 for special meetings, unless
31 that notice is waived as provided for special meetings. A copy of
32 the order or notice of adjournment shall be conspicuously posted
33 *on the state body's internet website, and if applicable*, on or near
34 the door of the place where the regular, adjourned regular, special,
35 or adjourned special meeting was held within 24 hours after the
36 time of the adjournment. When a regular or adjourned regular
37 meeting is adjourned as provided in this section, the resulting
38 adjourned regular meeting is a regular meeting for all purposes.
39 When an order of adjournment of any meeting fails to state the

1 hour at which the adjourned meeting is to be held, it shall be held
2 at the hour specified for regular meetings by law or regulation.

3 SEC. 9. Section 11129 of the Government Code is amended
4 to read:

5 11129. Any hearing being held, or noticed or ordered to be
6 held by a state body at any meeting may by order or notice of
7 continuance be continued or recontinued to any subsequent meeting
8 of the state body in the same manner and to the same extent set
9 forth in Section 11128.5 for the adjournment of meetings. A copy
10 of the order or notice of continuance shall be conspicuously posted
11 *on the state body's internet website, and if applicable*, on or near
12 the door of the place where the hearing was held within 24 hours
13 after the time of the continuance; provided, that if the hearing is
14 continued to a time less than 24 hours after the time specified in
15 the order or notice of hearing, a copy of the order or notice of
16 continuance of hearing shall be posted immediately following the
17 meeting at which the order or declaration of continuance was
18 adopted or made.

19 SEC. 10. It is the intent of the Legislature in enacting this act
20 to improve and enhance public access to state and local agency
21 meetings by allowing broader access through teleconferencing
22 options consistent with the Governor's Executive Order No.
23 N-29-20 dated March 17, 2020, and related executive orders,
24 permitting expanded use of teleconferencing during the COVID-19
25 pandemic.

26 SEC. 11. This act is an urgency statute necessary for the
27 immediate preservation of the public peace, health, or safety within
28 the meaning of Article IV of the California Constitution and shall
29 go into immediate effect. The facts constituting the necessity are:

30 In order to protect public health, expand access to government
31 participation by the public, and increase transparency in state
32 government operations during the COVID-19 pandemic, it is
33 necessary that this act take effect immediately.

SENATE BILL**No. 1237**

Introduced by Senator NewmanFebruary 17, 2022

An act to amend Section 114.3 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1237, as introduced, Newman. Licenses: military service.

Existing law provides for the regulation of various professions and vocations by boards within the Department of Consumer Affairs and for the licensure or registration of individuals in that regard. Existing law authorizes any licensee or registrant whose license expired while the licensee or registrant was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate the licensee's or registrant's license without examination or penalty if certain requirements are met.

Existing law requires the boards described above, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met. Existing law, except as specified, prohibits a licensee or registrant from engaging in any activities requiring a license while a waiver is in effect.

This bill would require the boards to waive the renewal fee of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee or registrant is stationed outside of California. This bill would also make nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 114.3 of the Business and Professions
2 Code is amended to read:
3 114.3. (a) Notwithstanding any other law, every board, as
4 defined in Section 22, within the department shall waive the
5 renewal fees, continuing education requirements, and other renewal
6 requirements as determined by the board, if any are applicable,
7 for ~~any~~ a licensee or registrant called to active duty as a member
8 of the United States Armed Forces or the California National Guard
9 if all of the following requirements are met:
10 (1) The licensee or registrant possessed a current and valid
11 license with the board at the time the licensee or registrant was
12 called to active duty.
13 (2) The renewal requirements are waived only for the period
14 during which the licensee or registrant is on active duty service.
15 (3) Written documentation that substantiates the licensee or
16 registrant’s active duty service is provided to the board.
17 (b) (1) Except as specified in paragraph (2), the licensee or
18 registrant shall not engage in any activities requiring a license
19 during the period that the waivers provided by this section are in
20 effect.
21 (2) If the licensee or registrant will provide services for which
22 the licensee or registrant is licensed while on active duty, the board
23 shall convert the license status to military active and no private
24 practice of any type shall be permitted.
25 (c) In order to engage in any activities for which the licensee
26 or registrant is licensed once discharged from active duty, the
27 licensee or registrant shall meet all necessary renewal requirements
28 as determined by the board within six months from the licensee’s
29 or registrant’s date of discharge from active duty service.
30 (d) After a licensee or registrant receives notice of the licensee
31 or registrant’s discharge date, the licensee or registrant shall notify
32 the board of their discharge from active duty within 60 days of
33 receiving their notice of discharge.
34 (e) *A board shall waive the renewal fees of a licensee or*
35 *registrant called to active duty as a member of the United States*

1 *Armed Forces or the California National Guard if the licensee or*
2 *registrant is stationed outside of California.*

3 ~~(e)~~

4 *(f)* A board may adopt regulations to carry out the provisions
5 of this section.

6 ~~(f)~~

7 *(g)* This section shall not apply to any board that has a similar
8 license renewal waiver process statutorily authorized for that board.

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SENATE BILL**No. 1365**

Introduced by Senator JonesFebruary 18, 2022

An act to add Section 114.6 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1365, as introduced, Jones. Licensing boards: procedures.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

This bill would require each board within the department to publicly post on its internet website a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees. The bill would require the department to establish a process to assist each board in developing its internet website, as specified.

The bill would also require the department to develop a process for each board to use in verifying applicant information and performing background checks of applicants, and would require that process to require applicants with convictions to provide certified court documents instead of listing convictions on application documents. The bill would further require the board to develop a procedure to provide for an informal appeals process that would occur between an initial license denial and an administrative law hearing.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 114.6 is added to the Business and
2 Professions Code, to read:
3 114.6. (a) Each board within the department shall publicly
4 post on its internet website a list of criteria used to evaluate
5 applicants with criminal convictions so that potential applicants
6 for licensure may be better informed about their possibilities of
7 gaining licensure before investing time and resources into
8 education, training, and application fees.
9 (b) The department shall do all of the following:
10 (1) (A) Establish a process to assist each board in developing
11 its internet website in compliance with subdivision (a).
12 (B) As part of this process, the department shall disseminate
13 materials to, and serve as a clearing house to, boards in order to
14 provide guidance and best practices in assisting applicants with
15 criminal convictions gain employment.
16 (2) (A) Develop a process for each board to use in verifying
17 applicant information and performing background checks of
18 applicants.
19 (B) In developing this process, the board may examine the model
20 used for performing background checks of applicants established
21 by the Department of Insurance. The process developed shall
22 require applicants with convictions to provide certified court
23 documents instead of listing convictions on application documents.
24 This process shall prevent license denials due to unintentional
25 reporting errors. This process shall also include procedures to
26 expedite the fee-waiver process for any low-income applicant
27 requesting a background check.
28 (3) (A) Develop a procedure to provide for an informal appeals
29 process.
30 (B) In developing this informal appeals process, the department
31 may examine the model for informal appeals used by the Bureau
32 of Security and Investigative Services. The informal appeals

- 1 process shall occur between an initial license denial and an
- 2 administrative law hearing.

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SENATE BILL**No. 1443**

Introduced by Senator RothFebruary 18, 2022

An act to amend Sections 1601.1, 1616.5, 5000, 5015.6, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 6981, 7000.5, 7011, 7511.5, 7573.5, 7576, 7588.8, 7599.80, 7602, 8000, 8005, 9812.5, 9832.5, 9847.5, 9849, 9851, 9853, 9855.9, 9860, 9862.5, 9863, 18602, and 18613 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1443, as introduced, Roth. The Department of Consumer Affairs.

Under existing law, the Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations.

This bill would continue in existence several of these boards, bureaus, and commissions, including the Dental Board of California, the California Board of Accountancy, and the California Architects Board, among others, until January 1, 2025, and make related conforming changes.

Existing law specifies that there is in the Department of Consumer Affairs a Bureau of Household Goods and Services, under the supervision and control of a director. Existing law, the Electronic and Appliance Repair Dealer Registration Law, regulates service dealers, as defined, and applies its provisions, until January 1, 2023, to service contractors. Among other things, existing law, until January 1, 2023, requires the director to gather evidence of specified violations by any service contractor and to conduct spot check investigations of service contractors throughout the state on a continuous basis.

This bill would continue to extend applicability of those provisions to service contractors, and would authorize the continued exercise of specified responsibilities by the director to service contractors until January 1, 2024.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 1601.1 of the Business and Professions
2 Code is amended to read:

3 1601.1. (a) There shall be in the Department of Consumer
4 Affairs the Dental Board of California in which the administration
5 of this chapter is vested. The board shall consist of eight practicing
6 dentists, one registered dental hygienist, one registered dental
7 assistant, and five public members. Of the eight practicing dentists,
8 one shall be a member of a faculty of any California dental college,
9 and one shall be a dentist practicing in a nonprofit community
10 clinic. The appointing powers, described in Section 1603, may
11 appoint to the board a person who was a member of the prior board.
12 The board shall be organized into standing committees dealing
13 with examinations, enforcement, and other subjects as the board
14 deems appropriate.

15 (b) For purposes of this chapter, any reference in this chapter
16 to the Board of Dental Examiners shall be deemed to refer to the
17 Dental Board of California.

18 (c) The board shall have all authority previously vested in the
19 existing board under this chapter. The board may enforce all
20 disciplinary actions undertaken by the previous board.

21 (d) This section shall remain in effect only until ~~January 1, 2024,~~
22 *January 1, 2025*, and as of that date is repealed. Notwithstanding
23 any other law, the repeal of this section renders the board subject
24 to review by the appropriate policy committees of the Legislature.

25 SEC. 2. Section 1616.5 of the Business and Professions Code
26 is amended to read:

27 1616.5. (a) The board, by and with the approval of the director,
28 may appoint a person exempt from civil service who shall be
29 designated as an executive officer and who shall exercise the
30 powers and perform the duties delegated by the board and vested
31 in the executive officer by this chapter.

1 (b) This section shall remain in effect only until ~~January 1, 2024,~~
2 *January 1, 2025*, and as of that date is repealed.

3 SEC. 3. Section 5000 of the Business and Professions Code is
4 amended to read:

5 5000. (a) There is in the Department of Consumer Affairs the
6 California Board of Accountancy, which consists of 15 members,
7 7 of whom shall be licensees, and 8 of whom shall be public
8 members who shall not be licentiates of the board or registered by
9 the board. The board has the powers and duties conferred by this
10 chapter.

11 (b) The Governor shall appoint four of the public members, and
12 the seven licensee members as provided in this section. The Senate
13 Committee on Rules and the Speaker of the Assembly shall each
14 appoint two public members. In appointing the seven licensee
15 members, the Governor shall appoint individuals representing a
16 cross section of the accounting profession.

17 (c) This section shall remain in effect only until ~~January 1, 2024,~~
18 *January 1, 2025*, and as of that date is repealed.

19 (d) Notwithstanding any other law, the repeal of this section
20 renders the board subject to review by the appropriate policy
21 committees of the Legislature. However, the review of the board
22 shall be limited to reports or studies specified in this chapter and
23 those issues identified by the appropriate policy committees of the
24 Legislature and the board regarding the implementation of new
25 licensing requirements.

26 SEC. 4. Section 5015.6 of the Business and Professions Code
27 is amended to read:

28 5015.6. The board may appoint a person exempt from civil
29 service who shall be designated as an executive officer and who
30 shall exercise the powers and perform the duties delegated by the
31 board and vested in the executive officer by this chapter.

32 This section shall remain in effect only until ~~January 1, 2024,~~
33 *January 1, 2025*, and as of that date is repealed.

34 SEC. 5. Section 5510 of the Business and Professions Code is
35 amended to read:

36 5510. There is in the Department of Consumer Affairs a
37 California Architects Board which consists of 10 members.

38 Any reference in law to the California Board of Architectural
39 Examiners shall mean the California Architects Board.

1 This section shall remain in effect only until ~~January 1, 2024,~~
2 *January 1, 2025*, and as of that date is repealed. Notwithstanding
3 any other law, the repeal of this section renders the board subject
4 to review by the appropriate policy committees of the Legislature.

5 SEC. 6. Section 5517 of the Business and Professions Code is
6 amended to read:

7 5517. The board may appoint a person exempt from civil
8 service who shall be designated as an executive officer and who
9 shall exercise the powers and perform the duties delegated by the
10 board and vested in the executive officer by this chapter.

11 This section shall remain in effect only until ~~January 1, 2024,~~
12 *January 1, 2025*, and as of that date is repealed.

13 SEC. 7. Section 5620 of the Business and Professions Code is
14 amended to read:

15 5620. The duties, powers, purposes, responsibilities, and
16 jurisdiction of the California State Board of Landscape Architects
17 that were succeeded to and vested with the Department of
18 Consumer Affairs in accordance with Chapter 908 of the Statutes
19 of 1994 are hereby transferred to the California Architects Board.
20 The Legislature finds that the purpose for the transfer of power is
21 to promote and enhance the efficiency of state government and
22 that assumption of the powers and duties by the California
23 Architects Board shall not be viewed or construed as a precedent
24 for the establishment of state regulation over a profession or
25 vocation that was not previously regulated by a board, as defined
26 in Section 477.

27 (a) There is in the Department of Consumer Affairs a California
28 Architects Board as defined in Article 2 (commencing with Section
29 5510) of Chapter 3 of Division 3.

30 Whenever in this chapter “board” is used, it refers to the
31 California Architects Board.

32 (b) Except as provided herein, the board may delegate its
33 authority under this chapter to the Landscape Architects Technical
34 Committee.

35 (c) After review of proposed regulations, the board may direct
36 the examining committee to notice and conduct hearings to adopt,
37 amend, or repeal regulations pursuant to Section 5630, provided
38 that the board itself shall take final action to adopt, amend, or
39 repeal those regulations.

1 (d) The board shall not delegate its authority to discipline a
2 landscape architect or to take action against a person who has
3 violated this chapter.

4 (e) This section shall remain in effect only until ~~January 1, 2024,~~
5 *January 1, 2025*, and as of that date is repealed.

6 SEC. 8. Section 5621 of the Business and Professions Code is
7 amended to read:

8 5621. (a) There is hereby created within the jurisdiction of the
9 board, a Landscape Architects Technical Committee, hereinafter
10 referred to in this chapter as the landscape architects committee.

11 (b) The landscape architects committee shall consist of five
12 members who shall be licensed to practice landscape architecture
13 in this state. The Governor shall appoint three of the members.
14 The Senate Committee on Rules and the Speaker of the Assembly
15 shall appoint one member each.

16 (c) The initial members to be appointed by the Governor are as
17 follows: one member for a term of one year; one member for a
18 term of two years; and one member for a term of three years. The
19 Senate Committee on Rules and the Speaker of the Assembly shall
20 initially each appoint one member for a term of four years.
21 Thereafter, appointments shall be made for four-year terms,
22 expiring on June 1 of the fourth year and until the appointment
23 and qualification of the member's successor or until one year shall
24 have elapsed, whichever first occurs. Vacancies shall be filled for
25 the unexpired term.

26 (d) No person shall serve as a member of the landscape
27 architects committee for more than two consecutive terms.

28 (e) This section shall remain in effect only until ~~January 1, 2024,~~
29 *January 1, 2025*, and as of that date is repealed.

30 SEC. 9. Section 5622 of the Business and Professions Code is
31 amended to read:

32 5622. (a) The landscape architects committee may assist the
33 board in the examination of candidates for a landscape architect's
34 license and, after investigation, evaluate and make
35 recommendations regarding potential violations of this chapter.

36 (b) The landscape architects committee may investigate, assist,
37 and make recommendations to the board regarding the regulation
38 of landscape architects in this state.

1 (c) The landscape architects committee may perform duties and
2 functions that have been delegated to it by the board pursuant to
3 Section 5620.

4 (d) The landscape architects committee may send a
5 representative to all meetings of the full board to report on the
6 committee's activities.

7 (e) This section shall remain in effect only until ~~January 1, 2024,~~
8 *January 1, 2025*, and as of that date is repealed.

9 SEC. 10. Section 6710 of the Business and Professions Code
10 is amended to read:

11 6710. (a) There is in the Department of Consumer Affairs a
12 Board for Professional Engineers, Land Surveyors, and Geologists,
13 which consists of 15 members.

14 (b) Any reference in any law or regulation to the Board of
15 Registration for Professional Engineers and Land Surveyors, or
16 the Board for Professional Engineers and Land Surveyors, is
17 deemed to refer to the Board for Professional Engineers, Land
18 Surveyors, and Geologists.

19 (c) This section shall remain in effect only until ~~January 1, 2024,~~
20 *January 1, 2025*, and as of that date is repealed. Notwithstanding
21 any other law, the repeal of this section renders the board subject
22 to review by the appropriate policy committees of the Legislature.

23 SEC. 11. Section 6714 of the Business and Professions Code
24 is amended to read:

25 6714. The board shall appoint an executive officer at a salary
26 to be fixed and determined by the board with the approval of the
27 Director of Finance.

28 This section shall remain in effect only until ~~January 1, 2024,~~
29 *January 1, 2025*, and as of that date is repealed.

30 SEC. 12. Section 6981 of the Business and Professions Code
31 is amended to read:

32 6981. Notwithstanding any other law, the powers and duties
33 of the bureau, as set forth in this chapter, shall be subject to review
34 by the appropriate policy committees of the Legislature. The review
35 shall be performed as if this chapter were scheduled to be repealed
36 as of ~~January 1, 2024.~~ *January 1, 2025*.

37 SEC. 13. Section 7000.5 of the Business and Professions Code
38 is amended to read:

39 7000.5. (a) There is in the Department of Consumer Affairs
40 a Contractors State License Board, which consists of 15 members.

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

4 (c) This section shall remain in effect only until ~~January 1, 2024,~~
5 *January 1, 2025*, and as of that date is repealed.

6 SEC. 14. Section 7011 of the Business and Professions Code
7 is amended to read:

8 7011. (a) The board, by and with the approval of the director,
9 shall appoint a registrar of contractors and fix the registrar's
10 compensation.

11 (b) The registrar shall be the executive officer and secretary of
12 the board and shall carry out all of the administrative duties as
13 provided in this chapter and as delegated to the registrar by the
14 board.

15 (c) For the purpose of administration of this chapter, there may
16 be appointed a deputy registrar, a chief reviewing and hearing
17 officer, and, subject to Section 159.5, other assistants and
18 subordinates as may be necessary.

19 (d) Appointments shall be made in accordance with the
20 provisions of civil service laws.

21 (e) This section shall remain in effect only until ~~January 1, 2024,~~
22 *January 1, 2025*, and as of that date is repealed.

23 SEC. 15. Section 7511.5 of the Business and Professions Code
24 is amended to read:

25 7511.5. Notwithstanding any other law, the powers and duties
26 of the bureau, as set forth in this chapter, shall be subject to review
27 by the appropriate policy committees of the Legislature. The review
28 shall be performed as if this chapter were scheduled to be repealed
29 as of ~~January 1, 2024.~~ *January 1, 2025.*

30 SEC. 16. Section 7573.5 of the Business and Professions Code
31 is amended to read:

32 7573.5. Notwithstanding any other law, the powers and duties
33 of the bureau, as set forth in this chapter, shall be subject to review
34 by the appropriate policy committees of the Legislature. The review
35 shall be performed as if this chapter were scheduled to be repealed
36 as of ~~January 1, 2024.~~ *January 1, 2025.*

37 SEC. 17. Section 7576 of the Business and Professions Code
38 is amended to read:

39 7576. Notwithstanding any other law, the powers and duties
40 of the bureau, as set forth in this chapter, shall be subject to review

1 by the appropriate policy committees of the Legislature. The review
2 shall be performed as if this chapter were scheduled to be repealed
3 as of ~~January 1, 2024~~. *January 1, 2025*.

4 SEC. 18. Section 7588.8 of the Business and Professions Code
5 is amended to read:

6 7588.8. Notwithstanding any other law, the powers and duties
7 of the bureau, as set forth in this chapter, shall be subject to review
8 by the appropriate policy committees of the Legislature. The review
9 shall be performed as if this chapter were scheduled to be repealed
10 as of ~~January 1, 2024~~. *January 1, 2025*.

11 SEC. 19. Section 7599.80 of the Business and Professions
12 Code is amended to read:

13 7599.80. Notwithstanding any other law, the powers and duties
14 of the bureau, as set forth in this chapter, shall be subject to review
15 by the appropriate policy committees of the Legislature. The review
16 shall be performed as if this chapter were scheduled to be repealed
17 as of ~~January 1, 2024~~. *January 1, 2025*.

18 SEC. 20. Section 7602 of the Business and Professions Code
19 is amended to read:

20 7602. (a) (1) There is in the department the Cemetery and
21 Funeral Bureau, under the supervision and control of the director.

22 (2) The director may appoint a chief at a salary to be fixed and
23 determined by the director, with the approval of the Director of
24 Finance. The duty of enforcing and administering this chapter is
25 vested in the chief, and the chief is responsible to the director. The
26 chief shall serve at the pleasure of the director.

27 (3) Every power granted or duty imposed upon the director
28 under this chapter may be exercised or performed in the name of
29 the director by a deputy director or by the chief, subject to
30 conditions and limitations the director may prescribe.

31 (b) Notwithstanding any other law, the powers and duties of the
32 bureau, as set forth in this chapter, shall be subject to review by
33 the appropriate policy committees of the Legislature. The review
34 shall be performed as if this chapter is scheduled to be repealed
35 on ~~January 1, 2024~~. *January 1, 2025*.

36 SEC. 21. Section 8000 of the Business and Professions Code
37 is amended to read:

38 8000. (a) There is in the Department of Consumer Affairs a
39 Court Reporters Board of California, which consists of five
40 members, three of whom shall be public members and two of

1 whom shall be holders of certificates issued under this chapter
2 who have been actively engaged as shorthand reporters within this
3 state for at least five years immediately preceding their
4 appointment.

5 (b) This section shall remain in effect only until ~~January 1, 2024,~~
6 *January 1, 2025*, and as of that date is repealed.

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

10 SEC. 22. Section 8005 of the Business and Professions Code
11 is amended to read:

12 8005. (a) The Court Reporters Board of California is charged
13 with the executive functions necessary for effectuating the purposes
14 of this chapter. It may appoint committees as it deems necessary
15 or proper. The board may appoint, prescribe the duties, and fix the
16 salary of an executive officer. Except as provided by Section 159.5,
17 the board may also employ other employees as may be necessary,
18 subject to civil service and other law.

19 (b) This section shall remain in effect only until ~~January 1, 2024,~~
20 *January 1, 2025*, and as of that date is repealed.

21 SEC. 23. Section 9812.5 of the Business and Professions Code
22 is amended to read:

23 9812.5. The director shall gather evidence of violations of this
24 chapter and of any regulation established hereunder by any service
25 contractor, whether registered or not, and by any employee, partner,
26 officer, or member of any service contractor. The director shall,
27 ~~on his or her~~ *their* own initiative, conduct spot check investigations
28 of service contractors throughout the state on a continuous basis.

29 This section shall remain in effect only until ~~January 1, 2023,~~
30 *January 1, 2024*, and as of that date is repealed.

31 SEC. 24. Section 9832.5 of the Business and Professions Code
32 is amended to read:

33 9832.5. (a) Registrations issued under this chapter shall expire
34 no more than 12 months after the issue date. The expiration date
35 of registrations shall be set by the director in a manner to best
36 distribute renewal procedures throughout the year.

37 (b) To renew an unexpired registration, the service contractor
38 shall, on or before the expiration date of the registration, apply for
39 renewal on a form prescribed by the director, and pay the renewal
40 fee prescribed by this chapter.

1 (c) To renew an expired registration, the service contractor shall
2 apply for renewal on a form prescribed by the director, pay the
3 renewal fee in effect on the last regular renewal date, and pay all
4 accrued and unpaid delinquency and renewal fees.

5 (d) Renewal is effective on the date that the application is filed,
6 the renewal fee is paid, and all delinquency fees are paid.

7 (e) For purposes of implementing the distribution of the renewal
8 of registrations throughout the year, the director may extend, by
9 not more than six months, the date fixed by law for renewal of a
10 registration, except that, in that event, any renewal fee that may
11 be involved shall be prorated in such a manner that no person shall
12 be required to pay a greater or lesser fee than would have been
13 required had the change in renewal dates not occurred.

14 (f) This section shall remain in effect only until ~~January 1, 2023,~~
15 *January 1, 2024*, and as of that date is repealed.

16 SEC. 25. Section 9847.5 of the Business and Professions Code
17 is amended to read:

18 9847.5. (a) Each service contractor shall maintain those records
19 as are required by the regulations adopted to carry out the
20 provisions of this chapter for a period of at least three years. These
21 records shall be open for reasonable inspection by the director or
22 other law enforcement officials.

23 (b) This section shall remain in effect only until ~~January 1, 2023,~~
24 *January 1, 2024*, and as of that date is repealed.

25 SEC. 26. Section 9849 of the Business and Professions Code,
26 as amended by Section 12 of Chapter 578 of the Statutes of 2018,
27 is amended to read:

28 9849. (a) The expiration of a valid registration shall not deprive
29 the director of jurisdiction to proceed with any investigation or
30 hearing on a cease and desist order against a service dealer or
31 service contractor or to render a decision to suspend, revoke, or
32 place on probation a registration.

33 (b) This section shall remain in effect only until ~~January 1, 2023,~~
34 *January 1, 2024*, and as of that date is repealed.

35 SEC. 27. Section 9849 of the Business and Professions Code,
36 as amended by Section 13 of Chapter 578 of the Statutes of 2018,
37 is amended to read:

38 9849. (a) The expiration of a valid registration shall not deprive
39 the director of jurisdiction to proceed with any investigation or
40 hearing on a cease and desist order against a service dealer or to

1 render a decision to suspend, revoke, or place on probation a
2 registration.

3 (b) This section shall become operative on ~~January 1, 2023.~~
4 *January 1, 2024.*

5 SEC. 28. Section 9851 of the Business and Professions Code,
6 as amended by Section 14 of Chapter 578 of the Statutes of 2018,
7 is amended to read:

8 9851. (a) The superior court in and for the county wherein any
9 person carries on, or attempts to carry on, business as a service
10 dealer or service contractor in violation of the provisions of this
11 chapter, or any regulation thereunder, shall, on application of the
12 director, issue an injunction or other appropriate order restraining
13 that conduct.

14 (b) The proceedings under this section shall be governed by
15 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of
16 the Code of Civil Procedure, except that the director shall not be
17 required to allege facts necessary to show or tending to show lack
18 of an adequate remedy at law or irreparable injury.

19 (c) This section shall remain in effect only until ~~January 1, 2023,~~
20 *January 1, 2024,* and as of that date is repealed.

21 SEC. 29. Section 9851 of the Business and Professions Code,
22 as amended by Section 15 of Chapter 578 of the Statutes of 2018,
23 is amended to read:

24 9851. (a) The superior court in and for the county wherein any
25 person carries on, or attempts to carry on, business as a service
26 dealer in violation of the provisions of this chapter, or any
27 regulation thereunder, shall, on application of the director, issue
28 an injunction or other appropriate order restraining that conduct.

29 (b) The proceedings under this section shall be governed by
30 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of
31 the Code of Civil Procedure, except that the director shall not be
32 required to allege facts necessary to show or tending to show lack
33 of an adequate remedy at law or irreparable injury.

34 (c) This section shall become operative on ~~January 1, 2023.~~
35 *January 1, 2024.*

36 SEC. 30. Section 9853 of the Business and Professions Code,
37 as amended by Section 16 of Chapter 578 of the Statutes of 2018,
38 is amended to read:

39 9853. (a) A plea or verdict of guilty or a conviction following
40 a plea of nolo contendere made to a charge substantially related

1 to the qualifications, functions, and duties of a service dealer or
2 service contractor is deemed to be a conviction within the meaning
3 of this article. The director may suspend, revoke, or place on
4 probation a registration, or may deny registration, when the time
5 for appeal has elapsed, or the judgment of conviction has been
6 affirmed on appeal or when an order granting probation is made
7 suspending the imposition of sentence, irrespective of a subsequent
8 order under Section 1203.4 of the Penal Code, allowing that person
9 to withdraw ~~his or her~~ *their* plea of guilty and to enter a plea of
10 not guilty, or setting aside the verdict of guilty, or dismissing the
11 accusation, information, or indictment.

12 (b) This section shall remain in effect only until ~~January 1, 2023,~~
13 *January 1, 2024*, and as of that date is repealed.

14 SEC. 31. Section 9853 of the Business and Professions Code,
15 as amended by Section 17 of Chapter 578 of the Statutes of 2018,
16 is amended to read:

17 9853. (a) A plea or verdict of guilty or a conviction following
18 a plea of nolo contendere made to a charge substantially related
19 to the qualifications, functions, and duties of a service dealer is
20 deemed to be a conviction within the meaning of this article. The
21 director may suspend, revoke, or place on probation a registration,
22 or may deny registration, when the time for appeal has elapsed, or
23 the judgment of conviction has been affirmed on appeal or when
24 an order granting probation is made suspending the imposition of
25 sentence, irrespective of a subsequent order under Section 1203.4
26 of the Penal Code allowing that person to withdraw ~~his or her~~ *their*
27 plea of guilty and to enter a plea of not guilty, or setting aside the
28 verdict of guilty, or dismissing the accusation, information, or
29 indictment.

30 (b) This section shall become operative ~~on January 1, 2023.~~
31 *January 1, 2024.*

32 SEC. 32. Section 9855.9 of the Business and Professions Code
33 is amended to read:

34 9855.9. This article shall remain in effect only until ~~January~~
35 ~~1, 2023,~~ *January 1, 2024*, and as of that date is repealed.

36 SEC. 33. Section 9860 of the Business and Professions Code,
37 as amended by Section 22 of Chapter 578 of the Statutes of 2018,
38 is amended to read:

1 9860. (a) The director shall establish procedures for accepting
2 complaints from the public against any service dealer or service
3 contractor.

4 (b) This section shall remain in effect only until ~~January 1, 2023,~~
5 *January 1, 2024*, and as of that date is repealed.

6 SEC. 34. Section 9860 of the Business and Professions Code,
7 as amended by Section 23 of Chapter 578 of the Statutes of 2018,
8 is amended to read:

9 9860. (a) The director shall establish procedures for accepting
10 complaints from the public against any service dealer.

11 (b) This section shall become operative on ~~January 1, 2023.~~
12 *January 1, 2024.*

13 SEC. 35. Section 9862.5 of the Business and Professions Code
14 is amended to read:

15 9862.5. (a) If a complaint indicates a possible violation of this
16 chapter or of the regulations adopted pursuant to this chapter, the
17 director may advise the service contractor of the contents of the
18 complaint and, if the service contractor is so advised, the director
19 shall make a summary investigation of the facts after the service
20 contractor has had reasonable opportunity to reply thereto.

21 (b) This section shall remain in effect only until ~~January 1, 2023,~~
22 *January 1, 2024*, and as of that date is repealed.

23 SEC. 36. Section 9863 of the Business and Professions Code,
24 as amended by Section 25 of Chapter 578 of the Statutes of 2018,
25 is amended to read:

26 9863. (a) If, upon summary investigation, it appears probable
27 to the director that a violation of this chapter, or the regulations
28 thereunder, has occurred, the director, in ~~his or her~~ *their* discretion,
29 may suggest measures that in the director's judgment would
30 compensate the complainant for the damages ~~he or she has~~ *they*
31 suffered as a result of the alleged violation. If the service dealer
32 or service contractor accepts the director's suggestions and
33 performs accordingly, the director shall give that fact due
34 consideration in any subsequent disciplinary proceeding. If the
35 service dealer or service contractor declines to abide by the
36 suggestions of the director, the director may investigate further
37 and may institute disciplinary proceedings in accordance with the
38 provisions of this chapter.

39 (b) This section shall remain in effect only until ~~January 1, 2023,~~
40 *January 1, 2024*, and as of that date is repealed.

1 SEC. 37. Section 9863 of the Business and Professions Code,
2 as amended by Section 26 of Chapter 578 of the Statutes of 2018,
3 is amended to read:

4 9863. (a) If, upon summary investigation, it appears probable
5 to the director that a violation of this chapter, or the regulations
6 thereunder, has occurred, the director, ~~in his or her~~ *their* discretion,
7 may suggest measures that in the director's judgment would
8 compensate the complainant for the damages ~~he or she has~~ *they*
9 suffered as a result of the alleged violation. If the service dealer
10 accepts the director's suggestions and performs accordingly, the
11 director shall give that fact due consideration in any subsequent
12 disciplinary proceeding. If the service dealer declines to abide by
13 the suggestions of the director, the director may investigate further
14 and may institute disciplinary proceedings in accordance with the
15 provisions of this chapter.

16 (b) This section shall become operative on ~~January 1, 2023.~~
17 *January 1, 2024.*

18 SEC. 38. Section 18602 of the Business and Professions Code
19 is amended to read:

20 18602. (a) Except as provided in this section, there is in the
21 Department of Consumer Affairs the State Athletic Commission,
22 which consists of seven members. Five members shall be appointed
23 by the Governor, one member shall be appointed by the Senate
24 Committee on Rules, and one member shall be appointed by the
25 Speaker of the Assembly.

26 The members of the commission appointed by the Governor are
27 subject to confirmation by the Senate pursuant to Section 1322 of
28 the Government Code.

29 No person who is currently licensed, or who was licensed within
30 the last two years, under this chapter may be appointed or
31 reappointed to, or serve on, the commission.

32 (b) In appointing commissioners under this section, the
33 Governor, the Senate Committee on Rules, and the Speaker of the
34 Assembly shall make every effort to ensure that at least four of
35 the members of the commission shall have experience and
36 demonstrate expertise in one of the following areas:

37 (1) A licensed physician or surgeon having expertise or
38 specializing in neurology, neurosurgery, head trauma, or sports
39 medicine. Sports medicine includes, but is not limited to,
40 physiology, kinesiology, or other aspects of sports medicine.

1 (2) Financial management.

2 (3) Public safety.

3 (4) Past experience in the activity regulated by this chapter,
4 either as a contestant, a referee or official, a promoter, or a venue
5 operator.

6 (c) Each member of the commission shall be appointed for a
7 term of four years. All terms shall end on January 1. Vacancies
8 occurring prior to the expiration of the term shall be filled by
9 appointment for the unexpired term. No commission member may
10 serve more than two consecutive terms.

11 (d) Notwithstanding any other provision of this chapter,
12 members first appointed shall be subject to the following terms:

13 (1) The Governor shall appoint two members for two years, two
14 members for three years, and one member for four years.

15 (2) The Senate Committee on Rules shall appoint one member
16 for four years.

17 (3) The Speaker of the Assembly shall appoint one member for
18 four years.

19 (e) (1) This section shall remain in effect only until ~~January 1,~~
20 ~~2024,~~ *January 1, 2025*, and as of that date is repealed.

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

24 SEC. 39. Section 18613 of the Business and Professions Code
25 is amended to read:

26 18613. (a) (1) The commission shall appoint a person exempt
27 from civil service who shall be designated as an executive officer
28 and who shall exercise the powers and perform the duties delegated
29 by the commission and vested in the executive officer by this
30 chapter. The appointment of the executive officer is subject to the
31 approval of the Director of Consumer Affairs.

32 (2) The commission may employ a chief athletic inspector. If
33 the commission employs a chief athletic inspector, the chief athletic
34 inspector shall exercise the powers and perform the duties delegated
35 by the commission and authorized by the executive officer related
36 to the regulation of events under this chapter.

37 (3) The commission may employ an assistant chief athletic
38 inspector. If the commission employs an assistant chief athletic
39 inspector, the assistant chief athletic inspector shall assist the chief
40 athletic inspector in exercising the powers and performing the

1 duties delegated by the commission and authorized by the executive
2 officer related to the regulation of events under this chapter.
3 (4) The commission may employ in accordance with Section
4 154 other personnel as may be necessary for the administration of
5 this chapter.
6 (b) This section shall remain in effect only until ~~January 1, 2024,~~
7 *January 1, 2025*, and as of that date is repealed.

AGENDA ITEM H: COUNCIL OF LANDSCAPE ARCHITECTURAL REGISTRATION BOARDS (CLARB)

Summary

At the September 4, 2020, LATC meeting, CLARB representatives presented an overview of the proposed standardization recommendations and explained that CLARB is exploring a Uniform Standard for Licensure (Uniform Standard) enabling mobility; eliminating duplication in documentation; and efficiencies 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. CLARB informed the LATC that the Uniform Standard includes education, experience, and examination, however, it permits candidates to take the LARE with a Landscape Architectural Accreditation Board (LAAB) accredited degree and gain experience prior to licensure rather than prior to examination.

On September 17, 2021, LATC Chair Jon S. Wreschinsky wrote to the CLARB President addressing several discrepancies between California's current licensure requirements and CLARB's proposed Uniform Standard.

On November 9, 2021, CLARB staff provided a California-specific analysis, conducted by their legal consultant, to confirm discrepancies between California's current licensure requirements and CLARB's proposed Uniform Standard. Mr. Wreschinsky responded to CLARB's analysis via letter on December 27, 2021, in which he further noted that "alternative pathway" under the proposed Uniform Standard is ill-defined and does not address a number of issues requiring further discussion prior to adoption. Such areas include standardization of alternative education pathways with emphasis on landscape architecture associate degrees and non-accredited four-year degree programs.

On January 12, 2022, CLARB announced it will hold a membership vote on the Uniform Standard during the Mid-Year Update on April 20, 2022. CLARB has asked Member Boards to review the attached Uniform Standard Voting Package (Attachment H) and submit the included Letter of Credential by April 19, 2022. The credentialed representative will vote on behalf of LATC during the Mid-Year Update on April 20, 2022. All LATC members are invited to attend the virtual meeting, however only the credentialed delegate may participate in the vote.

Action Requested

Discuss and possible action to determine how the LATC will complete the Letter of Delegate Credentials for the April 2022 Special Meeting included in the CLARB Uniform Standard Voting Package.

Attachment

CLARB Uniform Standard Voting Package



1900 Reston Metro Plaza
Suite 600
Reston, VA 20190
571-432-0332
www.clarb.org

TO: Member Board Executives

FROM: Andrea Elkin
PMO Manager

RE: Letter of Delegate Credentials for the April 2022 Special Meeting

With regard to board delegation and voting rights, Article VI, Section 3 of CLARB's Bylaws state:

"Each member board is entitled to be represented at CLARB meetings. As many delegates as are able to attend may represent a member board, but only one (1) vote may be cast on each motion for each member board by its credentialed delegate. A letter of credential from the delegate's board shall identify the voting delegate attending the annual meeting or any special meeting of CLARB. The credentialed delegate must be a member or staff of the member board."

The credentials letter should be filled out by a Member Board Executive or officer of the Member Board. The credentials letter should designate the Member Board Member, Member Board Executive, or Member Board Staff Member who is/are eligible to cast your Board's vote. Only one vote per Member Board per motion may be cast.

You may submit your credentials to CLARB by emailing the filled out credentials letter to: Andrea Elkin (aelkin@clarb.org) by Tuesday, April 19.

If you have any questions about any of these procedures, please let me know.

DATE: _____

TO: CLARB Board of Directors

FROM: _____

(Member Board)

RE: Letter of Delegate Credentials for April 2022 CLARB Special Meeting

In accordance with Article VI, Section 3 of the Bylaws of the Council of Landscape Architectural Registration Boards, the CLARB Member Board indicated above has designated the following member(s) as its delegate(s) to the CLARB Special Meeting April 20, 2022.

We understand that delegates are eligible to vote on behalf of the Member Board on all business matters and that only one vote per Board per motion may be cast regardless of the number of delegates present.

NAME

POSITION

In addition, the following representatives will be in attendance:

Signed by: _____

Name

Title



Resolution #1 Adoption of the CLARB Uniform Licensure Standard for Landscape Architecture

Submitted to: The CLARB Membership

WHEREAS, the Board of Directors developed a strategy in 2017 to rethink landscape architecture licensure and regulation to reduce or eliminate unnecessary friction (friction that does not achieve a public protection outcome) in the licensure process;

WHEREAS, the Board of Directors approved a long-term workplan starting in 2018 to conduct research and to complete a deep evaluation of the policies, procedures, systems and processes currently in place that facilitate landscape architecture licensure and regulation;

WHEREAS, several work groups have convened, made up of member board executives, member board members, representatives from the landscape architecture profession and the broader regulatory community to ensure broad perspectives and expertise were considered;

WHEREAS, the Board of Directors directed a task force in 2021 to review the results of the research, analysis and work group inputs to develop a recommendation for a uniform licensure standard for landscape architecture to achieve consistency in requirements across the membership;

WHEREAS the Board of Directors has considered the task force's recommendation and agrees with its approach;

WHEREAS, the recommendation has been shared with the membership and opportunities for input and engagement have been provided;

WHEREAS the Board of Directors approved the Draft CLARB Uniform Licensure Standard for Landscape Architecture and approved the submission of the draft to the membership for consideration and adoption;

NOW, HEREOF, BE IT RESOLVED that the draft CLARB Uniform Licensure Standard for Landscape Architecture be published and submitted to the members for their approval, in accordance with Article VI, Section 5 of the Bylaws.

Approved by the CLARB Board of Directors, December 3, 2021

CLARB

Resolution #2 Revisions to the CLARB Model Law and Regulations to align with the Draft Uniform Licensure Standard for Landscape Architecture

Submitted to: The CLARB Membership

WHEREAS, the Board of Directors has approved the submission of the Draft Uniform Licensure Standard for Landscape Architecture to the membership for consideration and adoption;

WHEREAS, the Board of Directors recognizes that the CLARB Model Law and Model Regulations are important resources that may be used to support the implementation of the CLARB Draft Uniform Licensure Standard for Landscape Architecture in some member jurisdictions;

WHEREAS the Board of Directors approved revisions to the CLARB Model Law and Model Regulations to align with the proposed Draft Uniform Licensure Standard for Landscape Architecture;

NOW, HEREOF, BE IT RESOLVED that the draft CLARB Uniform Licensure Standard for Landscape Architecture be published and submitted to the members for their approval, in accordance with Article VI, Section 5 of the Bylaws.

Approved by the CLARB Board of Directors, December 3, 2021



CLARB Board of Directors Supporting Statement for Resolutions #1 and #2

The Draft CLARB Uniform Licensure Standard for Landscape Architecture and proposed changes to the Model Law and Regulations in Resolutions #1 and #2 (above) represent the culmination of more than five years of discussion, research, analysis, and feedback to create the best approach for achieving consistency in the licensure requirements across the membership.

We believe, that by adopting a uniform standard for licensure by which all applicants can be evaluated against, we will improve the landscape architecture mobility model, provide for increased equity in and access to licensure, increase the defensibility of landscape architecture licensure requirements and ensure the continued protection of the health, safety, and welfare of the public and the environment.

In accordance with our legal duty of care as Board members, our desire to be good and faithful stewards for the organization and our commitment to foresight, we engaged member board executives, member board members, the landscape architecture profession, and the broader regulatory community to fully understand the challenges and opportunities that exist for addressing a key friction point – varying requirements for licensure – through the development of a uniform standard.

We also considered the evolving legal, social, political, technological, and economic environment. At the end of this lengthy, thorough process, we concluded that our licensure policies must evolve, and the changes presented represent a reasoned, practical, and sound approach.

While all the work that has been done to create a uniform standard are based in data and address key trends in the licensure reform movement, perhaps the most critical concepts embodied in the proposed uniform standard are the streamlining of alternative paths to licensure:

- Nearly 80% of members specify an alternative path to licensure, however there is broad variation among these.
- All but two member boards have the legal authority to consider alternative paths
- The profession supports the inclusion of alternative paths to licensure as demonstrated in the formal recommendation presented by the ASLA Licensure Committee
- There are early indicators that a growing number of applicants are coming through an alternative path - 7% of all Council Record holders achieved licensure through alternative paths vs. 8% of exam candidates over the past five years.
- Alternative paths exist for related design disciplines - architecture and engineering – and these professions are beginning to explore opportunities for increasing access to licensure.
- Alternative paths create more opportunity for underrepresented groups to enter the profession which aligns with our organizational principles on diversity, equity, and inclusion.

We strongly believe that adoption and implementation of the CLARB Uniform Licensure Standard for Landscape Architecture will improve the process for candidates and licensees, reduce vulnerabilities as legislatures across the country seek to reduce regulation and create a more diverse profession that will be better able to serve the public and the environment.

CLARB

Resolution #3

Revisions to the CLARB Model Law and Regulations to promote diversity, equity, and inclusion in licensure standards and to align with CLARB's DEI principles.

Submitted to:

The CLARB Membership

WHEREAS, the Board of Directors has approved and adopted organizational principles around diversity, equity and inclusion;

WHEREAS, CLARB's DEI principles specifically state that "We acknowledge that inequity exists within and outside of the landscape architecture community. We are dedicated to creating and acknowledging the multiple pathways to the landscape architecture profession while mitigating barriers to access. CLARB is committed to working actively to address the power imbalances and remove any bias in our systems and processes.";

WHEREAS, we believe as an International association of regulatory boards that removing the requirement for Boards to make judgements on an individuals "good moral character" is out of alignment with our DEI principles and interjects subjectivity into the process for evaluating an applicant's qualifications and suitability for licensure;

WHEREAS, at least 30 pieces of legislation have been introduced in legislatures around the United States to remove this type of language from the licensing statutes of all professionals within a jurisdiction;

WHEREAS the Board of Directors approved revisions to the CLARB Model Law and Model Regulations to remove all reference to "good moral character" as a condition of licensure;

NOW, HEREOF, BE IT RESOLVED that the draft revisions to the CLARB Model Law and Regulations be published and submitted to the members for their approval, in accordance with Article VI, Section 5 of the Bylaws.

Approved by the CLARB Board of Directors, December 3, 2021



CLARB Board of Directors Supporting Statement for Resolutions #3

CLARB has been on an intentional journey, since 2014, to learn and create opportunities across the organization to be more inclusive, equitable and accessible, and to better understand our impact on increasing diversity within landscape architecture.

As part of that journey, the CLARB Board of Directors developed and adopted organizational principles on diversity, equity, and inclusion. Looking at the future we want to create, CLARB affirms our commitment, and our dedication provides an opportunity to thrive and promote the advancement of these key principles.

Diversity: We believe diversity is an integrated experience in our programs and services that values differing thoughts, experiences, perspectives, career paths, and expertise. This is expressed in many forms, including, and not limited to, culture, career, race and ethnicity, gender and gender identify, sexual orientation, socioeconomic status, language, national origin, religion, age, disability, political perspective, veteran status, etc. Our transparency demonstrates an ongoing process of genuineness and self-awareness that is intentional in principle and practice.

Equity: We acknowledge that inequity exists within and outside of the landscape architecture community. We are dedicated to creating and acknowledging the multiple pathways to the landscape architecture profession while mitigating barriers to access. CLARB is committed to working actively to address the power imbalances and remove any bias in our systems and processes.

Inclusion: We are dedicated to honoring the shared experiences of our stakeholders (e.g. community, candidates, licensees, staff, volunteers, vendors, partners, etc.) and strive to create an environment where people feel included and valued for bringing one's whole self. Learning together through reflection and welcoming non-traditional approaches and voices allows for connection that represents our community both individually and across our community

Additionally, over the past two years, we have seen an increasing amount of proposed legislation across the United States to eliminate reference to "good moral character" or the assessment of an applicant's "moral turpitude." We believe removing this from our policies is good practice and the right thing to do to reduce subjectivity in evaluating an applicant's qualifications and suitability for licensure.

To this end, the CLARB Board fully supports the proposed revisions to the Model Law and Regulation to reduce bias and create more equitable and accessible licensure policies.

CLARB

Uniform Standard Executive Summary

Why the Need for Change?

Over the past decade, we have seen exponential change. The bipartisan push for licensure reform continues to drive legislatures to look for new ways to reduce regulation and create more economic opportunity. Stakeholder wants, needs, and preferences are changing, and we must adapt to better serve current and future licensees. Advancements in technology are impacting every aspect of business and shifting expectations for the speed in which things get done. The shifting demographic in our country demands for increased equity and access to licensed professions.

As leaders in the regulatory community, we have responded to these changes by looking critically at our policies and recommending changes that promote and support defensible, consistent, and equitable requirements for landscape architectural licensure through the development of a uniform standard by which all candidates, in every jurisdiction, can be evaluated against.

The proposed CLARB Uniform Licensure Standard for Landscape Architecture, that is being presented for consideration by the membership, represents the culmination of more than five years of discussion, research, analysis, and feedback to create the best approach for achieving defensible, consistent, and equitable licensure requirements across the membership. We believe that by adopting the proposed uniform standard, we will greatly improve the landscape architecture mobility model, provide for increased equity in and access to licensure, improve the defensibility of landscape architecture licensure requirements, and ensure the continued protection of the health, safety, and welfare of the public and the environment.

What is in the Uniform Standard?

Within the Uniform Standard policy, you will find four sections:

1. *Qualifications for Licensure*: outlines the requirements for licensure
2. *Alternative Education*: outlines alternative pathways to section 1's licensure requirements
3. *Experience in the Regulated Practice of Landscape Architecture*: outlines guidelines for the experience competent of the licensure requirements
4. *Amendments*: outlines how the Uniform Standard policy can be updated in the future

Documents for Your Board's Review and Consideration

1. [Resolutions](#)
2. [Uniform Standard Policy](#)
3. Model Law and Regulations
 - a. [Executive summary](#)
 - b. [Clean](#)
 - c. [Redlined with color-coded changes](#)
4. [FAQs](#)
5. [Letter of Credential](#)

CLARB

Disclaimer: This document is a draft of the Uniform Licensure Standard for Landscape Architecture until approved by the CLARB membership. The information contained in this document is for review by CLARB members only.

CLARB Uniform Licensure Standard for Landscape Architecture [2022]

The CLARB Uniform Licensure Standard for Landscape Architecture [2022] is a policy document established and adopted by the CLARB membership that outlines the detailed requirements for education, experience, and examination to be eligible for licensure as a landscape architect within each member jurisdiction. The standard seeks to achieve consistent licensure requirements across the United States and Canada to improve the landscape architecture mobility model, provide for increased equity and access to practice, increase defensibility of licensure requirements, and ensure the health, safety, and welfare of the public and the environment.

Section 1: Qualifications for Licensure. To obtain a license to practice landscape architecture, an applicant must:

- A. **Education:** Either (i) hold a degree in landscape architecture accredited by the Landscape Architectural Accreditation Board (LAAB), Canadian Society of Landscape Architects Accreditation Council (LAAC), or their international equivalent; or (ii) satisfy the alternative education requirements set forth in Section (2); **and**
- B. **Experience:** Have completed two (2) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field; **and**
- C. **Examination:** Pass the licensure examination developed and administered by CLARB; **or**
- D. **Reciprocity:** In lieu of providing evidence that the applicant has completed the education, experience, and examination requirements noted in provisions (A) through (C) of this Section (1), provide evidence acceptable to the Board that the applicant is licensed and in good standing to practice landscape architecture under the laws of another jurisdiction.

Section 2: Alternative Education. In lieu of a degree in landscape architecture accredited by LAAB, LAAC, or their international equivalent, an applicant must obtain six (6) additional years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field or, if eligible, an applicant may earn credit toward the remaining years of experience in regulated practice through one of the following options:

- A. If an applicant holds a non-accredited degree or certificate in landscape architecture, then the applicant may be credited with one (1) year of experience for each year of schooling completed up to a maximum of four (4) years of credited experience, **OR**

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- B. If an applicant holds any degree or certificate, then the applicant may be credited with six (6) months of experience for each one (1) year of schooling completed up to a maximum of two (2) years of credited experience.

Section 3: Experience in the Regulated Practice of Landscape Architecture.

- A. To be considered “experience in the regulated practice of landscape architecture,” an applicant must gain experience in the following practice domains as determined by the Job Task Analysis to ensure competency necessary to protect the public and the environment:¹
 - 1. Project and Construction Management: includes pre-project management, project management, bidding, construction, and maintenance;
 - 2. Inventory and Analysis: includes site inventory, physical analysis, and contextual analysis;
 - 3. Design: includes stakeholder process, master planning, and site design;
 - 4. Grading, Drainage, and Construction Documentation: includes site preparation plans, general plans and details, specialty plans, and specifications.
- B. All applicant’s experience in the regulated practice of landscape architecture should be performed under the supervision of a licensed landscape architect or a licensed professional in a related field.

Section 4: Amendments. This CLARB Uniform Licensure Standard for Landscape Architecture [2022] may be amended at any special meeting or Annual Meeting of CLARB by resolution submitted to the member boards. The affirmative vote of the majority of the member boards represented at any CLARB meeting is required to adopt any amendment to this CLARB Uniform Licensure Standard for Landscape Architecture.

* * * * *

Adopted by the CLARB Member Boards on _____, 202X.

¹ Notwithstanding the standards set forth here, each jurisdiction within the CLARB membership will determine how it will evaluate experience based on its unique circumstances and requirements.

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Model Law and Regulations Changes Executive Summary

What are CLARB's Model Law and Regulations?

CLARB Model Law and Regulations are a resource for licensing boards and legislatures addressing issues related to the public-protection mission of regulation. These models promote uniformity in licensing laws (affording predictability, commercial efficiency, and enhanced trust in the profession), establishes minimal standards of competence for those practicing landscape architecture, and facilitates professional mobility and portability through a licensure transfer process. The model documents are intended to be fluid, subject to regular review and periodic changes, when necessary.

Why the Need for Change?

The CLARB Board of Directors is proposing revisions to the Model Law and Regulations to align the qualifications for licensure with the Uniform Licensure Standard for Landscape Architecture. By having the Uniform Standard reflected in the Model Law and Regulations, it will help members adopt and implement the new standard as well as continue to increase uniformity and improve mobility within the profession.

In addition, the proposed changes will also be a step forward in advancing CLARB's diversity, equity, and inclusion initiatives as the document was evaluated for language that can add bias into evaluating candidates for licensure. By removing the subjectivity of character from the licensing process, licensure boards can help the profession to be more inclusive and place the application evaluation focus on protecting the public's health, safety, and welfare.

Model Law Changes

Section 302. Qualifications for Licensure was heavily revised to reflect the Uniform Standard. The changes in Model Law center around the education and experience requirements. The education requirement is now LAAB, LAAC, or international equivalent **or** satisfy the alternative education requirements as determined by the Board.

The experience requirement is completed 2 years of experience under the direct supervision of a licensed landscape architect or a licensed professional in a related field as determined by the Board.

The reciprocity requirement is amended to require evidence acceptable to the Board that the Applicant is licensed and in Good Standing to practice under the laws of another jurisdiction.

The language, "Possession of good moral character" has been removed. Removing good moral character language is an important step to remove bias and subjectivity from the licensing process.

Model Regulations Changes

Section 302.10 Qualifications for Licensure was also heavily revised to reflect the Uniform Standard. The previous Approved Education Programs has been stricken and replaced with the accredited degree path **or** an Applicant shall meet the "Alternative Education" standards for licensure set forth in the CLARB Uniform Licensure Standard.

Similarly, the previous Experience Supervision Requirements section has been stricken and replaced with updated experience guidelines. The requirements now reflect the criteria in the CLARB Uniform Licensure Standard for Landscape Architecture.

CLARB

Documents for Your Board's Review and Consideration

1. [Resolutions](#)
2. [Uniform Standard Policy](#)
3. Model Law and Regulations
 - a. [Executive summary](#)
 - b. [Clean](#)
 - c. [Redlined with color-coded changes](#)
4. [FAQs](#)
5. [Letter of Credential](#)

Disclaimer: This document is a draft of the Model Law and Model Regulations for Landscape Architecture until approved by the CLARB membership. The information contained in this document is for review by CLARB members only.

Model Law

Council of Landscape Architectural Registration Boards

Updated: December 2021
Last Approved: September 2017

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Introduction

What Landscape Architects Do

Since the 1800s, landscape architecture has encompassed analysis, planning, design, management, and stewardship of the natural and built environment through science and design. Landscape architects create well-planned, livable communities, leading the way by creating neighborhood master plans, designing green streets, managing storm-water runoff, and planning high-utility transportation corridors.

Landscape architecture includes iconic and neighborhood places, local parks, residential communities, commercial developments, and downtown streetscapes. Larger well-known examples include Central Park and the Highline in New York City, the U.S. Capitol grounds in Washington, D.C., the Oklahoma City National Memorial, and Chicago's Millennium Park.

Why Landscape Architects Must Be Licensed

The practice of landscape architecture includes keeping the public safe from hazards, protecting natural resources, and sustainably managing the natural and built environment surrounding our homes and communities. It requires a breadth of knowledge and training in many substantive areas of science, engineering, and aesthetics. The adverse risks and consequences of negligent, unqualified, unethical, or incompetent persons engaging in landscape architectural design services without the requisite education and training are significant—sometimes irreparable—economically, environmentally, and in terms of public safety, health, and welfare.

At stake are hundreds of millions of dollars' worth of infrastructure and site improvements every year, and the safety of persons and property these improvements affect. Licensure of landscape architects permits consumers to manage these risks and reduces exposure for liability from hazardous and defective design.

To properly serve and protect the public these risks and consequences and the potential for harm must be minimized and prevented. The public interest is best served when qualified, licensed professionals carry out these responsibilities safely in accordance with rigorous and essential professional standards, and when other non-qualified individuals are prevented from providing such services to the public. Moreover, licensing is necessary and appropriate given landscape architecture's technical nature—and consumer/public inability to accurately and reliably assess the competence of such providers.

Without regulatory standards, consumers have no mechanism to ensure they can rely on a professional to produce design and technical documentation meeting minimum standards of competence.

How the CLARB Model Law Promotes Public Protection

The CLARB Model is a resource for legislatures and licensing boards addressing issues related to the public-protection mission of regulation.

This Model Law promotes uniformity in licensing laws (affording predictability, commercial efficiency, and enhanced trust in the profession), establishes minimal standards of competence for those practicing landscape architecture, and facilitates professional mobility and portability through a licensure transfer process.

How CLARB Member Boards Benefit from the Model Law

Member Boards should review and use the Model Law in the context of regulatory and language issues unique to each jurisdiction.

The Model Law includes the following sections:

- Article I – Title, Purpose and Definitions
- Article II – Board of (Profession)
- Article III – Licensing
- Article IV – Discipline
- Article V – Mandatory Reporting
- Article VI – Other

The Model Law is intended to be fluid, subject to regular review and periodic changes, when necessary. Revisions are generally stimulated by societal shifts, evolution of practice and technological advancements. Proposed revisions will be presented to CLARB members for consideration.

The language included in this Model Law version is framed with a single, stand-alone board structure in mind—i.e., for circumstances in which the promulgating Board's role is limited to serving/regulating one design discipline, not multiple related design disciplines. When this Model Law is used by Boards serving or regulating more than one professional discipline, its language will require adaptation or modification to accommodate that composite board's structure and approach, and the specific design professions governed.

Article I - Title, Purpose, and Definitions

Section 101. Title of Act.

This Act is called the “[Jurisdiction] Landscape Architecture Practice Act.”

Section 102. Legislative Declaration.

- A. The practice of Landscape Architecture in [Jurisdiction] is declared a professional practice affecting public health, safety, and welfare and subject to regulation and control in the public interest. The public interest requires that Landscape Architecture merit and receive public confidence and that only qualified persons practice Landscape Architecture in [Jurisdiction]. This Act will be liberally construed to carry out these objectives and purposes.
- B. This legislation regulates the Landscape Architecture profession. Any restriction on competition is outweighed by protecting the public interest. The regulatory structure calls for Licensees and Public Members to serve on the Board, recognizing the need for practitioners’ professional expertise in serving the public interest.

This Act provides active Jurisdiction oversight and Supervision through its enactment, promulgation of enabling regulations, appointment and removal of Board members by the (Governor), legal representation of the Board by the [Jurisdiction] Attorney General, legislative appropriation of monies to support the Board, periodic legislative sunset review, application to the Board of ethics laws, mandatory Board-member training, and judicial review.

Section 103. Statement of Purpose.

This Act’s purpose is to promote, preserve, and protect public health, safety, and welfare by licensing and regulating persons, whether in or outside [Jurisdiction], who practice Landscape Architecture in [Jurisdiction]. This Act creates the Board of Landscape Architecture whose members, functions, and procedures will be established in accordance with the Act.

Section 104. Practice of Landscape Architecture.

The practice of Landscape Architecture means the application of mathematical, physical and social-sciences principles in Landscape Architectural consultation, evaluation, planning, and design; it includes preparing, filing, and administering plans, drawings, specifications, permits, and other contract documents involving projects that direct, inform or advise on the functional use and preservation of natural and built environments.

Sections 102 and 103

One of the most important sections of a practice act is the legislative declaration and statement of purpose. These essential sections express the foundation and need for regulation of the profession with affirmative statements of the Act’s legislative intent. The “liberal construction” directive provides guidance to the judiciary when addressing language ambiguities in the statutes and regulations.

The guiding principles of legislation to regulate a profession include delegation of authority from the legislative to the executive branch through board appointments and authorization to regulate.

To provide an efficient and effective regulatory process, boards are populated with persons with knowledge of and expertise in the profession. For balance, boards also include members of the public with no direct connection to the profession regulated.

Section 104

The definition of the scope of practice provides the basis for the regulatory system and is used to identify work for which a license is necessary.

Those operating within the scope of practice must be licensed under the eligibility criteria. Eligibility criteria are provided in the regulations.

The scope of practice is purposefully defined using broad terms to allow interpretative opportunities and to recognize the interplay among the related design professions. When necessary, and using Board-member expertise, specificity can be clarified in regulations.

Section 105. Activities Not Subject to the Act.

This Act does not apply to:

- A. Persons licensed to practice Landscape Architecture in another Jurisdiction while serving in the U.S. military; provided such persons provide services during or as part of their military service.
- B. Persons licensed to practice Landscape Architecture in another Jurisdiction while performing official duties as a federal government employee.
- C. Persons training for the practice of Landscape Architecture under a Licensee's direct Supervision.

Section 106. Definitions.

Words and phrases used in this Act have the meanings stated below, unless the context otherwise requires:

- A. **Adjudicatory Proceeding or Hearing** — formal processes of an administrative determination in which the Board adjudicates allegations of violations of law and, if appropriate, renders sanctions, all in accord with applicable procedural and substantive standards to protect rights.
- B. **Applicant** — a Person who submits an application to the Board for licensure to practice Landscape Architecture in [Jurisdiction] under this Act.
- C. **Approved Educational Program** — an educational program for Landscape Architects as established by this Act or any other landscape architectural curriculum which has been evaluated and found to be of an equivalent standard, may be reviewed and accepted by the Board.
- D. **Approved Program of Continuing Education** — an educational program offered by an Approved Provider of Continuing Education.
- E. **Approved Provider of Continuing Education** — any professional association or society, university, college, corporation, or other entity approved by the Board to provide educational programs designed to ensure continued Competence in the practice of Landscape Architecture.
- F. **Board** — the legislatively created Board granted the authority to enforce the [Jurisdiction] Landscape Architects Practice Act.
- G. **Business Entity** — any firm, partnership, sole proprietorship, association, limited liability company, or corporation organized by and registered in [Jurisdiction] to provide or offer Landscape

Section 105

CLARB understands there exists significant overlap in scopes of practice of the design professions. This section statutorily recognizes that certain activities are not subject to the Act.

The Model Law purposefully avoids use of the term "exemptions," the concept of activities being included within the scope of practice, but not subject to licensure, undermines the need for

Section 106(C), (D), (E), and (O)

Specific references to programs and other standards of practice and ethics are not referenced in the Model Law. Such specifics are instead included in regulations created using Board members' expertise.

The legal reasons specific references are included in regulations instead of in the Model Law are related to delegation of authority and prohibitions of recognizing private-sector programs as a prerequisite to licensure in the statute.

Section 106

Definitions identify terms used consistently throughout the Model Law. Note that capitalized words or phrases can be found in the Model Law's definition section.

Throughout the document defined terms are capitalized.

Architectural services.

- H. **Certificate of Authorization** — a certificate issued by the Board to a Business Entity permitting it to offer or provide Landscape Architectural services.
- I. **CLARB** — the Council of Landscape Architectural Registration Boards.
- J. **CLARB Uniform Licensure Standard** — the current version of the CLARB Uniform Licensure Standard for Landscape Architecture adopted by the CLARB Member Boards, or a successor policy document published by CLARB and adopted by its Member Boards that sets forth standardized licensure requirements for landscape architecture.
- K. **Client** — a Person, group, or corporation that enters into an agreement with a licensed Landscape Architect or Business Entity to obtain Landscape Architectural services.
- L. **Competence** — applying knowledge and using affective, cognitive, and psychomotor skills required by Landscape Architects to deliver safe Landscape Architectural care in accord with accepted practice standards.
- M. **Consultation** — providing advice to or receiving advice from another professional, or both, related to the practice of Landscape Architecture, to assist a Licensee.
- N. **Continuing Education** — training designed to ensure continued Competence in the practice of Landscape Architecture.
- O. **Continuing Education Contact Hour** — a 50-minute clock-hour of instruction, not including breaks or meals.
- P. **Conviction** — conviction of a crime by a court with jurisdiction, including a finding or verdict of guilt—regardless of whether adjudication of guilt is withheld, not entered on admission of guilt, or involves deferred conviction, deferred prosecution, deferred sentence, a no consent plea, a plea of *nolo contendere*, or a guilty plea.
- Q. **Examination** — an examination for Landscape Architects developed and administered by CLARB or as may be approved by the Board.
- R. **Felony** — a criminal act defined by [Jurisdiction] laws, the laws of any other Jurisdiction, province, or federal law.
- S. **Good Standing** — a License not restricted in any manner and that grants Licensee full practice privileges.
- T. **Inactive License** — an inactive category of licensure affirmatively

elected by a Licensee in Good Standing who is not engaged in the active practice of Landscape Architecture, to maintain such License in a nonpractice status.

U. **Jurisdiction** – any state, commonwealth, the District of Columbia, or other insular territories of the United States, and Canadian provinces and territories.

V. **Landscape Architect** — a Person licensed by the Board under this Act.

W. **Landscape Architecture** — the practice of the profession as defined under this act.

X. **License** — an authorization granted by the Board to practice Landscape Architecture.

Y. **Licensee** — a Person licensed by the Board under this Act.

Z. **Person** — any individual, firm, Business Entity, partnership, association, joint venture, cooperative, corporation, or other combination acting in concert, or as a Principal, trustee, fiduciary, receiver, or a representative, or as successor in interest, assignee, agent, factor, servant, employee, director, or officer of another Person.

AA. **Principal** — an individual who is a Landscape Architect and is in Responsible Charge of a Business Entity's Landscape Architectural practice.

BB. **Public Member** — a Person that is not and has never been a Licensee, or the spouse of a current or former Licensee, or a Person with material financial interest in providing Landscape Architectural services, or engaged in activity directly related to Landscape Architecture.

CC. **Responsible Charge** — the direct control and personal Supervision of the practice of Landscape Architecture.

DD. **Seal** — a symbol, image, or information in the form of a rubber stamp, embossed seal, computer-generated data, or other form acceptable to the Board applied or attached to a document to verify document authenticity and origin.

EE. **Supervision** and Supervision-related terms are defined as follows:

- (i) Supervising (Professional) — a Licensee who assumes responsibility for professional Client care given by a Person working under Licensee's direction.
- (ii) Direct control and personal Supervision — Supervision by a Landscape Architect of another's work in which supervisor is directly involved in all practice-related judgments

Section 106(BB)

The definition of Public Member is intended to preclude those involved with or related to persons in the profession of Landscape Architecture from serving in this role.

When a composite board approach is considered, the definition of public member will be reassessed and expanded to preclude other design professionals from serving as public members.

affecting public health, safety and welfare.

Article II - Board of Landscape Architecture

Section 201. Delegation of Authority.

Enforcing this Act is the Board's responsibility. Under this Jurisdiction's active oversight and Supervision, the Board has all duties, powers, and authority granted by, or necessary to enforce, this Act, and other duties, powers, and authority it is granted bylaw.

Section 201

This section recognizes and legislatively affirms that certain authority is delegated from the legislative branch to the board. A clear articulation authorizing the board to enforce the practice act in the interest of public protection provides added emphasis of legislative intent. This designation is important in times of added judicial and political scrutiny and in light of the recent U.S. Supreme Court ruling regarding antitrust liability and state action defense.

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Section 202. Board Composition.

Landscape Architect Board Option

- A. The Board will consist of [Number] members; at least [Number] will be public representative(s), and the remainder will be Licensees qualified under Section 203 of this Act. This Board member composition ensures the necessary expertise to efficiently and effectively regulate the profession, using professionals acting on the public's behalf and bound by applicable ethics and public-service laws.

Composite Board Option

- B. The Board will consist of [Number] members appointed under Section 204 and comprised of the following:
- (i) Two (2) Public Members as defined by this act.
 - (ii) Two (2) Landscape Architects as defined in Section 203.
 - (iii) Two (2) [Profession] as defined in [citation to relevant practice act referencing resident, licensed in Good Standing, other licenses in Good Standing, licensed for a specified period of time].
 - (iv) Two (2) [Profession] as defined in [citation to relevant practice act referencing resident, licensed in Good Standing, other licenses in Good Standing, licensed for a specified period of time].
 - (v) Two (2) [Profession] as defined in [citation to relevant practice act referencing resident, licensed in Good Standing, other licenses in Good Standing, licensed for a specified period of time].
 - (vi) Two (2) [Profession] as defined in [citation to relevant practice act referencing resident, licensed in Good Standing, other licenses in Good Standing, licensed for a specified period of time].
 - (vii) [Intended to include two (2) members from each profession under the Board's jurisdiction.]
- C. In addition to these qualifications, each Board member shall during the appointed period comply with Section 203(b), (c), (d), and (e).

Section 202

With respect to states' rights and differing current regulatory structures, CLARB provides two board models in this Model Law. The language included in this version of the Model Law works with a single, stand-alone board structure.

Language in various parts of the Model Law require modification if a different board structure is used.

The remaining portions of the Model Act do not include the multiple scopes and licensure eligibility criteria factors. Regardless of the type of board structure, the board composition includes persons with expertise of the represented design professions and public members.

Section 202(A) identifies a stand-alone board option with Landscape Architects and public members involved in regulation of the profession.

Section 202(B) identifies a composite board option and includes equal representation of the design professions regulated by the board. Public members are also included on the composite board.

Related design professions on a composite board may include, but are not limited to, architects, engineers, landscape architects, land surveyors, geologists, and interior designers.

- D. This Board member composition ensures the necessary expertise to efficiently and effectively regulate the professions using professionals acting on the public's behalf and bound by applicable ethics and public-service laws.

Section 203. Qualifications for Board Membership.

- A. Each Landscape Architect Board member must during their Board tenure:
 - i) Be a resident of [Jurisdiction] for at least one (1) year.
 - ii) Be a Licensee in Good Standing.
 - iii) Maintain in Good Standing any other professional License they hold.
 - iv) Have been licensed as a Landscape Architect for at least three (3) years.
- B. Each Public Member of the Board must be a resident of [Jurisdiction] and at least 21 years of age.
- C. Each Board member shall maintain eligibility to serve on the Board by avoiding relationships that may interfere with the Board's public-protection mission. Board members shall be especially cognizant of conflict-of-interest issues including, for example, participation in [Jurisdiction] or national professional associations.
- D. Board members are barred from being an officer of or holding any leadership position (being a voting member of the governing Board) in a Jurisdiction or national professional association during the Board member's appointed term.
- E. Each Board member shall annually attest to completing coursework or training hours and content approved by Board policy. Coursework or training must address relevant regulatory issues such as the Board's role, Board members' roles, conflicts of interest, administrative procedures, enforcement, and immunity.

Section 203

Expertise of board members is essential to effective and efficient decision-making.

This section identifies

within the scope of board duties and responsibilities.

Section 204. Board Member Appointment and Oversight by Governor.

The Governor shall appoint members of the Board in accordance with Article II of this Act and the [Jurisdiction] constitution. In addition, the Governor can remove Board members with or without cause.

Section 204

Government oversight is intended in the regulatory structure. Legislative enactment creating and delegating authority, Governor appointments, and removal authority assists in providing necessary governmental oversight.

Section 205. Terms.

- A. Except as provided in subsection B below, Board members are appointed for four-year terms. Board members appointed to fill vacancies occurring before a former member's full term expires shall serve the remaining portion of that unexpired term.
- B. Board-member terms must be staggered so no more than [Number/Percentage] member terms expire in any year. Each member shall serve until a qualified successor is appointed, unless such member resigns or is removed from the Board under Article II Sections 204 or 207 of this Act.
- C. Board members can serve for up to three (3) consecutive full terms. Completing the remainder of an unexpired term is not a "full term".

Section 206. Board Member Vacancies.

- A. Any vacancy in Board membership for any reason, including expiration of term, removal, resignation, death, disability, or disqualification, must be filled by the Governor or appointing authority as prescribed in Article II Section 204 of this Act as soon as practicable.
- B. If a vacancy is not filled within six (6) months, the Board may appoint an individual qualified under Section 203 to temporarily fill the vacancy until the Governor (or appointing authority) approves the temporary Board member or appoints a new member.

Section 207. Removal of Board Member.

The Board may remove a Board member on an affirmative vote of three quarters ($\frac{3}{4}$) of members otherwise eligible to vote, and based on one or more of the following grounds:

- A. Board member's refusal or inability to perform required duties efficiently, responsibly, and professionally.
- B. Misuse of a Board-member position to obtain, or attempt to obtain, any financial or material gain, or any advantage personally or for another, through the office.
- C. A final adjudication (by a court or other body with jurisdiction) that the Board member violated laws governing the practice of Landscape Architecture.
- D. Conviction of a crime other than a minor traffic offense.

Section 205

This section identifies a four-year term of appointment and limits service to three consecutive full terms. CLARB understands and appreciates the institutional knowledge and continuity of volunteers and attempts to balance longevity with the need for an infusion of new representation.

Section 206

This section addresses how a vacancy is filled by Governor appointment. CLARB identified and understands the value of a fully constituted board, but recognizes that vacancies may exist for months and years. To provide an incentive for the appointing authority to fill vacancies and keep boards fully populated, this section authorizes the board to fill a position that remains vacant for over six (6) months.

Section 207

This section authorizes the Board to remove Board members under specified conditions following identified procedures.

Section 208. Organization of the Board.

- A. The Board shall elect from its members a Chairperson, Vice-Chairperson, and such other officers appropriate and necessary to conduct its business. The Chairperson shall preside at all Board meetings and perform customary duties of the position and other duties assigned by the Board.

The Chairperson may establish Board committees to further Board business, and may designate Board members as committee members.

- B. Officers elected by the Board serve terms of one (1) year starting the day of their election and ending when their successors are elected. Officers may serve no more than [Number] consecutive one-year terms in each elected office.

Section 209. Executive Director and Employees of Board.

- A. The Board shall employ an Executive Director who is responsible for performing administrative functions and such other duties the Board directs, under its oversight.
- B. The Board may employ persons (in addition to the Executive Director) in positions or capacities necessary to properly conduct Board business and fulfill Board responsibilities under this Act.

Section 210. Compensation of Board Members.

Each Board member is paid a *per diem* amount for each day the member performs official Board duties, and is reimbursed for reasonable and necessary expenses of discharging such official duties.

Section 211. Meetings of Board.

- A. Frequency. The Board shall meet at least once every three months to transact its business, and at such additional times as the Board's Chairperson or two-thirds (2/3) of the Board's voting members determine.
- B. Location. The Board shall determine the location and format for each meeting and provide notice to the public as required by [citation to open meetings laws].
- C. Remote Participation. The Board, consistent with [Jurisdiction] law and related regulations, may provide for remote participation in Board meetings by members not present at the meeting location.

Section 211

This section specifies that the Board shall meet a minimum number of times annually. CLARB recognizes that boards must meet often enough to transact business on a regular basis and to ensure that applicants' and respondents' issues are timely addressed. Technology provides a means for boards to meet regularly if it is difficult for a board to meet face-to-face on a frequent basis.

- D. Notice. Notice of all Board meetings will be given in the manner prescribed by [Jurisdiction]’s applicable open-meetings laws.
- E. Quorum. A majority of Board members is a quorum for convening and conducting a Board meeting and all Board actions will be by a majority of a quorum, unless more are required under this Act or Board regulation.
- F. Access by Public. All Board meetings must be conducted in accordance with [Jurisdiction]’s open-meeting law.
- G. Record of Meetings of the Board. A record of all Board meetings must be maintained in accordance with [Jurisdiction]’s open-records law.

Section 212. Regulations Governing Licensure and Practice.

The Board shall make, adopt, amend, and repeal regulations necessary for the proper administration and enforcement of this Act. Such regulations must be promulgated in accordance with [Jurisdiction]’s Administrative Procedure Act.

Section 213. Powers and Duties Delegated to Board.

- A. Under active Jurisdiction oversight and Supervision, the Board shall regulate the practice of Landscape Architecture in [Jurisdiction] and is responsible for conducting all of its activities in connection therewith. The powers and duties of this Section 213 are in addition to other powers and duties delegated to the Board under this Act. Once licensed by the Board, Licensees cannot divest the Board of jurisdiction by changing their licensure status or relinquishing licensure. Moreover, persons never licensed by the Board who engage in the unlawful practice of Landscape Architecture in [Jurisdiction] are subject to the Board’s jurisdiction.
- B. Licensure. The Board is authorized to issue licenses to, and renew licenses for:
 - (i) Persons qualified to engage in the practice of Landscape Architecture under this Act.
 - (ii) Businesses qualified to engage in the practice of Landscape Architecture under this Act.
- C. Standards. The Board is authorized to establish and enforce:
 - (i) Minimum standards of practice and conduct for Landscape Architects.
 - (ii) Standards for recognizing and approving programs for Landscape Architect education and training.

Section 212

One of the most important authorities delegated from the legislature to the Board is rulemaking by regulation. Statutes are intended to be general in nature while regulations add specifics.

Using its expertise and public representation perspectives, boards create regulations that add specificity to the statute. Expertise is needed to provide practice-specific details to the regulations.

As practice evolves, regulations are more flexible and easier to amend than are statutes.

Section 213

This section is the heart of the authority delegated by the legislature to the Board. CLARB determined that this section must be robust and specify the breadth of the authority of the Board to engage in all actions necessary to effectively and efficiently regulate the profession in the interest of public protection.

Additional commentary is provided throughout this section to highlight some of the important authority delegated to the Board.

- (iii) Standards, educational program criteria, or other mechanisms to ensure the continuing Competence of Landscape Architects.

D. Enforcement. The Board is authorized to enforce this Act and its regulations relating to:

- (i) The conduct or Competence of licensed Landscape Architects practicing in [Jurisdiction], and the suspension, revocation, other restriction of, or action against, any License issued by the Board.
- (ii) The assessment and collection of fines, costs, and attorneys' fees:
 - a. Against Persons licensed by the Board (irrespective of their licensure status, whether active, inactive, expired, lapsed, surrendered or disciplined) relative to acts, omissions, complaints, and investigations that occurred during the licensure period.
 - b. Against Persons who engage in the unlawful practice of Landscape Architecture as defined under this Act.
- (iii) With probable cause that an Applicant or Licensee has engaged in conduct prohibited under this Act or its regulations, the Board may issue an order directing Applicant or Licensee to submit to a mental or physical examination or chemical dependency evaluation. Every Applicant or Licensee is deemed to consent to undergo mental, physical, or chemical-dependency examinations, when ordered by the Board to do so in writing, and to waive all objections to the admissibility of the examiner's or evaluator's testimony or reports on the grounds that such testimony or reports constitute a privileged or confidential communication.
- (iv) The Board may investigate and inspect any Licensee at all reasonable hours to determine a violation of the laws or regulations governing the practice of Landscape Architecture.

The Board, its officers, investigators, inspectors, and representatives shall cooperate with all agencies charged with enforcement of laws of the United States, [Jurisdiction], and all other Jurisdictions relating to the practice of Landscape Architecture.

- (v) The Board can subpoena persons and documents in connection with its complaint investigations before commencing, and during, any formal Adjudicatory Proceeding to take depositions and testimony as in civil cases in [Jurisdiction] courts. Any Board member, Hearing officer, or administrative law judge has power to administer oaths to witnesses at any Hearing the Board conducts, and any other

oath the Board is authorized by law to administer.

- (vi) The Board may conduct its authorized investigations, inquiries, or Hearings before any Board member(s). The findings and orders of such member(s) are deemed to be the findings and orders of the Board when approved and confirmed as set forth in Section 211(E) of Article II of this Act.
- (vii) The Board may report any violation of this Act or its regulations that implicates criminal law to the Attorney General or State's Attorney who shall without delay institute appropriate proceedings and investigations in the proper court for prosecution as required by law.
- (viii) The Board may seek declaratory, injunctive, and other appropriate remedies from a court with jurisdiction.

E. Recovery of Costs and Assessment of Fines.

- (i) The Board may assess against a respondent reasonable costs (e.g., attorneys' fees, investigation and prosecution costs) of any Adjudicatory Proceeding through which respondent is found to have violated any law or regulation governing the practice of Landscape Architecture. The assessment of reasonable costs must be formalized in a Board order directing payment of the costs to the Board, and issued together with the Board's final decision.

This authorization to assess costs exists so long as the Board operates in good faith and succeeds on any portion of the administrative prosecution, and even if some counts are not substantiated.

- (ii) In the case of a Person, the Board may issue an order for recovery of reasonable costs authorized under this Section 213 to the corporate owner, if any, and to any Licensee, officer, owner, or partner of the practice or Business Entity:
 - a. found to have knowledge of, or
 - b. who should have reasonably known of, or
 - c. who knowingly participated in, a violation of any provision of this Act or any regulation issued hereunder.
- (iii) When the Board issues an order to pay costs, and timely payment of the costs is not made to the Board as directed in its final decision and order, the Board may enforce the order in the [Jurisdiction] Courts in the county where the Adjudicatory Proceeding occurred. The Board's right of enforcement is in addition to other rights the Board has concerning Persons directed to pay costs, including denial of licensure.
- (iv) In any action for recovery of costs, the Board's final decision and order is conclusive proof of the validity of the order and

Section 213(E)

This section authorizes the board to assess fines and costs as administrative sanctions of disciplined respondents. Differentiating costs (reimbursement of out-of-pocket expenses related to administrative prosecution of respondents) and fines (monetary assessments intended to deter future conduct) is important. Both cost assessments and fines are important tools used when negotiating resolution of complaints.

terms of payment.

- (v) The Board may assess administrative fines against a respondent not exceeding \$[dollars] for each count adjudicated a violation of law or regulation governing the practice of Landscape Architecture. Assessment of fines must be formalized in a Board order directing payment of such fines to the Board, and issued together with the Board's final decision. The Board is authorized to assess additional fines for continued violation(s) of any Board order.

This authorization to assess fines exists so long as the Board operates in good faith and succeeds on any portion of the administrative prosecution, even if some counts are not substantiated.

F. Expenditure of Funds. The Board may receive and expend funds from parties other than [Jurisdiction], in addition to its (Annual/Biennial) appropriation, provided:

- (i) Such funds are awarded to pursue a specific objective the Board is authorized to accomplish under this Act, or is qualified to accomplish by reason of its jurisdiction or professional expertise.
- (ii) Such funds are expended to pursue the specific objective for which they were awarded.
- (iii) Activities connected with, or occasioned by, spending the funds do not interfere with the Board's performance of its duties and responsibilities and do not conflict with the Board's exercise of its powers under this Act.
- (iv) Funds are segregated in a separate account.
- (v) The Board provides periodic written reports to jurisdiction's governing body detailing its receipt and use of the funds, provides sufficient information for governmental oversight, and notes that such reports are deemed a public record under applicable law.

G. Fees for Services. In addition to fees specifically provided for under this Act, the Board shall establish nonrefundable fees, including (but not limited to) the following:

- i) Applications.
- ii) Examination administration.
- iii) Renewals.
- iv) Board publications.
- v) Data maintained by the Board, which may include mailing lists, Licensee lists, or other information requested under applicable open-records laws.
- vi) Copies of audiotapes, videotapes, computer discs, or other

Section 213(G)

This section identifies that the board is able to charge fees for various services and documents, including for processing applications, to offset expenses of board operations.

- media used for recording sounds, images or information.
- vii) Temporary, duplicate or replacement licenses or certificates.
- viii) Notices of meetings.
- ix) Returned checks.
- x) Other fees deemed necessary by the Board.

The Board shall publish a list of established fees and deposit and expend the fees it collects in accord with [Jurisdiction] statutes.

H. Other Powers and Duties of the Board. The Board is granted other powers and duties necessary to enforce regulations issued under this Act including, but not limited to, the following:

- (i) The Board may belong to professional organizations, societies, and associations that promote improvement of Landscape Architecture practice standards for protection of public health, safety, and welfare, or whose activities support the Board's mission.
- (ii) The Board may establish a Bill of Rights concerning the landscape-architectural services Clients may expect to receive.
- (iii) The Board may collect, and participate in collecting, professional demographic data.

I. Oversight of Board through Annual Report. To provide continued oversight, the Board shall file with the Governor an annual report on the Board's activities, including reference to the Board's effectiveness and efficiencies. The annual report shall, through statistics, at minimum, identify the number of Licensees, Applicants, renewals, complaints, and disposition of such complaints, the number of Board meetings, and all financial data relevant to Board operations.

Section 213(H)(ii)

This section authorizes the board to establish a Code of Conduct intended to provide clients and licensees with what to expect of the relationship. Information that may be included: how the practitioner is regulated and by whom, how a complaint can be filed, how billing and payment occur; expected work product, time period to completion, and other contractual details.

Section 213(I)

This section identifies the oversight intended through the statute by setting expectations regarding reporting. It references an annual report filed by the Board including its contents.

Section 214 Source of Data

When making determinations under this Act, and to promote uniformity and administrative efficiencies, the Board may rely on the expertise of, and documentation and verified data gathered and stored by, not-for-profit organizations sharing the Board's public-protection mission.

Article III. - Licensing.

Section 301. Unlawful Practice.

- A. Unless this Act provides otherwise, it is unlawful to engage or offer to engage in the practice of Landscape Architecture unless the acting party is licensed as a Landscape Architect under this Act.
- B. No Person offering services may use the designation *Professional Landscape Architect*, *Registered Landscape Architect* or *Licensed Landscape Architect*, or any other designation, words, or letters indicating licensure as a Landscape Architect, including abbreviations, or hold himself or herself out as a Landscape Architect unless licensed by the Board.
- C. Providing any service defined under this Act as the practice of Landscape Architecture to a Client in [Jurisdiction] through digital, telephonic, electronic, or other means, regardless of the service provider's location, constitutes the practice of Landscape Architecture in [Jurisdiction] and requires the service provider's licensure under this Act.
- D. Providing any service defined under this Act as the practice of Landscape Architecture by a service provider located in [Jurisdiction] through digital, telephonic, electronic, or other means, regardless of the location of the Client receiving such services, constitutes the practice of Landscape Architecture in [Jurisdiction] and requires the service provider's licensure under this Act.
- E. Any Person who, after Hearing, is found by the Board to have unlawfully engaged in the practice of Landscape Architecture is, in addition to any other authorized remedies, subject to a fine imposed by the Board not exceeding \$[dollars] for each offense, and the imposition of costs described in this Act.
- F. Nothing in this Act prevents members of other professions from engaging in the practice for which they are licensed by the Jurisdiction. However, such other professionals shall not hold themselves out as licensed Landscape Architects or refer to themselves by any title, designation, words, abbreviations, or other description stating or implying they are engaged in, or licensed to engage in, the practice of Landscape Architecture.

Section 214

This section authorizes the Board to rely on the private sector for certain services to promote efficiencies and uniformity. It recognizes the existence of CLARB-like organizations and that such associations can provide a wealth of services and products consistent with the Board's public-protection mission.

This section addresses the fact that practice and use of titles are limited to licensees and that unlicensed persons are prohibited from practicing landscape architecture or using titles that confuse the public.

Section 301(C) and (D)

These sections recognize that electronic practice and other means of technology affect professional practice and need regulation through statute. Sections (C) and (D) establish where practice occurs and that the Board has authority over such modalities of practice.

Section 301(E)

This section establishes jurisdiction/authority of the Board to administratively prosecute unlicensed persons. This authority is essential to the Board's ability to protect the public and not rely solely on criminal prosecutions.

Section 302

This section sets forth the eligibility criteria for licensure, both initial licensure (section (A)) and licensure through transfer program (section (B)). CLARB elected to include the licensure eligibility criteria for both applicants under the same section for ease of reference. All persons previously licensed by another jurisdiction must proceed under subsection (B).

Section 302. Qualifications for Licensure.

- A. Qualification for Licensure: To obtain a License to practice Landscape Architecture in this Jurisdiction, an Applicant must complete an application in a form determined by the Board and satisfy the following requirements:
- (i) **Education:** Either (1) hold a degree in landscape architecture accredited by the Landscape Architectural Accreditation Board (LAAB), Canadian Society of Landscape Architects Accreditation Council (LAAC), or their international equivalent, as determined by the Board; or (2) satisfy the alternative education requirements as determined by the Board; **and**
 - (ii) **Experience:** Have completed two (2) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field, as may be defined or otherwise determined by the Board; **and**
 - (iii) **Examination:** Pass the Examination; **or**
 - (iv) **Reciprocity:** In lieu of providing evidence that the Applicant has completed the education, experience, and Examination requirements specified in provisions (A) through (C) of this Section 302, provide evidence acceptable to the Board that the Applicant is licensed and in Good Standing to practice Landscape Architecture under the laws of another Jurisdiction.

B. Examinations and Examination Attempts

- i) Consistent with Section 214, the Board is authorized to use and rely on any Examination determined by the Board to assess necessary entry-level Competence. Such Examinations must be administered often enough to meet the Applicant population's needs, as determined by the Board.
- ii) The Board can limit the number of examination attempts by issuing a rule addressing such limits based on industry standards for high-stakes licensure Examination.

Section 303. Qualifications for Certificate of Authorization

- A. Business Entities organized to practice Landscape Architecture must obtain a Certificate of Authorization before doing business in [Jurisdiction]. No Business Entity may provide Landscape Architectural services, hold itself out to the public as providing Landscape Architectural services, or use a name including the terms *Landscape Architect*, *professional Landscape Architect*, or *registered Landscape Architect*, or confusingly similar

Section 302(B)

This section authorizes the Board to determine what examination is necessary to assess entry-level competence as part of the licensure application process. Under Article II section 214, the Board is already authorized to rely on outside private entities for certain services so long as they share the Board's public-protection mission.

This section also authorizes the Board to promulgate rules related to limits on examination attempts.

terms, unless the Business Entity first obtains a Certificate of Authorization from the Board. To obtain a Certificate of Authorization a Business Entity must meet the following criteria:

- (i) At least one Principal is designated as in Responsible Charge for the activities and decisions relating to the practice of Landscape Architecture, is licensed to practice Landscape Architecture by the Board, and is a regular employee of, and active participant in, the Business Entity.
- (ii) Each Person engaged in the practice of Landscape Architecture is licensed to practice Landscape Architecture by the Board.
- (iii) Each separate office or place of business established in this Jurisdiction by the Business Entity has a licensed Landscape Architect regularly supervising and responsible for the workdone and activities conducted there.

This requirement does not apply to offices or places of business established to provide construction-administration services only.

- B. Business Entities shall apply to the Board for a Certificate of Authorization on a Board-prescribed form, providing Principals' names and addresses and other information the Board requires. The application must be accompanied by an application fee fixed by the Board, and must be renewed per the Board's renewal requirements.

The Applicant shall notify the Board in writing within 30 days of any change in the status of registered principals, the firm's name or address, or a branch office address or designated Licensee. If a Principal changes, the Applicant shall provide details of the change to the Board within 30 days after the effective change date.

- C. If the Board finds the Business Entity is in compliance with this section's requirements, it shall issue a Certificate of Authorization to such Business Entity designating the Business Entity as authorized to provide Landscape Architectural services.
- D. No Business Entity issued a Certificate of Authorization under this section is relieved of responsibility for the conduct or acts of its agents, employees or principals by reason of its compliance with this section, nor is any individual practicing Landscape Architecture relieved of responsibility and liability for services performed by reason of employment or relationship with such Business Entity. This section does not affect a Business Entity and its employees performing services solely for the benefit of the Business Entity, or a subsidiary or affiliated business entity. Nothing in this section exempts Business Entities from other applicable law.

Section 304. Qualifications for Practice under Disaster Declaration

Disaster Declaration. Any Person licensed to practice Landscape Architecture in another Jurisdiction who provides services within the scope of their License and in response to a disaster declared by the governor or other appropriate authority of [Jurisdiction] may, on prior written notice to the Board, provide such services in [Jurisdiction] without a License issued by the Board for the duration of the declared emergency. Any practitioner providing services under this Section 304 submits to the Board's jurisdiction and is bound by [Jurisdiction] law. The Board retains authority to remove, revoke, rescind, or restrict this disaster-declaration practice privilege without Hearing by majority vote of its members.

Section 305. Requirement of Continuing Competence.

The Board shall by regulation establish requirements for continuing Competence, including determination of acceptable Continuing Education program content. The Board shall issue regulations necessary to the stated objectives and purposes of Continuing Education and to enforce this Section 305 to ensure Licensees' continuing Competence.

Section 306. Requirements for Licensure Renewal.

- A. To maintain licensure, each Licensee shall renew such License when and in the manner established by the Board.
- B. To renew licensure, each Licensee shall provide documentation satisfactory to the Board of successful completion of at least 12 Continuing Education Contact Hours of an Approved Program of Continuing Education per year.
- C. To maintain licensure, each Business Entity shall renew its License when and in the manner established by the Board.

Section 307. Nonrenewal of Licensure; Requirements for Reinstatement of Expired License.

- A. Failure to renew a License by the designated renewal date as prescribed under applicable law, this Act, and its regulations will result in License expiration, which terminates authority to practice Landscape Architecture in [Jurisdiction].

Applicants for reinstatement of an expired License must substantiate by documentation satisfactory to the Board that Applicant meets the following criteria:

- i) When no more than 120 days have passed since the License expiration date, an Applicant for License reinstatement shall submit to the Board:
 - (1) A written petition for License reinstatement addressed to the Board.
 - (2) A completed and signed application for License reinstatement.

Section 304

This section addresses the temporary practice privileges of licensees in other states to come into the state and practice for a limited time corresponding with a declared disaster. This language is consistent with the EMAC legislation that allows temporary practice under declared emergencies.

- (3) Documentation of successful completion of all applicable licensure-renewal requirements.
 - (4) A written and signed attestation by the Applicant that the Applicant has not practiced Landscape Architecture at any time during the period of License expiration.
 - (5) All applicable fees, including a late fee determined by the Board that does not exceed three times the Board's initial licensure application fee.
- ii) When more than 120 days have passed since the License expiration date, an Applicant for License reinstatement shall meet the requirements set forth in this Section 307(A)(i) and Section 302 of Article III of this Act. However, any application under this Section 307 is deemed an application for License reinstatement.
- B. The Board may impose additional reasonable License-reinstatement requirements necessary to fulfill its public-protection mission.
- C. The Board may also consider relevant extenuating circumstances submitted with any petition and application for License reinstatement in which Applicant demonstrates hardship, so long as the Board maintains its public-protection mission in considering the petition and application.

Section 308. Inactive License.

The Board shall by regulation establish procedures for issuing an Inactive License to a Licensee in Good Standing, under which the Applicant is exempted from licensure renewal requirements, but is not authorized to engage in the practice of Landscape Architecture while inactive.

Reinstatement of an Inactive License to active status will occur under procedures established by the Board and include an application for License reinstatement, payment of a reinstatement fee not to exceed two (2) times the initial licensure fee, and an attestation by Applicant that Applicant has not practiced Landscape Architecture while inactive.

Article IV Discipline.

Section 401. Grounds; Penalties; Reinstatement of License Following Board Discipline.

- A. The Board may refuse to issue or renew, or may suspend, revoke, reprimand, restrict or otherwise limit the License of, or fine, any Person, whether or not licensed, under the [Jurisdiction] Administrative Procedure Act or the procedures in Article IV, Section 402 of this Act, on one or more of the following grounds as determined by the Board:
- (i) Unprofessional conduct as determined by the Board.
 - (ii) Unethical conduct as determined by the Board.
 - (iii) Practice outside the scope of practice authorized under this Act or its regulations.
 - (iv) Conduct in violation of this Act or its regulations, including failure to cooperate with the Board's inspection or investigative processes within a reasonable time.
 - (v) Incapacity or impairment, for whatever reason, that prevents a Licensee from engaging in the practice of Landscape Architecture with reasonable skill, Competence, and safety to the public.
 - (vi) Adjudication resulting in a finding of mental incompetence by regularly constituted authorities.
 - (vii) Conviction of a Felony as defined under [Jurisdiction] or federal law.
 - (viii) Violation of any law, rule, or regulation of [Jurisdiction], any other Jurisdiction, or the federal government, pertaining to any aspect of the practice of Landscape Architecture.
 - (ix) Misrepresentation of a fact by an Applicant or Licensee:
 - a) In securing or attempting to secure the issuance or renewal of a License.
 - b) In any statement regarding the Person's skills or value of any service/treatment provided, or to be provided.
 - c) Using any false, fraudulent, or deceptive statement in connection with the practice of Landscape Architecture including, but not limited to, false or misleading advertising.
 - (x) Licensee Fraud related to the practice of Landscape

Section 401

This section delineates the grounds for administrative discipline of respondents found to have violated the Act. CLARB has elected to specify the grounds to ensure adequate scope of authority for the Board to protect the public through enforcement proceedings.

Architecture, including engaging in improper or fraudulent billing practices.

- (xi) Engaging in, or aiding and abetting any Person engaging in, the practice of Landscape Architecture without a License, or falsely using the title Landscape Architect, or a confusingly similar title.
- (xii) Failing to conform to accepted minimum standards of practice or failing to maintain a Landscape Architectural Business Entity at accepted minimum standards.
- (xiii) Attempting to use the License of another.
- (xiv) Failing to pay costs assessed in connection with a Board Adjudicatory Proceeding, or failing to comply with any stipulation or agreement involving probation or settlement of such Proceeding, or any order entered by the Board in such Proceeding.
- (xv) Conduct that violates the security of any Examination or Examination materials including, but not limited to:
 - (a) Removing from the Examination setting any Examination material without appropriate authorization.
 - (b) Unauthorized reproduction by any means of any portion of the Examination.
 - (c) Aiding by any means the unauthorized reproduction of any portion of the Examination.
 - (d) Paying, or using professional or paid examination-takers, for the purpose of reconstructing any portion of the Examination.
 - (e) Obtaining Examination questions or other Examination material, except by appropriate authorization before, during, or after an Examination administration.
 - (f) Using or purporting to use any Examination question or material that was improperly removed, or taken from, any Examination.
 - (g) Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered Examination.
 - (h) Communicating in any manner with any other examinee during the administration of an Examination.
 - (i) Copying answers from any other examinee or permitting one's answers to be copied by any other examinee.
 - (j) Examinee's possession during the administration of any Examination any books, equipment, notes, written or printed materials, or data of any kind, other than the Examination materials provided, or

Section 401(A)(xvi)

This section ensures that violations of examination agreements, including examination breaches and security protocols, constitute grounds for discipline. For the benefit of the public, and the integrity of licensure and examination processes, this authority is essential.

otherwise authorized to be in the examinee's possession during any Examination.

- (k) Impersonating any examinee or having any Person take any Examination on the examinee's behalf.

 - (xvii) Failure of a Licensee or Applicant to report to the Board any information required under Article VI of this Act.

 - (xviii) Having had any right, credential, or license to practice a profession in this or another Jurisdiction subjected to adverse action or denial of right to practice. In such case, a certified copy of the record of the adverse action or denial of right to practice is conclusive evidence of such disciplinary action or denial.
- B. The Board may defer discipline or other action regarding any impaired Licensee who enters into a binding agreement, in a form satisfactory to the Board, under which Licensee agrees not to practice Landscape Architecture and to enter into, and comply with, a Board-approved treatment and monitoring program in accordance with Board regulations.

This Section 401(B) does not apply to any Licensee convicted of, or who pleads guilty or *nolo contendere* to, a Felony, or to Licensee Convictions in another Jurisdiction or federal court relating to controlled substances or sexual misconduct.

- C. Subject to a Board order, any Person whose License to practice Landscape Architecture in [Jurisdiction] is suspended or restricted under this Act (whether by formal agreement with or by action of the Board), has the right, at reasonable intervals, to petition the Board for License reinstatement. The petition must be in writing and in the form prescribed by the Board.

After investigation and Hearing, the Board may grant or deny the petition, or modify its original findings to reflect circumstances changed sufficiently to warrant granting or denying the petition or modifying the findings and order. The Board may require petitioner to pass one or more Examination(s) or complete Continuing Education in addition to that required for licensure renewal, or impose any other sanction, condition, or action appropriate for reentering into the practice of Landscape Architecture and public protection.

- D. The Board, after Consultation and concurrence with the [(County) District Attorney or [Jurisdiction] Attorney General], may issue a cease- and-desist order to stop any Person from engaging in the unlawful practice of Landscape Architecture or from violating any statute, regulation, or Board order. The cease-and-desist order must state the reason for its issuance and explain the Person's right to request a Hearing under the [Jurisdiction] Administrative Procedure Act. This provision does not bar criminal prosecutions by appropriate authorities for violations of this Act.

- E. Final Board decisions and orders after a Hearing are subject to judicial review under the [Jurisdiction] Administrative Procedure Act, unless otherwise provided by law.

Section 402. Summary Suspension.

The Board may, without a Hearing, temporarily suspend a License for up to 60 days when the Board concludes a Landscape Architect violated any law or regulation the Board is authorized to enforce, and if continued practice by the Landscape Architect portends imminent risk of harm to the public (notwithstanding [Jurisdiction]'s Administrative Procedure Act). The suspension takes effect on written notice to the Landscape Architect specifying the law or regulation allegedly violated. When the Board issues the suspension notice, it shall schedule and notify the Licensee of an Adjudicatory Proceeding to be held under the [Jurisdiction] Administrative Procedure Act within [number] days after the notice is issued.

Section 402

This section authorizes the Board to suspend a license immediately without a hearing under identified circumstances that create imminent harm to the public. Such respondents are provided with a hearing within an identified period of time under administrative procedures.

Article V. - Mandatory Reporting.

Section 501. Requirement to Report.

Any Applicant, Licensee or Person with knowledge of conduct by any Person that may be grounds for disciplinary action under this Act or its regulations, or of any unlicensed practice under this Act, shall report such conduct to the Board.

Section 502. Reporting Other Licensed Professionals.

Any Applicant, Licensee or Person shall report to applicable licensing Boards conduct by a Licensee that is, or may be, grounds for disciplinary action under applicable law, if the conduct must by law be reported to such licensing boards.

Section 503. Reporting by Courts.

The administrator of any court with jurisdiction shall report to the Board any court judgment or other determination that an Applicant for licensure by the Board or a Licensee is mentally ill, mentally incompetent, guilty of a Felony, guilty of violating federal or Jurisdiction narcotics laws or controlled substances act, or guilty of crimes reasonably related to the practice of Landscape Architecture, or that appoints a guardian of Applicant or Licensee, or commits Applicant or Licensee under applicable law.

Section 504. Self-Reporting by Applicant for Licensure and Licensee.

An Applicant for licensure by the Board or a Licensee shall self-report to the Board any personal conduct or action that requires a report be filed under Article IV of this Act.

Section 505. Reporting Deadlines; Forms.

All reports required by this Act must be submitted to the Board no later than 30 days after the reportable conduct or action occurs. The Board may provide forms for reports required by Article VI of this Act and may require that reports be submitted on the forms. The Board may issue regulations to ensure prompt and accurate reporting as required by Article VI of this Act.

Section 506. Immunity for Reporters.

Any Person who in good faith submits a report required under Article VI of this Act, or who otherwise reports, provides information, or testifies in connection with alleged violations of this Act, is immune from liability or prosecution. Notwithstanding laws to the contrary, the identity of Persons submitting mandated reports is not disclosable, except as required in connection with an Adjudicatory Proceeding initiated by the Board or other proceeding in courts with jurisdiction.

Article VI Other.

Section 601. Severability.

If any provision of this Act is declared unconstitutional or illegal, or the applicability of this Act to any Person or circumstance is held invalid by a court with jurisdiction, the constitutionality or legality of the Act's other provisions and the Act's application to other persons and circumstances, is not affected, and those provisions remain in full force and effect, without the invalid provision or application.

Section 602. Effective Date.

This Act is effective on [date].

Model Regulations

Council of Landscape Architectural Registration Boards

Updated: [Month, Year]
Last Amended: September 2017

DRAFT

CLARB

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PREFACE

Duly enacted statutes provide the basis for establishing a regulatory structure by legislatively creating and delegating authority to the regulatory board. Such statutes (practice act) establish the basis for and authority of the Board. The Board is also delegated with the authority to promulgate regulations/rules that are intended to provide specificity to the statutes using the expertise of the Board, generally populated with subject matter experts (licensees) and members of the public. (see *CLARB Model Law Article II, Sections 202, 203*)

For purposes of this document, the Council of Landscape Architectural Registration Board (CLARB) will use the term “regulations”. For the most part, rules and regulations are terms that can be used interchangeably. Duly promulgated regulations have the force of law and can be used as a basis for board action(s). This is why the process for proposing, discussing, seeking public comment and modifying proposed regulations must follow strict adherence to administrative procedures before becoming effective. Such administrative procedures can vary from jurisdiction to jurisdiction.

The CLARB Model Law authorizes the Board to promulgate regulations. While the CLARB Model Law represents a complete document, the Model Regulations are not intended to provide a complete set of regulations, but to provide guidance on where regulations are needed. The Model Regulations is a fluid document that will be subjected to regular review and, where necessary, change. Of course, CLARB Member Boards are encouraged to use this model as a resource when necessary to address or suggest proposed legislative language in both statutes and regulations.

INTRODUCTION

The purpose of adopting regulations is to safeguard the health, safety and welfare of the public by ensuring the proper performance of the duties of the Board and the regulation of its procedures, meetings, records, examinations and the conduct thereof. The adopted regulations may not be inconsistent with the constitution and laws of this jurisdiction. They must be approved by appropriate legislative authority of the jurisdiction. Regulations adopted by the Board shall be binding upon individuals licensed or recognized under the licensure act and on non-licensees found by the Board to be in violation of provisions of the licensure act and shall be applicable to firms that hold or should hold a Certificate of Authorization.

103.10 PURPOSE.

These regulations are promulgated by the Board of Landscape Architects under [cite statutes] for the purpose of protecting the public health, safety and welfare. These regulations contain the information necessary to become licensed as a Landscape Architect, or offer landscape architectural services as a Business Entity.

104.10 PRACTICE OF LANDSCAPE ARCHITECTURE.

The practice of Landscape Architecture is defined as any service where landscape architectural education, training, experience and the application of mathematical, physical and social science principles are applied in consultation, evaluation, planning, design (including, but not limited to, the preparation and filing of plans, drawings, specifications and other contract documents) and

administration of contracts relative to projects principally directed at the functional and aesthetic use and preservation of land.

Services included in the licensed scope of Landscape Architecture include, but are not limited to the following:

- Investigation, selection and allocation of land and water resources for appropriate uses;
- Formulation of feasibility studies, and graphic and written criteria to govern the planning, design and management of land and water resources;
- Preparation, review and analysis of land use master plans, subdivision plans and preliminary plats;
- Determining the location and siting of improvements, including buildings and other features, as well as the access and environs for those improvements;
- Design of land forms and land form elements, storm water drainage, soil conservation and erosion control methods, pedestrian and vehicular circulation systems and related construction details;
- Consultation, planning, designing or responsible supervision in connection with the development of land areas for preservation and enhancement;
- Design of non-habitable structures for aesthetic and functional purposes, such as pools, walls and structures for outdoor living spaces, for public and private use;
- Determination of proper land use as it pertains to natural features; ground cover, use, nomenclature and arrangement of plant material adapted to soils and climate; naturalistic and aesthetic values; settings and approaches to structures and other improvements; and the development of outdoor space in accordance with ideals of human use and enjoyment;
- Design with a priority to ensure equal access to all public goods and services through the use of barrier-free design in compliance with the Americans with Disabilities Act (ADA);
- Consideration of the health, safety and welfare of the public. Public welfare is defined through: environmental sustainability; contribution to economic sustainability and benefits; promotes public health and well-being; builds communities; encourages landscape awareness/stewardship; offers aesthetic and creative experiences; and enables people and communities to function more effectively.

105.10 ACTIVITIES NOT SUBJECT TO THE ACT.

Effective regulation is targeted to address the specific risks of harm to consumers and not to restrict competition or be a barrier to incentives for innovation in products and services.

The activities to engage in the practice of Landscape Architecture shall not be construed to prevent or to affect the right of any individual licensed in related design profession practicing within their licensed scope. In addition, nothing shall be construed to prevent or affect the right of any individual to engage in any occupation related to growing, marketing and the design of landscaping material.

106.10 DEFINITIONS.

The [CLARB Model Law Section 106 Definitions] provides definitions applicable to the [CLARB Model Regulations].

213.10 POWERS AND DUTIES DELEGATED TO BOARD.

Authority is delegated to the Board by the [Jurisdiction] legislature to effectively and efficiently regulate the profession of Landscape Architecture in the interest of public protection.

213.11 PROFESSIONAL PRACTICE.

Pursuant to [CLARB Model Law Section 213(C)(i)], the Board is authorized to establish and enforce minimum standards of practice and conduct for Landscape Architects and to provide Licensees and Clients with expectations regarding professional conduct.

A. Competence.

- (i) In engaging in the practice of Landscape Architecture, a Licensee shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by Landscape Architects of good standing, practicing in the same locality.
- (ii) In designing a project, a Landscape Architect shall abide by all applicable federal state, county, regional and municipal laws and regulations. While a Landscape Architect may rely on the advice of other professionals, (e.g., attorneys, engineers and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a Landscape Architect shall not knowingly design a project in violation of such laws and regulations.
- (iii) A Landscape Architect shall undertake to perform professional services only when he or she, together with those whom the Landscape Architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.
- (iv) No individual shall be permitted to engage in the practice of Landscape Architecture if, in the Board's judgment, such individual's professional competence is substantially impaired by physical or mental disabilities.

B. Conflict of Interest.

- (i) A Landscape Architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to by (such disclosure and agreement to be in writing) all interested parties.
- (ii) If a Landscape Architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with his or her performance of professional services, the Landscape Architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and, if the client or employer objects to such association or financial interest, the Landscape Architect will either terminate such association or interest or offer to give up the commission or employment.
- (iii) A Landscape Architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.
- (iv) When acting as the interpreter of construction contract documents and the judge of contract performance, a Landscape Architect shall render decisions impartially, favoring neither party to the contract.

C. Full Disclosure.

- (i) A Landscape Architect, making public statements on landscape architectural questions, shall disclose when he or she is being compensated for making such statements.
- (ii) A Landscape Architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.
- (iii) If, in the course of his or her work on a project, a Landscape Architect becomes aware of a decision taken by his or her employer or client, against such Landscape Architect's advice, which violates applicable federal, state, county, regional or municipal laws and regulations and which will, in the Landscape Architect's judgment, materially and adversely affect the health, safety or welfare of the public, the Landscape Architect shall:
 - i. report the decision to the applicable public official charged with the enforcement of the applicable laws and regulations;
 - ii. refuse to consent to the decision; and
 - iii. in circumstances where the Landscape Architect reasonably believes that other such decisions will be taken, notwithstanding his or her objections, terminate his or her services with respect to the project. In the case of a termination in accordance with this clause (3), the Landscape Architect shall have no liability to his or her client or employer on account of such termination.
- (iv) A Landscape Architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for a registration or renewal thereof.
- (v) A Landscape Architect shall not assist the application for a registration of an individual known by the Landscape Architect to be unqualified in respect to education, training, or experience .
- (vi) A Landscape Architect possessing knowledge of a violation of the provisions set forth in these rules by another Landscape Architect shall report such knowledge to the Board.

D. Compliance with Laws.

- (i) A Landscape Architect shall not, while engaging in the practice of Landscape Architecture, knowingly violate any state or federal criminal law.
- (ii) A Landscape Architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the Landscape Architect is interested.
- (iii) A Landscape Architect shall not solicit a contract from a governmental body on which a principal or officer of the licensee's organization serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of the appropriate public authority.
- (iv) A Landscape Architect shall not offer, directly or indirectly, to pay a commission or other consideration or to make a political contribution or other gift in order to secure work, except for payment made to an employment agency for its services.
- (v) A Landscape Architect shall comply with the registration laws and regulations governing his or her professional practice in any jurisdiction.
- (vi) Each Landscape Architect shall cooperate with the Board in its investigation of complaints or possible violations of the [Jurisdiction] Statutes or Regulations of the Board.

This cooperation shall include responding timely to written communications from the Board, providing any information or documents requested within 30 days of the date on which the communication was mailed, and appearing before the Board or its designee upon request.

(vii) Landscape Architect shall not violate any order of the Board.

E. Professional Conduct.

- (i) Each office in [Jurisdiction] maintained for the preparation of drawings, specifications, reports or other professional landscape architectural work shall have a licensed Landscape Architect resident and regularly employed in that office having direct supervision of such work.
- (ii) A Landscape Architect shall not sign or seal drawings, specifications, reports or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the Landscape Architect's consultants, registered under this or another professional registration of [Jurisdiction], the Landscape Architect may sign or seal that portion of the professional work if the Landscape Architect has reviewed such portion, has coordinated its preparation and intends to be responsible for its adequacy.
- (iii) A Landscape Architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the Landscape Architect is interested.
- (iv) A Landscape Architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.
- (v) In all professional reports, statements and testimony, each Landscape Architect shall be completely objective and truthful and include all relevant and pertinent information.
- (vi) Conviction of a felony or the revocation or suspension of a professional license by another jurisdiction, if for a cause the State of [Jurisdiction] would constitute a violation of [Jurisdiction] law or of these regulations, or both, shall constitute unprofessional conduct.

213.12 FEES FOR SERVICES.

[Insert schedule of fees, with cross-references to [CLARB Model Law Section 213(G)] permitting the Board to establish fees, or any fees set by statute. This list should identify all categories of fees, including those to be established from time to time by the Board, and it should require the Board to maintain and provide to all individuals upon request a current and complete list of its fees.]

213.13 OTHER POWERS AND DUTIES OF THE BOARD.

In addition to the statutes of [Jurisdiction], other powers and duties of the Board shall include, but are not limited to, the following:

- A. All members of the Board, including the chairperson, are entitled to vote and to make or to second motions. A majority vote of those present is required to pass a motion. The chairperson shall vote as a member of the Board.
- B. The latest edition of Roberts Rules of Order, Revised shall govern the normal proceedings of the Board. Exceptions include hearings that may be disciplinary in nature.

- C. All applications and requests for which the Board has prescribed a form must be presented on these forms.
- D. A roster of all Licensees and firms holding a Certificate of Authorization will be updated annually and shall be accessible to the public.

213.14 SEALS.

Each licensed Landscape Architect shall procure a Seal, which shall contain the name of the Landscape Architect; his or her license number and the state or territory; and the words LANDSCAPE ARCHITECT—[Jurisdiction]. The Seal may be a rubber stamp, an embossed Seal, or a computer-generated Seal. After the Licensee's Seal has been applied to the original or record copy, the Licensee shall place the Licensee's signature and date across the Seal. This Seal shall comply in all respects, including size and format, which the specimen shown below:

[INSERT SPECIMEN SEAL IMPRINT]

- A. The Seal shall be imprinted on all technical submissions, as follows: On each design and each drawing; on the cover and index pages identifying each set of specifications; and on the cover page (and index, if applicable) of all other technical submissions. The original signature of the individual named on the Seal shall appear across the face of each original Seal imprint.

The Seal appearing on any technical submission shall be prima facie evidence that said technical submission was prepared by or under the direct supervision of the individual named on said Seal.

- B. All technical submissions prepared by a licensed Landscape Architect shall contain the following legend wherever the Landscape Architect's Seal appears: "The professional services of the Landscape Architect are undertaken for and are performed in the interest of [name of person employing Landscape Architect]. No contractual obligation is assumed by the Landscape Architect for the benefit of any other person involved in the project."
- C. Any Licensee may use a digital signature if the signature meets all of the following requirements: (1) Is unique to the person using it; (2) is able to be verified; (3) is under the sole control of the person using it; and (4) is linked to an electronic document bearing the digital signature in such a manner that the signature is invalidated if any data in the document is altered.

214.10 SOURCE OF DATA.

The Board may rely on the expertise of, and documentation and verified data gathered and stored by CLARB and other not-for-profit organizations as determined by the Board. This data shall include but is not limited to: CLARB Council Record; professional exam scores; verified educational transcripts; verified employment references; professional references; licensure history; disciplinary history; and other information gathered by third parties sharing the Board's public-protection mission.

The Board shall recognize all applicable Open Records Laws in [Jurisdiction] for data as it shall pertain to Records of the Board.

302.10 QUALIFICATIONS FOR LICENSURE.

Pursuant to [CLARB Model Law Section 302] an applicant for licensure must substantiate each item listed in this referenced Section to the Board's satisfaction.

302.11 APPROVED EDUCATION PROGRAMS.

Select either option 1: Dynamic Incorporation.

In lieu of a degree in landscape architecture accredited by LAAB, LAAC, or their international equivalent, as established by [CLARB Model Law Section 302(A)(i)], an Applicant shall meet the "Alternative Education" standards for qualification for licensure set forth in the CLARB Uniform Licensure Standard.¹

Or option 2: Static Incorporation by Reference

In lieu of a degree in landscape architecture accredited by LAAB, LAAC, or their international equivalent, as established by [CLARB Model Law Section 302(A)(i)], an Applicant shall meet the "Alternative Education" standards for qualification for licensure set forth in the 2022 version of the CLARB Uniform Licensure Standard.

Or option 3: Direct Incorporation

In lieu of a degree in landscape architecture accredited by LAAB, LAAC, or their international equivalent, an applicant must obtain six (6) additional years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field or, if eligible, an applicant may earn credit toward the remaining years of experience in regulated practice through one of the following options:

- A. If an applicant holds a non-accredited degree or certificate in landscape architecture, then the applicant may be credited with one (1) year of experience for each year of schooling completed up to a maximum of four (4) years of credited experience, OR
- B. If an applicant holds any degree or certificate, then the applicant may be credited with six (6) months of experience for each one (1) year of schooling completed up to a maximum of two (2) years of credited experience.

R. 302.11 and R. 302.12

This section provides three options for Boards to choose from. Although CLARB recommends that Boards select option 1, CLARB understands not all Boards may be authorized to use dynamic incorporation (i.e., incorporating a periodically updated standard, with each new version of that standard being given the force of law automatically when an updated standard is published).

Option 2 will require Boards to adopt new regulations periodically as new versions of the CLARB uniform licensing standard are published. These new regulations would refer to the version of the CLARB Uniform Licensure Standard then in effect.

Option 3 would require Boards to adopt the content of the "Alternative Education" section of CLARB's Uniform Licensure Standard directly into regulations and update this periodically to reflect the text of the version currently in effect.

302.12 EXPERIENCE SUPERVISION REQUIREMENTS.

Select either option 1: Dynamic Incorporation

For purposes of [CLARB Model Law Section 302(A)(ii)], to be considered “experience in the regulated practice of landscape architecture,” an applicant must gain experience in the practice domains set forth in the CLARB Uniform Licensure Standard.

Or option 2: Static Incorporation by Reference

For purposes of [CLARB Model Law Section 302(A)(ii)], to be considered “experience in the regulated practice of landscape architecture,” an applicant must gain experience in the practice domains set forth in the 2022 version of the CLARB Uniform Licensure Standard.

Or option 3: Direct Incorporation

For purposes of [CLARB Model Law Section 302(A)(ii)], to be considered “experience in the regulated practice of landscape architecture,” an applicant must gain experience in the following practice domains to ensure competency necessary to protect the public and the environment:

1. Project and Construction Management: includes pre-project management, project management, bidding, construction, and maintenance;
2. Inventory and Analysis: includes site inventory, physical analysis, and contextual analysis;
3. Design: includes stakeholder process, master planning, and site design;
4. Grading, Drainage, and Construction Documentation: includes site preparation plans, general plans and details, specialty plans, and specifications.

For purposes of assigning credit for an applicant’s experience to satisfy the requirements under [CLARB Model Law Section 302(A)(ii) and CLARB Model Regulations 302.11], the Board shall evaluate an applicant’s experience according to the following standards:

- [INSERT EVALUATION CRITERION]²
- [INSERT EVALUATION CRITERION]
- [INSERT EVALUATION CRITERION]

² Each jurisdiction within the CLARB membership will determine how it will evaluate experience based on that jurisdiction’s unique circumstances and requirements.

302.13 EXAMINATIONS.

Applicants shall substantiate successful completion of CLARB's examinations where the examination administration and grading were conducted in accordance with CLARB's standards in effect at the time. CLARB examination administration requirements will be enforced as listed, but not limited to:

- A. examinations are offered on dates set by CLARB;
- B. locations at which the examinations are given are designated by CLARB;
- C. language of the examination will be English;
- D. results will be released in accordance with established CLARB policy;
- E. there shall be no post-administration access to, or review of, examination questions;
- F. re-examination limits shall be imposed by CLARB as necessary for the integrity of each exam;
- G. any applicant's examination results may be rejected by the Board and permission to retake an examination may be withheld by the Board upon a report by the testing administrator of any possible violation by the applicant of the provisions of any candidate testing agreement regarding examination irregularities.

303.10 QUALIFICATIONS FOR CERTIFICATE OF AUTHORIZATION.

Pursuant to [CLARB Model Law Section 303] an applicant for a Certificate of Authorization must substantiate each item in this referenced Section to the Board's satisfaction.

305.10 REQUIREMENTS OF CONTINUING COMPETENCE.

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of Landscape Architects. Every Licensee shall meet the continuing professional competency requirements of these regulations for professional development as a condition for licensure renewal.

- A. Each Licensee shall have completed 12 (twelve) Continuing Education Contact Hours during the one-year period immediately preceding the renewal date established by the Board;
- B. Continuing Education Contact Hours shall be related to the practice of Landscape Architecture and address subjects in the protection of public Health/Safety/Welfare (HSW).
- C. Other activities may be accepted for Continuing Education credit upon approval by the Board;
- D. If Licensee is licensed to practice Landscape Architecture in another jurisdiction in which the Licensee resides, the Licensee may meet the Continuing Education requirements of the jurisdiction in which the Licensee resides. If such jurisdiction requires no Continuing Education, the Licensee shall meet the Continuing Education requirements of [Jurisdiction];
- E. Each dual Licensee shall earn at least 8 of the required Continuing Education credits for each renewal period in each profession;
- F. Excess Continuing Education Contact Hours may not be credited to a future calendar year;
- G. Each Licensee shall provide proof of satisfying the Continuing Education requirements as required by the Board. If the Licensee fails to furnish the information as required by the Board, the License shall not be renewed. If the Board does not approve of submitted Continuing Education, Licensee shall have a period of 120 days after notification to provide further information or additional Continuing Education.

305.11 APPROVED PROVIDERS OF CONTINUING EDUCATION.

The following providers of Continuing Education programs have been approved by the Board and courses provided by approved providers are acceptable for meeting the mandatory Continuing Education requirements for licensure renewal:

- Landscape Architects Continuing Education System (LA CES)
- American Society of Landscape Architects (ASLA)
- Council of Landscape Architect Registration Boards (CLARB)
- [Jurisdiction] Board name
- National Society of Professional Engineers (NSPE)
- American Institute of Architects (AIA)
- Agencies of the state or federal government offering training programs in landscape architecture
- Accredited colleges and universities offering training programs in landscape architecture

306.10 REQUIREMENTS FOR LICENSURE RENEWAL.

- A. Each Licensee shall renew the License by [DATE] each year. A written or electronic notice shall be issued by the Board to each Licensee no later than 30 days before this renewal date. An expired License shall be terminated if not renewed by the renewal date. A late fee may be charged for renewals up to 60 days past this renewal date. A reinstatement will be necessary for licenses 120 days past the renewal date.
- B. Each Business Entity shall renew its Certificate of Authorization by [DATE] each year. A written or electronic notice shall be issued by the Board to each Licensee not later than 30 days before this renewal date. An expired Certificate of Authorization shall be terminated if not renewed by the renewal date. A late fee may be charged for renewals up to 60 days past the renewal date. A reinstatement will be necessary for Certificates of Authorization 120 days past the renewal date.
- C. A Licensee or Business Entity shall not practice Landscape Architecture after the expiration date until the License or Certificate of Authorization has been renewed or reinstated.

307.10 NON RENEWAL OF LICENSURE; REQUIREMENTS FOR REINSTATEMENT OF EXPIRED LICENSE.

An individual may reinstate a terminated License from inactive, temporary or emeritus status, or a terminated status by obtaining all delinquent required Continuing Education. Upon completion of a reinstatement application and proof that the individual has complied with the requirements for obtaining Continuing Education, the individual shall meet the Board's other requirements for reinstatement before reinstatement shall be granted.

Reinstatement of a Certificate of Authorization shall occur upon completion of a reinstatement application and requirements stated therein.

310.10 LICENSE STATUSES.

A. The following License statuses shall apply:

- (i) Active status shall require successful renewal every 2 (two) years with the appropriate fee and verification of continuing competency requirements.
- (ii) Inactive status shall require successful renewal every 2 (two) years with the appropriate fee. No continuing competency verification is required. The individual shall have no pending disciplinary action before the Board. The individual shall not practice Landscape Architecture in [Jurisdiction].
- (iii) Temporary status shall require a Disaster Declaration by the governor or other appropriate authority of [Jurisdiction]. Services by a Landscape Architecture must be provided within the scope of their License, on prior written notice to the Board and only provided for the duration of the declared emergency. [CLARB Model Law Section 304]
- (iv) Emeritus status shall require the individual to be at least 60 years of age. The individual shall submit a one-time application, with no fee and no verification of continuing competency required. The individual shall have no disciplinary action before the Board. Any individual who chooses this license status may use that individual's professional title in conjunction with the word "emeritus". The individual shall not practice Landscape Architecture in [Jurisdiction].

501.10 MANDATORY REPORTING.

Any Applicant, Licensee or Person with knowledge of conduct by any Person that may be grounds for disciplinary action under this Act or its regulations, or of any unlicensed practice under this Act, shall report such conduct to the Board on a form provided by the Board.

The form shall include but not be limited to information regarding the explanation of complaint, contact information of person making complaint, contact information of person who is the subject of complaint and other information as necessary for investigative purposes.

701.10 SEVERABILITY.

If any provision or application of these regulations is found to be invalid for any reason, such invalidity shall not affect other provisions or applications of these regulations which can be given effect without the invalid provision or application, and therefore, the provisions of these regulations are declared to be severable.

Disclaimer: This document is a draft of the Model Law and Model Regulations for Landscape Architecture until approved by the CLARB membership. The information contained in this document is for review by CLARB members only.

Model Law

Council of Landscape Architectural Registration Boards

Updated: [Month, Year] December 2021
Last Amended/Approved: September 2017

DRAFT

CLARB

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

Introduction

What Landscape Architects Do

Since the 1800s, landscape architecture has encompassed analysis, planning, design, management, and stewardship of the natural and built environment through science and design. Landscape architects create well-planned, livable communities, leading the way by creating neighborhood master plans, designing green streets, managing storm-water runoff, and planning high-utility transportation corridors.

Landscape architecture includes iconic and neighborhood places, local parks, residential communities, commercial developments, and downtown streetscapes. Larger well-known examples include Central Park and the Highline in New York City, the U.S. Capitol grounds in Washington, D.C., the Oklahoma City National Memorial, and Chicago's Millennium Park.

Why Landscape Architects Must Be Licensed

The practice of landscape architecture includes keeping the public safe from hazards, protecting natural resources, and sustainably managing the natural and built environment surrounding our homes and communities. It requires a breadth of knowledge and training in many substantive areas of science, engineering, and aesthetics. The adverse risks and consequences of negligent, unqualified, unethical, or incompetent persons engaging in landscape architectural design services without the requisite education and training are significant—sometimes irreparable—economically, environmentally, and in terms of public safety, health, and welfare.

At stake are hundreds of millions of dollars' worth of infrastructure and site improvements every year, and the safety of persons and property these improvements affect. Licensure of landscape architects permits consumers to manage these risks, and reduces exposure for liability from hazardous and defective design.

To properly serve and protect the public these risks and consequences and the potential for harm must be minimized and prevented. The public interest is best served when qualified, licensed professionals carry out these responsibilities safely in accordance with rigorous and essential professional standards, and when other non-qualified individuals are prevented from providing such services to the public. Moreover, licensing is necessary and appropriate given landscape architecture's technical nature—and consumer/public inability to accurately and reliably assess the competence of such providers.

Without regulatory standards, consumers have no mechanism to ensure they can rely on a professional to produce design and technical documentation meeting minimum standards of competence.

How the CLARB Model Law Promotes Public Protection

The CLARB Model is a resource for legislatures and licensing boards addressing issues related to the public-protection mission of regulation.

Color Key for Changes:

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This Model Law promotes uniformity in licensing laws (affording predictability, commercial efficiency, and enhanced trust in the profession), establishes minimal standards of competence for those practicing landscape architecture, and facilitates professional mobility and portability through a licensure transfer process.

How CLARB Member Boards Benefit from the Model Law

Member Boards should review and use the Model Law in the context of regulatory and language issues unique to each jurisdiction.

The Model Law includes the following sections:

- Article I – Title, Purpose and Definitions
- Article II – Board of (Profession)
- Article III – Licensing
- Article IV – Discipline
- Article V – Mandatory Reporting
- Article VI – Other

The Model Law is intended to be fluid, subject to regular review and periodic changes, when necessary. Revisions are generally stimulated by societal shifts, evolution of practice and technological advancements. Proposed revisions will be presented to CLARB members for consideration.

The language included in this Model Law version is framed with a single, stand-alone board structure in mind—i.e., for circumstances in which the promulgating Board's role is limited to serving/regulating one design discipline, not multiple related design disciplines. When this Model Law is used by Boards serving or regulating more than one professional discipline, its language will require adaptation **or** modification to accommodate that composite board's structure **and** approach, and the specific design professions governed.

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Article I - Title, Purpose, and Definitions

Section 101. Title of Act.

This Act is called the “[State Jurisdiction] Landscape Architecture Practice Act”

Section 102. Legislative Declaration.

- A. The practice of Landscape Architecture in [State Jurisdiction] is declared a professional practice affecting public health, safety, and welfare and subject to regulation and control in the public interest. The public interest requires that Landscape Architecture merit and receive public confidence and that only qualified persons practice Landscape Architecture in [State Jurisdiction]. This Act will be liberally construed to carry out these objectives and purposes.
- B. This legislation regulates the Landscape Architecture profession. Any restriction on competition is outweighed by protecting the public interest. The regulatory structure calls for Licensees and Public Members to serve on the Board, recognizing the need for practitioners’ professional expertise in serving the public interest.

This Act provides active [State Jurisdiction] oversight and Supervision through its enactment, promulgation of enabling regulations, appointment and removal of Board members by the (Governor), legal representation of the Board by the [State Jurisdiction] Attorney General, legislative appropriation of monies to support the Board, periodic legislative sunset review, application to the Board of ethics laws, mandatory Board-member training, and judicial review.

Section 103. Statement of Purpose.

This Act’s purpose is to promote, preserve, and protect public health, safety, and welfare by licensing and regulating persons, whether in or outside [State Jurisdiction], who practice Landscape Architecture in [State Jurisdiction]. This Act creates the Board of Landscape Architecture whose members, functions, and procedures will be established in accordance with the Act.

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Sections 102 and 103

One of the most important sections of a practice act is the legislative declaration and statement of purpose. These essential sections express the foundation and need for regulation of the profession with affirmative statements of the Act’s legislative intent. The “liberal construction” directive provides guidance to the judiciary when addressing language ambiguities in the statutes and regulations.

The guiding principles of legislation to regulate a profession include delegation of authority from the legislative to the executive branch through board appointments and authorization to regulate.

To provide an efficient and effective regulatory process, boards are populated with persons with knowledge of and expertise in the profession. For balance, boards also include members of the public with no direct connection to the profession regulated.

Section 104

The definition of the scope of practice provides the basis for the regulatory system and is used to identify work for which a license is necessary.

Those operating within the scope of practice must be licensed under the eligibility criteria. Eligibility criteria are provided in the regulations.

The scope of practice is purposefully defined using broad terms to allow interpretative opportunities and to recognize the interplay among the related design professions. When necessary, and using Board-member expertise, specificity can be clarified in regulations.

Section 104. Practice of Landscape Architecture.

The practice of Landscape Architecture means the application of mathematical, physical and social-sciences principles in Landscape Architectural consultation, evaluation, planning, and design; it includes preparing, filing, and administering plans, drawings, specifications, permits, and other contract documents involving projects that direct, inform or advise on the functional use and preservation of natural and built environments.

Section 105. Activities Not Subject to the Act.

This Act does not apply to:

- A. Persons licensed to practice Landscape Architecture in another State Jurisdiction while serving in the U.-S. military; provided such persons provide services occur during or as part of their military service.
- B. Persons licensed to practice Landscape Architecture in another State Jurisdiction while performing official duties as a federal government employee.
- C. Persons training for the practice of Landscape Architecture under a Licensee's direct Supervision.

Section 106. Definitions.

Words and phrases used in this Act have the meanings stated below, unless the context otherwise requires:

- A. **Adjudicatory Proceeding or Hearing** — formal processes of an administrative determination in which the Board adjudicates allegations of violations of law and, if appropriate, renders sanctions, all in accord with applicable procedural and substantive standards to protect rights.
- B. **Applicant** — a Person who submits an application to the Board for licensure to practice Landscape Architecture in [State Jurisdiction] under this Act.
- C. **Approved Educational Program** — an educational program for Landscape Architects as established by this Act or any other landscape architectural curriculum which has been evaluated and

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Section 105

CLARB understands there exists significant overlap in scopes of practice of the design professions. This section statutorily recognizes that certain activities are not subject to the Act.

The Model Law purposefully avoids use of the term "exemptions," the concept of activities being included within the scope of practice, but not subject to licensure, undermines the need for regulation.

Section 106(C), (D), (E), and (F)

Specific references to programs and other standards of practice and ethics are not referenced in the Model Law. Such specifics are instead included in regulations created using Board members' expertise.

The legal reasons specific references are included in regulations instead of in the Model Law are related to delegation of authority and prohibitions of recognizing private-sector programs as a prerequisite to licensure in the statute.

found to be of an equivalent standard, may be reviewed and accepted approved by the Board.

- D. **Approved Program of Continuing Education** — an educational program offered by an Approved Provider of Continuing Education.
- E. **Approved Provider of Continuing Education** — any professional association or society, university, college, corporation, or other entity approved by the Board to provide educational programs designed to ensure continued Competence in the practice of Landscape Architecture.
- F. **Board** — the legislatively created Board granted the authority to enforce the [State Jurisdiction] Landscape Architects Practice Act.
- G. **Business Entity** — any firm, partnership, sole proprietorship, association, limited liability company, or corporation organized by and registered in [State Jurisdiction] to provide or offer Landscape Architectural services.
- H. **Certificate of Authorization** — a certificate issued by the Board to a Business Entity permitting it to offer or provide Landscape Architectural services.
- I. **CLARB** — the Council of Landscape Architectural Registration Boards.
- L. CLARB Uniform Licensure Standard — the current version of the CLARB Uniform Licensure Standard for Landscape Architecture adopted by the CLARB Member Boards, or a successor policy document published by CLARB and adopted by its Member Boards that sets forth standardized licensure requirements for landscape architecture.
- J.K. Client — a Person, group, or corporation that enters into an agreement with a licensed Landscape Architect or Business Entity to obtain Landscape Architectural services.
- K.L. Competence — applying knowledge and using affective, cognitive, and psychomotor skills required by Landscape Architects to deliver safe Landscape Architectural care in accord with accepted practice standards.
- L.M. Consultation — providing advice to or receiving advice from

Section 106

Definitions identify terms used consistently throughout the Model Law. Note that capitalized words or phrases can be found in the Model Law's definition section.

Throughout the document defined terms are capitalized.

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another professional, or both, related to the practice of Landscape Architecture, to assist a Licensee.

M.N. Continuing Education — training designed to ensure continued Competence in the practice of Landscape Architecture.

N.O. Continuing Education Contact Hour — a 50-minute clock-hour of instruction, not including breaks or meals.

O.P. Conviction — conviction of a crime by a court with jurisdiction, including a finding or verdict of guilt—regardless of whether adjudication of guilt is withheld, not entered on admission of guilt, or involves deferred conviction, deferred prosecution, deferred sentence, a no consent plea, a plea of *nolo contendere*, or a guilty plea.

P.Q. Examination — an examination for Landscape Architects developed and administered by CLARB or as may be approved by the Board.

Q.R. Felony — a criminal act defined by [State Jurisdiction] laws, the laws of any other State Jurisdiction, province, or federal law.

R.S. Good Standing — a License not restricted in any manner and that grants Licensee full practice privileges.

S.T. Inactive License — an inactive category of licensure affirmatively elected by a Licensee in Good Standing who is not engaged in the active practice of Landscape Architecture, to maintain such License in a nonpractice status.

U. Jurisdiction — any state, commonwealth, the District of Columbia, or other insular territories of the United States, and Canadian provinces and territories.

V. Landscape Architect — a Person licensed by the Board under this Act.

T.—

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~~U.W.~~ **Landscape Architecture** — the practice of the profession as defined under this act.

~~V.X.~~ **License** — an authorization granted by the Board to practice Landscape Architecture.

~~W.Y.~~ **Licensee** — a Person licensed by the Board under this Act.

~~X.Z.~~ **Person** — any individual, firm, Business Entity, partnership, association, joint venture, cooperative, corporation, or other combination acting in concert, or as a Principal, trustee, fiduciary, receiver, or a representative, or as successor in interest, assignee, agent, factor, servant, employee, director, or officer of another Person.

~~Y.AA.~~ **Principal** — an individual who is a Landscape Architect and is in Responsible Charge of a Business Entity's Landscape Architectural practice.

~~Z.BB.~~ **Public Member** — a Person that is not and has never been a Licensee, or the spouse of a current or former Licensee, or a Person with material financial interest in providing Landscape Architectural services, or engaged in activity directly related to Landscape Architecture.

~~AA.CC.~~ **Responsible Charge** — the direct control and personal Supervision of the practice of Landscape Architecture.

~~BB.DD.~~ **Seal** — a symbol, image, or information in the form of a rubberstamp, embossed seal, computer-generated data, or other form acceptable to the Board applied or attached to a document to verify document authenticity and origin.

~~CC.~~ **State** — any State, commonwealth, the District of Columbia, or other insular U.S. territories of the United States, and Canadian provinces.

~~DD.EE.~~ **Supervision** and Supervision-related terms are defined as follows:

- (i) Supervising (Professional) — a Licensee who assumes responsibility for professional Client care given by a Person working under Licensee's direction.
- ~~(ii)~~ Direct control and personal Supervision — Supervision by a Landscape Architect of another's work in which

Section 106 ~~(BBZ)~~

The definition of Public Member is intended to preclude those involved with or related to persons in the profession of Landscape Architecture from serving in this role.

When a composite board approach is considered, the definition of public member will be reassessed and expanded to preclude other design professionals from serving as public members.

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supervisor is directly involved in all practice-related judgments affecting public health, safety and welfare.

(ii)

Article II - Board of Landscape Architecture

Section 201. Delegation of Authority.

Enforcing this Act is the Board of Landscape Architecture's ("the Board") responsibility. Under this State Jurisdiction's active oversight and Supervision, the Board has all duties, powers, and authority granted by, or necessary to enforce, this Act, and other duties, powers, and authority it is granted bylaw.

Section 201

This section recognizes and legislatively affirms that certain authority is delegated from the legislative branch to the board. A clear articulation authorizing the board to enforce the practice act in the interest of public protection provides added emphasis of legislative intent. This designation is important in times of added judicial and political scrutiny and in light of the recent U.S. Supreme Court ruling regarding antitrust liability and state action defense.

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Section 202. Board Composition.

Landscape Architect Board Option

- A. The Board will consist of [Number] members; at least [Number] will be public representative(s), and the remainder will be Licensees qualified under Section 203 of this Act. This Board member composition ensures the necessary expertise to efficiently and effectively regulate the profession, using professionals acting on the public's behalf and bound by applicable ethics and public-service laws.

Composite Board Option

- B. The Board will consist of [Number] members appointed under Section 204 and comprised of the following:
- (i) Two (2) Public Members as defined by this act.
 - (ii) Two (2) Landscape Architects as defined in Section 203.
 - (iii) Two (2) [Profession] as defined in [redacted] [citation to relevant practice act referencing resident, licensed in Good Standing, other licenses in Good Standing, licensed for aspecified period of time].
 - (iv) Two (2) [Profession] as defined in [redacted] [citation to relevant practice act referencing resident, licensed in Good Standing, other licenses in Good Standing, licensed for aspecified period of time].
 - (v) Two (2) [Profession] as defined in [redacted] [citation to relevant practice act referencing resident, licensed in Good Standing, other licenses in Good Standing, licensed for aspecified period of time].
 - (vi) Two (2) [Profession] as defined in [redacted] [citation to relevant practice act referencing resident, licensed in Good Standing, other licenses in Good Standing, licensed for aspecified period of time].
 - (vii) [Intended to include two (2) members from each professions under the Board's jurisdiction.]
- C. In addition to these qualifications, each Board member shall during the appointed period comply with Section 203(b), (c), (d), and (e).

Section 202

With respect to states' rights and differing current regulatory structures, CLARB provides two board models in this Model Law. The language included in this version of the Model Law works with a single, stand-alone board structure.

Language in various parts of the Model Law require modification if a different board structure is used.

The remaining portions of the Model Act do not include the multiple scopes and licensure eligibility criteria factors. Regardless of the type of board structure, the board composition includes persons with expertise of the represented design professions and public members.

Section 202(A) identifies a stand-alone board option with Landscape Architects and public members involved in regulation of the profession.

Section 202(B) identifies a composite board option and includes equal representation of the design professions regulated by the board. Public members are also included on the composite board.

Related design professions on a composite board may include, but are not limited to, architects, engineers, landscape architects, land surveyors, geologists, and interior designers.

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- D. This Board member composition ensures the necessary expertise to efficiently and effectively regulate the professions using professionals acting on the public's behalf and bound by applicable ethics and public-service laws.

Section 203. Qualifications for Board Membership.

- A. Each Landscape Architect Board member must during their Board tenure:
- i) Be a resident of [State Jurisdiction] for at least one (1) year.
 - ii) Be a Licensee in Good Standing.
 - iii) Maintain in Good Standing any other professional License they hold.
 - iv) Have been licensed as a Landscape Architect for at least three (3) years.
- B. Each Public Member of the Board must be a resident of [State Jurisdiction] and at least 21 years of age.
- C. Each Board member shall maintain eligibility to serve on the Board by avoiding relationships that may interfere with the Board's public-protection mission. Board members shall be especially cognizant of conflict-of-interest issues including, for example, participation in [State Jurisdiction] or national professional associations.
- D. Board members are barred from being an officer of or holding any leadership position (being a voting member of the governing Board) in a [State Jurisdiction] or national professional association during the Board member's appointed term.
- E. Each Board member shall annually attest to completing coursework or training hours and content approved by Board policy. Coursework or training must address relevant regulatory issues such as the Board's role, Board members' roles, conflicts of interest, administrative procedures, enforcement, and immunity.

Section 203

Expertise of board members is essential to effective and efficient decision-making.

This section identifies eligibility criteria to serve on the board.

All board members serve the public interest when undertaking and acting within the scope of board duties and responsibilities.

Section 204. Board Member Appointment and Oversight by Governor.

The Governor shall appoint members of the Board in accordance with

Section 204

Government oversight is intended in the regulatory structure. Legislative enactment creating and delegating authority, Governor appointments, and removal authority assists in providing necessary governmental oversight.

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Article II of this Act and the [StateJurisdiction] constitution. In addition, the Governor can remove Board members with or without cause.

Section 205. Terms.

- A. Except as provided in subsection B below, Board members are appointed for four-year terms. Board members appointed to fill vacancies occurring before a former member's full term expires shall serve the remaining portion of that unexpired term.
- B. Board-member terms must be staggered so no more than [Number/Percentage] member terms expire in any year. Each member shall serve until a qualified successor is appointed, unless such member resigns or is removed from the Board under Article II Sections s 204 or 207 of this Act.
- C. Board members can serve for up to three (3) consecutive full terms. Completing the remainder of an unexpired term is not a "full term".

Section 205

This section identifies a four-year term of appointment and limits service to three consecutive full terms. CLARB understands and appreciates the institutional knowledge and continuity of volunteers and attempts to balance longevity with the need for an infusion of new representation.

Section 206. Board Member Vacancies.

- A. Any vacancy in Board membership for any reason, including expiration of term, removal, resignation, death, disability, or disqualification, must be filled by the Governor or appointing authority as prescribed in Article II Section 204 of this Act as soon as practicable.
- B. If a vacancy is not filled within six (6) months, the Board may appoint an individual qualified under Section 203 to temporarily fill the vacancy until the Governor (or appointing authority) approves the temporary Board member or appoints a new member.

Section 206

This section addresses how a vacancy is filled by Governor appointment. CLARB identified and understands the value of a fully constituted board, but recognizes that vacancies may exist for months and years. To provide an incentive for the appointing authority to fill vacancies and keep boards fully populated, this section authorizes the board to fill a position that remains vacant for over six (6) months.

Section 207. Removal of Board Member.

The Board may remove a Board member on an affirmative vote of three quarters ($\frac{3}{4}$) of members otherwise eligible to vote, and based on one or more of the following grounds:

- A. Board member's refusal or inability to perform required duties efficiently, responsibly, and professionally.
- B. Misuse of a Board-member position to obtain, or attempt to

Section 207

This section authorizes the Board to remove Board members under specified conditions following identified procedures.

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obtain, any financial or material gain, or any advantage personally or for another, through the office.

- C. A final adjudication (by a court or other body with jurisdiction) that the Board member violated laws governing the practice of Landscape Architecture.
- D. Conviction of a crime other than a minor traffic offense.

Section 208. Organization of the Board.

- A. The Board shall elect from its members a Chairperson, Vice-Chairperson, and such other officers appropriate and necessary to conduct its business. The Chairperson shall preside at all Board meetings and perform customary duties of the position and other duties assigned by the Board.

The Chairperson may establish Board committees to further Board business, and may designate Board members as committee members.

- B. Officers elected by the Board serve terms of one (1) year starting the day of their election and ending when their successors are elected. Officers may serve no more than [Number] consecutive one-year terms in each elected office.

Section 209. Executive Director and Employees of Board.

- A. The Board shall employ an Executive Director who is responsible for performing administrative functions and such other duties the Board directs, under its oversight.
- B. The Board may employ persons (in addition to the Executive Director) in positions or capacities necessary to properly conduct Board business and fulfill Board responsibilities under this Act.

Section 210. Compensation of Board Members.

Each Board member is paid a *per diem* amount for each day the member performs official Board duties, and is reimbursed for reasonable and necessary expenses of discharging such official duties.

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Section 211. Meetings of Board.

- A. Frequency. The Board shall meet at least once every three months to transact its business, and at such additional times as the Board's Chairperson or two-thirds (2/3) of the Board's voting members determine.
- B. Location. The Board shall determine the location and format for each meeting and provide notice to the public as required by [citation to open meetings laws].
- C. Remote Participation. The Board, consistent with [State Jurisdiction] law and related regulations, may provide for remote participation in Board meetings by members not present at the meeting location.
- D. Notice. Notice of all Board meetings will be given in the manner prescribed by [State Jurisdiction]'s applicable open-meetings laws.
- E. Quorum. A majority of Board members is a quorum for convening and conducting a Board meeting and all Board actions will be by a majority of a quorum, unless more are required under this Act or Board regulation.
- F. Access by Public. All Board meetings must be conducted in accordance with [State Jurisdiction]'s open-meeting law.
- G. Record of Meetings of the Board. A record of all Board meetings must be maintained in accordance with [State Jurisdiction]'s open-records law.

Section 212. Regulations Governing Licensure and Practice.

The Board shall make, adopt, amend, and repeal regulations necessary for the proper administration and enforcement of this Act. Such regulations must be promulgated in accordance with [State Jurisdiction]'s Administrative Procedures Act.

Section 213. Powers and Duties Delegated to Board.

- A. Under active [State Jurisdiction] oversight and Supervision, the Board shall regulate the practice of Landscape Architecture in [State Jurisdiction] and is responsible for conducting all of its activities in connection therewith. The powers and duties of this Section 213 are in addition to other powers and duties delegated to the Board under this Act. Once licensed by the Board,

Section 211

This section specifies that the Board shall meet a minimum number of times annually. CLARB recognizes that boards must meet often enough to transact business on a regular basis and to ensure that applicants' and respondents' issues are timely addressed. Technology provides a means for boards to meet regularly if it is difficult for a board to meet face-to-face on a frequent basis.

Section 212

One of the most important authorities delegated from the legislature to the Board is rulemaking by regulation. Statutes are intended to be general in nature while regulations add specifics.

Using its expertise and public representation perspectives, boards create regulations that add specificity to the statute. Expertise is needed to provide practice-specific details to the regulations.

As practice evolves, regulations are more flexible and easier to amend than are statutes.

Section 213

This section is the heart of the authority delegated by the legislature to the Board. CLARB determined that this section must be robust and specify the breadth of the authority of the Board to engage in all actions necessary to effectively and efficiently regulate the profession in the interest of public protection.

Additional commentary is provided throughout this section to highlight some of the important authority delegated to the Board.

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Licensees cannot divest the Board of jurisdiction by changing their licensure status or relinquishing licensure. Moreover, persons never licensed by the Board who engage in the unlawful practice of Landscape Architecture in [State Jurisdiction] are subject to the Board's jurisdiction.

B. Licensure. The Board is authorized to issue licenses to, and renew licenses for:

- (i) Persons qualified to engage in the practice of Landscape Architecture under this Act.
- (ii) Businesses qualified to engage in the practice of Landscape Architecture under this Act.

C. Standards. The Board is authorized to establish and enforce:

- (i) Minimum standards of practice and conduct for Landscape Architects.
- (ii) Standards for recognizing and approving programs for Landscape Architect education and training.
- (iii) Standards, educational program criteria, or other mechanisms to ensure the continuing Competence of Landscape Architects.

D. Enforcement. The Board is authorized to enforce this Act and its regulations relating to:

- (i) The conduct or Competence of licensed Landscape Architects practicing in [State Jurisdiction], and the suspension, revocation, other restriction of, or action against, any License issued by the Board.
- (ii) The assessment and collection of fines, costs, and attorneys' fees:
 - a. Against Persons licensed by the Board (irrespective of their licensure status, whether active, inactive, expired, lapsed, surrendered or disciplined) relative to acts, omissions, complaints, and investigations that occurred during the licensure period.
 - b. Against Persons who engage in the unlawful practice of Landscape Architecture as defined under this Act.

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- (iii) With probable cause that an Applicant or Licensee has engaged in conduct prohibited under this Act or its regulations, the Board may issue an order directing Applicant or Licensee to submit to a mental or physical examination or chemical dependency evaluation. Every Applicant or Licensee is deemed to consent to undergo mental, physical, or chemical- dependency examinations, when ordered by the Board to do so in writing, and to waive all objections to the admissibility of the examiner's or evaluator's testimony or reports on the grounds that such testimony or reports constitute a privileged or confidential communication.
- (iv) The Board may investigate and inspect any Licensee, ~~whether Licensee is a Person or a Business Entity,~~ at all reasonable hours to determine a violation of the laws or regulations governing the practice of Landscape Architecture.

The Board, its officers, investigators, inspectors, and representatives shall cooperate with all agencies charged with enforcement of laws of the United States, ~~[State Jurisdiction],~~ and all other ~~State Jurisdictions~~ relating to the practice of Landscape Architecture.

- (v) The Board can subpoena persons and documents in connection with its complaint investigations before commencing, and during, any formal Adjudicatory Proceeding to take depositions and testimony as in civil cases in ~~[State Jurisdiction]~~ courts. Any Board member, Hearing officer, or administrative law judge has power to administer oaths to witnesses at any Hearing the Board conducts, and any other oath the Board is authorized by law to administer.
- (vi) The Board may conduct its authorized investigations, inquiries, or Hearings before any Board member(s). The findings and orders of such member(s) are deemed to be the findings and orders of the Board when approved and confirmed as set forth in Section 211(~~Ee~~) of Article II of this Act.
- (vii) The Board may report any violation of this Act or its regulations that implicates criminal law to the Attorney General or State's Attorney who shall without delay institute appropriate proceedings and investigations in the proper court for prosecution as required by law. ~~This does not require the Board to so report the potential application of criminal law if the Board reasonably believes the public interest is adequately served by a suitable written notice or warning. Any~~

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decision by the Board to issue a written notice or warning must be made in consultation with legal counsel, the State's Attorney or other appropriate law enforcement entity.

- (viii) The Board may seek declaratory, injunctive, and other appropriate remedies from a court with jurisdiction.

E. Recovery of Costs and Assessment of Fines.

- (i) The Board may assess against a respondent reasonable costs (e.g., attorneys' fees, investigation and prosecution costs) of any Adjudicatory Proceeding through which respondent is found to have violated any law or regulation governing the practice of Landscape Architecture. The assessment of reasonable costs must be formalized in a Board order directing payment of the costs to the Board, and issued together with the Board's final decision.

This authorization to assess costs exists so long as the Board operates in good faith and succeeds on any portion of the administrative prosecution, and even if some counts are not substantiated.

- (ii) In the case of a Person or Business Entity, the Board may issue an order for recovery of reasonable costs authorized under this Section 213 to the corporate owner, if any, and to any Licensee, officer, owner, or partner of the practice or Business Entity:
- a. found to have knowledge of, or
 - b. who should have reasonably known of, or
 - c. who knowingly participated in, a violation of any provision of this Act or any regulation issued hereunder.
- (iii) When the Board issues an order to pay costs, and timely payment of the costs is not made to the Board as directed in its final decision and order, the Board may enforce the order in the State Jurisdiction Courts in the county where the Adjudicatory Proceeding occurred. The Board's right of enforcement is in addition to other rights the Board has concerning Persons directed to pay costs, including denial of licensure.
- (iv) In any action for recovery of costs, the Board's final decision

Section 213(E)

This section authorizes the board to assess fines and costs as administrative sanctions of disciplined respondents. Differentiating costs (reimbursement of out-of-pocket expenses related to administrative prosecution of respondents) and fines (monetary assessments intended to deter future conduct) is important. Both cost assessments and fines are important tools used when negotiating resolution of complaints.

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and order is conclusive proof of the validity of the order and terms of payment.

- (v) The Board may assess administrative fines against a respondent not exceeding \$[dollars] for each count adjudicated a violation of law or regulation governing the practice of Landscape Architecture. Assessment of fines must be formalized in a Board order directing payment of such fines to the Board, and issued together with the Board's final decision. The Board is authorized to assess additional fines for continued violation(s) of any Board order.

This authorization to assess fines exists so long as the Board operates in good faith and succeeds on any portion of the administrative prosecution, even if some counts are not substantiated.

F. Expenditure of Funds. The Board may receive and expend funds from parties other than [State Jurisdiction], in addition to its (Annual/Biennial) appropriation, provided:

- (i) Such funds are awarded to pursue a specific objective the Board is authorized to accomplish under this Act, or is qualified to accomplish by reason of its jurisdiction or professional expertise.
- (ii) Such funds are expended to pursue the specific objective for which they were awarded.
- (iii) Activities connected with, or occasioned by, spending the funds do not interfere with the Board's performance of its duties and responsibilities and do not conflict with the Board's exercise of its powers under this Act.
- (iv) Funds are segregated in a separate account.
- (v) The Board provides periodic written reports to [state jurisdiction]'s Governor detailing its receipt and use of the funds, providing sufficient information for governmental oversight, and notes that such reports are deemed a public record under applicable law.

G. Fees for Services. In addition to fees specifically provided for under this Act, the Board shall establish nonrefundable fees, including (but not limited to) the following:

- i) Applications.

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Section 213(G)

This section identifies that the board is able to charge fees for various services and documents, including for processing applications, to offset expenses of board operations.

- ii) Examination administration.
- iii) Renewals.
- iv) Board publications.
- v) Data maintained by the Board, which may include mailing lists, Licensee lists, or other information requested under applicable open-records laws.
- vi) Copies of audiotapes, videotapes, computer discs, or other media used for recording sounds, images or information.
- vii) Temporary, duplicate or replacement licenses or certificates.
- viii) Notices of meetings.
- ix) Returned checks.
- x) Other fees deemed necessary by the Board.

The Board shall publish a list of established fees and deposit and expend the fees it collects in accord with State Jurisdiction statutes.

H. Other Powers and Duties of the Board. The Board is granted other powers and duties necessary to enforce regulations issued under this Act including, but not limited to, the following:

- (i) The Board may belong to professional organizations, societies, and associations that promote improvement of Landscape Architecture practice standards for protection of public health, safety, and welfare, or whose activities support the Board's mission.
- (ii) The Board may establish a Bill of Rights concerning the landscape-architectural services Client's may expect to receive.
- (iii) The Board may collect, and participate in collecting, professional demographic data.

I. Oversight of Board through Annual Report. To provide continued oversight, the Board shall file with the Governor an annual report on the Board's activities, including reference to the Board's effectiveness and efficiencies. The annual report shall, through statistics, at minimum, identify the number of Licensees, Applicants, renewals, complaints, and disposition of such complaints, the number of Board meetings, and all financial data relevant to Board operations.

Section 213(H)(ii)

This section authorizes the board to establish a Code of Conduct intended to provide clients and licensees with what to expect of the relationship. Information that may be included: how the practitioner is regulated and by whom, how a complaint can be filed, how billing and payment occur; expected work product, time period to completion, and other contractual details.

Section 213(I)

This section identifies the oversight intended through the statute by setting expectations regarding reporting. It references an annual report filed by the Board including its contents.

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Section 214 Source of Data

When making determinations under this Act, and to promote uniformity and administrative efficiencies, the Board may rely on the expertise of, and documentation and verified data gathered and stored by, not-for-profit organizations sharing the Board's public-protection mission.

Article III. - Licensing.

Section 301. Unlawful Practice.

- A. Unless this Act provides otherwise, it is unlawful to engage or offer to engage in the practice of Landscape Architecture unless the acting party is licensed as a Landscape Architect under this Act.
- B. No Person offering services may use the designation *Professional Landscape Architect*, *Registered Landscape Architect* or *Licensed Landscape Architect*, or any other designation, words, or letters indicating licensure as a Landscape Architect, including abbreviations, or hold himself or herself out as a Landscape Architect unless licensed by the Board.
- C. Providing any service defined under this Act as the practice of Landscape Architecture to a Client in [State Jurisdiction] through digital, telephonic, electronic, or other means, regardless of the service provider's location, constitutes the practice of Landscape Architecture in [State Jurisdiction] and requires the service provider's licensure under this Act.
- D. Providing any service defined under this Act as the practice of Landscape Architecture by a service provider located in [State Jurisdiction] through digital, telephonic, electronic, or other means, regardless of the location of the Client receiving such services, constitutes the practice of Landscape Architecture in [State Jurisdiction] and requires the service provider's licensure under this Act.
- E. Any Person who, after Hearing, is found by the Board to have unlawfully engaged in the practice of Landscape Architecture is, in addition to any other authorized remedies, subject to a fine imposed by the Board not exceeding \$[dollars] for each offense, and the imposition of costs described in this Act.
- F. Nothing in this Act prevents members of other professions from engaging in the practice for which they are licensed by the [State Jurisdiction]. However, such other professionals shall not

Section 214

This section authorizes the Board to rely on the private sector for certain services to promote efficiencies and uniformity. It recognizes the existence of CLARB-like organizations and that such associations can provide a wealth of services and products consistent with the Board's public-protection mission.

Section 301

This section addresses the fact that practice and use of titles are limited to licensees and that unlicensed persons are prohibited from practicing landscape architecture or using titles that confuse the public.

Section 301(C) and (D)

These sections recognize that electronic practice and other means of technology affect professional practice and need regulation through statute. Sections (C) and (D) establish where practice occurs and that the Board has authority over such modalities of practice.

Section 301(E)

This section establishes jurisdiction/authority of the Board to administratively prosecute unlicensed persons. This authority is essential to the Board's ability to protect the public and not rely solely on criminal prosecutions.

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hold themselves out as licensed Landscape Architects or refer to themselves by any title, designation, words, abbreviations, or other description stating or implying they are engaged in, or licensed to engage in, the practice of Landscape Architecture.

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Section 302. Qualifications for Licensure.

A. **Qualification for initial** Licensure: To obtain **an initial** License to practice Landscape Architecture **in this State Jurisdiction**, an Applicant must **complete an application in a form determined by the Board and satisfy the following requirements substantiate each item below to the Board's satisfaction:**

(i) **Education:** Either (1) **hold a degree in landscape architecture accredited by the Landscape Architectural Accreditation Board (LAAB), Canadian Society of Landscape Architects Accreditation Council (LAAC), or their international equivalent, as determined by the Board; or (2) satisfy the alternative education requirements as determined by the Board; and** **Submission of a completed and signed application in the form determined by the Board.**

(ii) **Possession of good moral character as determined by the Board****Experience:** **Have completed two (2) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field, as may be defined or otherwise determined by the Board****the regulated practice of requirements determined by the board a licensed landscape architect. If an applicant completes only one year under the direct supervision of a licensed landscape architect, then the second year of experience must be completed under the direct supervision of a licensed professional in a related field as determined by the Board. and**

(iii) **Payment of all fees specified by the Board****Examination: Pass**

(iv) **Documentation of United States citizenship or other recognized/permitted immigration status as required under [State] law or, in the absence of [State] law, applicable federal law****Reciprocity:** **In lieu of providing evidence that the Applicant has completed the education, experience, and Examination requirements specified in provisions (A) through (C) of this Section 302, provide evidence acceptable to the Board that the Applicant is licensed and in Good Standing to practice Landscape Architecture under the laws of another State Jurisdiction.**

Completion of an Approved Education Program.
Completion of experience under Supervision requirements established
Successful completion of the licensure Examination, as administered

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Section 302

This section sets forth the eligibility criteria for licensure, both initial licensure (section (A)) and licensure through transfer program (section (B)). CLARB elected to include the licensure eligibility criteria for both applicants under the same section for ease of reference. All persons previously licensed by another jurisdiction must proceed under subsection (B).

Section 302(A)(B)

This section recognizes the important need for reasonable mobility and portability of programs in times of increased scrutiny of regulatory systems and requirements.

The CLARB Certificate program can be used to provide most of the required information for Initial Licensure or reciprocal licensure. Licensure eligibility criteria have been vetted through this program, thus alleviating the need to undertake duplicate assessments. Program requirements are designed to meet the licensure eligibility criteria required by most member boards.

Section 302(BC)

This section authorizes the Board to determine what examination is necessary to assess entry-level competence as part of the licensure application process. Under Article II section 214, the Board is already authorized to rely on outside private entities for certain services so long as they share the Board's public-protection mission.

This section also authorizes the Board to promulgate rules related to limits on examination attempts.

~~the Council of Landscape Architectural Registration Boards (CLARB) standards at that time.~~

~~Licensure Transfer / Licensure by Endorsement—To obtain a License to practice Landscape Architecture, an Applicant licensed in another jurisdiction must substantiate each item below to the Board's satisfaction.~~

~~Submission of a completed and signed application in the form determined by the Board.~~

~~Possession of good moral character as determined by the Board. and~~

~~Payment of all fees specified by the Board.~~

~~Documentation of United States citizenship or other recognized/permitted immigration status as required under [State] law or, in the absence of [State] law, applicable federal law.~~

~~Possession—when initially licensed as a Landscape Architect—of all qualifications necessary to have been eligible for licensure in this State at that time.~~

~~Demonstration that Applicant's professional licenses, in any State, are in Good Standing, or demonstration of Applicant's CLARB Certification.~~

B. Examinations and Examination Attempts

- i) Consistent with ~~Article II Section~~ 214, the Board is authorized to use and rely on any Examination determined by the Board to assess necessary entry-level Competence. Such Examinations must be administered often enough to meet the Applicant population's needs, as determined by the Board.
- ii) The Board can limit the number of examination attempts by issuing a rule addressing such limits based on industry standards for high-stakes licensure Examination.

Section 303. Qualifications for Certificate of Authorization

- A. Business Entities organized to practice Landscape Architecture must obtain a Certificate of Authorization before doing business in ~~[State Jurisdiction]~~. No Business Entity may provide Landscape Architectural services, hold itself out to the public as providing Landscape Architectural services, or use a name including the terms *Landscape Architect*, *professional Landscape Architect*, or *registered Landscape Architect*, or confusingly similar terms, unless the Business Entity first obtains a Certificate of Authorization from the Board. To obtain a Certificate of Authorization a Business Entity must meet the following criteria:

- (i) At least one Principal is designated as in Responsible Charge for the activities and decisions relating to the practice of Landscape Architecture, is licensed to practice Landscape Architecture by the Board, and is a regular employee of, and active participant in, the Business Entity.

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- (ii) Each Person engaged in the practice of Landscape Architecture is licensed to practice Landscape Architecture by the Board.
- (iii) Each separate office or place of business established in this **State Jurisdiction** by the Business Entity has a licensed Landscape Architect regularly supervising and responsible for the work done and activities conducted there.

This requirement does not apply to offices or places of business established to provide construction-administration services only.

- B. Business Entities shall apply to the Board for a Certificate of Authorization on a Board-prescribed form, providing Principals' names and addresses and other information the Board requires. The application must be accompanied by an application fee fixed by the Board, and must be renewed per the Board's renewal requirements.

The Applicant shall notify the Board in writing within 30 days of any change in the status of registered principals, the firm's name or address, or a branch office address or designated Licensee. If a Principal changes, the Applicant shall provide details of the change to the Board within 30 days after the effective change date.

- C. If the Board finds the Business Entity is in compliance with this section's requirements, it shall issue a Certificate of Authorization to such Business Entity designating the Business Entity as authorized to provide Landscape Architectural services.

- ~~D.~~ No Business Entity issued a Certificate of Authorization under this section is relieved of responsibility for the conduct or acts of its agents, employees or principals by reason of its compliance with this section, nor is any individual practicing Landscape Architecture relieved of responsibility and liability for services performed by reason of employment or relationship with such Business Entity. This section does not affect a Business Entity and its employees performing services solely for the benefit of the Business Entity, or a subsidiary or affiliated business entity. Nothing in this section exempts Business Entities from other applicable law.

~~E.D.~~

Section 304. Qualifications for Practice under Disaster Declaration

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Section 304

This section addresses the temporary practice privileges of licensees in other states to come into the state and practice for a limited time corresponding with a declared disaster. This language is consistent with the EMAC legislation that allows temporary practice under declared emergencies.

Disaster Declaration. Any Person licensed to practice Landscape Architecture in another State Jurisdiction or Province who provides services within the scope of their License and in response to a disaster declared by the governor or other appropriate authority of State Jurisdiction may, on prior written notice to the Board, provide such services in State Jurisdiction without a License issued by the Board for the duration of the declared emergency. Any practitioner providing services under this Section 304 submits to the Board's jurisdiction and is bound by State Jurisdiction law. The Board retains authority to remove, revoke, rescind, or restrict this disaster-declaration practice privilege without Hearing by majority vote of its members.

Section 305. Requirement of Continuing Competence.

The Board shall by regulation establish requirements for continuing Competence, including determination of acceptable Continuing Education program content. The Board shall issue regulations necessary to the stated objectives and purposes of Continuing Education and to enforce this Section 305 to ensure Licensees' continuing Competence.

Section 306. Requirements for Licensure Renewal.

- A. To maintain licensure, each Licensee shall renew such License when and in the manner established by the Board.
- B. To renew licensure, each Licensee shall provide documentation satisfactory to the Board of successful completion of at least 12 Continuing Education Contact Hours of an Approved Program of Continuing Education per year.
- C. To maintain licensure, each Business Entity shall renew its License when and in the manner established by the Board.

Section 307. Nonrenewal of Licensure; Requirements for Reinstatement of Expired License.

- A. Failure to renew a License by the designated renewal date as prescribed under applicable law, this Act, and its regulations will result in License expiration, which terminates authority to practice Landscape Architecture in State Jurisdiction.

Applicants for reinstatement of an expired License must substantiate by documentation satisfactory to the Board that Applicant meets the following criteria:

- i) When no more than 120 days have passed since the

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License expiration date, an Applicant for License reinstatement shall submit to the Board:

- (1) A written petition for License reinstatement addressed to the Board.
 - (2) A completed and signed application for License reinstatement.
 - (3) Documentation of successful completion of all applicable licensure-renewal requirements.
 - (4) A written and signed attestation by **the** Applicant that **the** Applicant has not practiced Landscape Architecture at any time during the period of License expiration.
 - (5) All applicable fees, including a late fee determined by the Board that does not exceed three times the Board's initial licensure application fee.
- ii) When more than 120 days have passed since the License expiration date, an Applicant for License reinstatement shall meet the requirements set forth in this Section 307(A)(i) and Section 302 of Article III of this Act. However, any application under this Section 307 is deemed an application for License reinstatement.
- B. The Board may impose additional reasonable License-reinstatement requirements necessary to fulfill its public-protection mission.
- C. The Board may also consider relevant extenuating circumstances submitted with any petition and application for License reinstatement in which Applicant demonstrates hardship, so long as the Board maintains its public-protection mission in considering the petition and application.

Section 30810. Inactive License.

The Board shall by regulation establish procedures for issuing an Inactive License to a Licensee in Good Standing, under which the Applicant is exempted from licensure renewal requirements, but is not authorized to engage in the practice of Landscape Architecture while inactive.

Reinstatement of an Inactive License to active status will occur under procedures established by the Board and include an application for License reinstatement, payment of a reinstatement fee not to exceed two (2) times the initial licensure fee, and an attestation by Applicant that Applicant has not practiced Landscape Architecture while inactive.

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Article IV Discipline.

Section 401. Grounds; Penalties; Reinstatement of License Following Board Discipline.

- A. The Board may refuse to issue or renew, or may suspend, revoke, reprimand, restrict or otherwise limit the License of, or fine, any Person ~~or Business Entity~~, whether or not licensed, under the ~~[State Jurisdiction]~~ Administrative Procedures Act or the procedures in Article IV, Section 402 of this Act, on one or more of the following grounds as determined by the Board:
- (i) Unprofessional conduct as determined by the Board.
 - (ii) Unethical conduct as determined by the Board.
 - (iii) Practice outside the scope of practice authorized under this Act or its regulations.
 - (iv) Conduct in violation of this Act or its regulations, including failure to cooperate with the Board's inspection or investigative processes within a reasonable time.
 - (v) Incapacity or impairment, for whatever reason, that prevents a Licensee from engaging in the practice of Landscape Architecture with reasonable skill, Competence, and safety to the public.
 - (vi) Adjudication resulting in a finding of mental incompetence by regularly constituted authorities.
 - (vii) Conviction of a Felony as defined under ~~[State Jurisdiction/Province]~~ or federal law.
 - (viii) Violation of any law, rule, or regulation of ~~[State Jurisdiction]~~, any other ~~State Jurisdiction~~, or the federal government, pertaining to any aspect of the practice of Landscape Architecture.
 - (ix) Misrepresentation of a fact by an Applicant or Licensee:
 - a) In securing or attempting to secure the issuance or renewal of a License.

Section 401

This section delineates the grounds for administrative discipline of respondents found to have violated the Act. CLARB has elected to specify the grounds to ensure adequate scope of authority for the Board to protect the public through enforcement proceedings.

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- b) In any statement regarding the **PersonLandscape Architect's** skills or value of any service/treatment provided, or to be provided.
- c) Using any false, fraudulent, or deceptive statement in connection with the practice of Landscape Architecture including, but not limited to, false or misleading advertising.
- (x) Licensee Fraud related to the practice of Landscape Architecture, including engaging in improper or fraudulent billing practices.
- (xi) Engaging in, or aiding and abetting any Person engaging in, the practice of Landscape Architecture without a License, or falsely using the title Landscape Architect, or a confusingly similar title.
- (xii) Failing to conform to accepted minimum standards of practice or failing to maintain a Landscape Architectural Business Entity at accepted minimum standards.
- (xiii) Attempting to use the License of another.
- (xiv) Failing to pay costs assessed in connection with a Board Adjudicatory Proceeding, or failing to comply with any stipulation or agreement involving probation or settlement of such Proceeding, or any order entered by the Board in such Proceeding.
- (xv) Conduct that violates the security of any Examination or Examination materials including, but not limited to:
 - (a) Removing from the Examination setting any Examination material without appropriate authorization.
 - (b) Unauthorized reproduction by any means of any portion of the **actual** Examination.
 - (c) Aiding by any means the unauthorized reproduction of any portion of the **actual** Examination.
 - (d) Paying, or using professional or paid examination-takers, for the purpose of reconstructing any portion of the Examination.
 - (e) Obtaining Examination questions or other

Section 401(A)(xvi)

This section ensures that violations of examination agreements, including examination breaches and security protocols, constitute grounds for discipline. For the benefit of the public, and the integrity of licensure and examination processes, this authority is essential.

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- Examination material, except by appropriate authorization before, during, or after an Examination administration.
- (f) Using or purporting to use any Examination question or material that was improperly removed, or taken from, any Examination.
 - (g) Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered Examination.
 - (h) Communicating in any manner with any other examinee during the administration of an Examination.
 - (i) Copying answers from any other examinee or permitting one's answers to be copied by any other examinee.
 - (j) Examinee's possession during the administration of any Examination any books, equipment, notes, written or printed materials, or data of any kind, other than the Examination materials provided, or otherwise authorized to be in the examinee's possession during any Examination.
 - (k) Impersonating any examinee or having any Person take any Examination on the examinee's behalf.
- (xvii) Failure of a Licensee or Applicant to report to the Board any information required under Article VI of this Act.
- (xviii) Having had any right, credential, or license to practice a profession in this or another State Jurisdiction subjected to adverse action or denial of right to practice. In such case, a certified copy of the record of the adverse action or denial of right to practice is conclusive evidence of such disciplinary action or denial.

B. The Board may defer discipline or other action regarding any impaired Licensee who enters into a binding agreement, in a form satisfactory to the Board, under which Licensee agrees not to practice Landscape Architecture and to enter into, and comply with, a Board-approved treatment and monitoring program in accordance with Board regulations.

This Section 310401(B) does not apply to any Licensee convicted of, or who pleads guilty or *nolo contendere* to, a Felony, or to Licensee Convictions in another State Jurisdiction or federal court relating to controlled substances or sexual

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misconduct.

- C. Subject to a Board order, any Person whose License to practice Landscape Architecture in [State Jurisdiction] is suspended or restricted under this Act (whether by formal agreement with or by action of the Board), has the right, at reasonable intervals, to petition the Board for License reinstatement. The petition must be in writing and in the form prescribed by the Board.

After investigation and Hearing, the Board may grant or deny the petition, or modify its original findings to reflect circumstances changed sufficiently to warrant granting or denying the petition or modifying the findings and order. The Board may require petitioner to pass one or more Examination(s) or complete Continuing Education in addition to that required for licensure renewal, or impose any other sanction, condition, or action appropriate for reentering into the practice of Landscape Architecture and public protection.

- D. The Board, after Consultation and concurrence with the [(County) District Attorney or [State Jurisdiction] Attorney General], may issue a cease- and-desist order to stop any Person from engaging in the unlawful practice of Landscape Architecture or from violating any statute, regulation, or Board order. The cease-and-desist order must state the reason for its issuance and explain the Person's right to request a Hearing under the [State Jurisdiction] Administrative Procedures Act. This provision does not bar criminal prosecutions by appropriate authorities for violations of this Act.

- E. Final Board decisions and orders after a Hearing are subject to judicial review under the [State Jurisdiction] Administrative Procedures Act, unless otherwise provided by law.

Section 402. Summary Suspension.

The Board may, without a Hearing, temporarily suspend a License for up to 60 days when the Board concludes a Landscape Architect violated any law or regulation the Board is authorized to enforce, and if continued practice by the Landscape Architect portends imminent risk of harm to the public (notwithstanding [State Jurisdiction]'s Administrative Procedures Act). The suspension takes effect on written notice to the Landscape Architect specifying the law or regulation allegedly violated. When the Board issues the suspension notice, it shall schedule and notify the Licensee of an Adjudicatory Proceeding to be held under the [State Jurisdiction] Administrative Procedures Act within [number] days after the notice is issued.

Section 402

This section authorizes the Board to suspend a license immediately without a hearing under identified circumstances that create imminent harm to the public. Such respondents are provided with a hearing within an identified period of time under administrative procedures.

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Article V. - Mandatory Reporting.

Section 501. Requirement to Report.

Any Applicant, Licensee or Person with knowledge of conduct by any Person that may be grounds for disciplinary action under this Act or its regulations, or of any unlicensed practice under this Act, shall report such conduct to the Board.

Section 5024. Reporting Other Licensed Professionals.

Any Applicant, Licensee or Person shall report to applicable licensing Boards conduct by a Licensee that is, or may be, grounds for disciplinary action under applicable law, if the conduct must by law be reported to such licensing boards.

Section 5035. Reporting by Courts.

The administrator of any court with jurisdiction shall report to the Board any court judgment or other determination that an Applicant for licensure by the Board or a Licensee is mentally ill, mentally incompetent, guilty of a Felony, guilty of violating federal or State Jurisdiction narcotics laws or controlled substances act, or guilty of crimes reasonably related to the practice of Landscape Architecture, or that appoints a guardian of Applicant or Licensee, or commits Applicant or Licensee under applicable law.

Section 5046. Self-Reporting by Applicant for Licensure and Licensee.

An Applicant for licensure by the Board or a Licensee shall self-report to the Board any personal conduct or action that requires a report be filed under Article IV of this Act.

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Section 5057. Reporting Deadlines; Forms.

All reports required by this Act must be submitted to the Board no later than 30 days after the reportable conduct or action occurs. The Board may provide forms for reports required by Article VI of this Act and may require that reports be submitted on the forms. The Board may issue regulations to ensure prompt and accurate reporting as required by Article VI of this Act.

Section 5068. Immunity for Reporters.

Any Person who in good faith submits a report required under Article VI of this Act, or who otherwise reports, provides information, or testifies in connection with alleged violations of this Act, is immune from liability or prosecution. Notwithstanding laws to the contrary, the identity of Persons submitting mandated reports is not disclosable, except as required in connection with an Adjudicatory Proceeding initiated by the Board or other proceeding in courts with jurisdiction.

Article VI Other.

Section 6701. Severability.

If any provision of this Act is declared unconstitutional or illegal, or the applicability of this Act to any Person or circumstance is held invalid by a court with jurisdiction, the constitutionality or legality of the Act's other provisions and the Act's application to other persons and circumstances, is not affected, and those provisions remain in full force and effect, without the invalid provision or application.

Section 6702. Effective Date.

This Act is effective on [date].

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Model Regulations

Council of Landscape Architectural Registration Boards

Updated: ~~Month, Year~~ December 2021

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PREFACE

Duly enacted statutes provide the basis for establishing a regulatory structure by legislatively creating and delegating authority to the regulatory board. Such statutes (practice act) establish the basis for and authority of the Board. The Board is also delegated with the authority to promulgate regulations/rules that are intended to provide specificity to the statutes using the expertise of the Board, generally populated with subject matter experts (licensees) and members of the public. (see *CLARB Model Law Article II, Sections 202, 203-212*)

For purposes of this document, the Council of Landscape Architectural Registration Board (CLARB) will use the term “regulations”. For the most part, rules and regulations are terms that can be used interchangeably. Duly promulgated regulations have the force of law and can be used as a basis for board action(s). This is why the process for proposing, discussing, seeking public comment and modifying proposed regulations must follow strict adherence to administrative procedures before becoming effective. Such administrative procedures can vary from jurisdiction to jurisdiction.

The CLARB Model Law authorizes the Board to promulgate regulations. While the CLARB Model Law represents a complete document, the Model Regulations are not intended to provide a complete set of regulations, but to provide guidance on where regulations are needed. The Model **Regulations** is a fluid document that will be subjected to regular review and, where necessary, change. Of course, CLARB Member Boards are encouraged to use this model as a resource when necessary to address or suggest proposed legislative language in both statutes and regulations.

INTRODUCTION

The purpose of adopting regulations is to safeguard the health, safety and welfare of the public by ensuring the proper performance of the duties of the Board and the regulation of its procedures, meetings, records, examinations and the conduct thereof. The adopted regulations may not be inconsistent with the constitution and laws of this jurisdiction. They must be approved by appropriate legislative authority of the jurisdiction. Regulations adopted by the Board shall be binding upon individuals licensed or recognized under the licensure act and on non-licensees found by the Board to be in violation of provisions of the licensure act and shall be applicable to firms that hold or should hold a Certificate of Authorization.

103.10 PURPOSE.

These regulations are promulgated by the Board of Landscape Architects under [cite statutes] for the purpose of protecting the public health, safety and welfare. These regulations contain the information necessary to become licensed as a Landscape Architect, or offer landscape architectural services as a Business Entity.

104.10 PRACTICE OF LANDSCAPE ARCHITECTURE.

The practice of Landscape Architecture is defined as any service where landscape architectural education, training, experience and the application of mathematical, physical and social science principles are applied in consultation, evaluation, planning, design (including, but not limited to, the

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preparation and filing of plans, drawings, specifications and other contract documents) and administration of contracts relative to projects principally directed at the functional and aesthetic use and preservation of land.

Services included in the licensed scope of Landscape Architecture include, but are not limited to the following:

- Investigation, selection and allocation of land and water resources for appropriate uses;
- Formulation of feasibility studies, and graphic and written criteria to govern the planning, design and management of land and water resources;
- Preparation, review and analysis of land use master plans, subdivision plans and preliminary plats;
- Determining the location and siting of improvements, including buildings and other features, as well as the access and environs for those improvements;
- Design of land forms and land form elements, storm water drainage, soil conservation and erosion control methods, pedestrian and vehicular circulation systems and related construction details;
- Consultation, planning, designing or responsible supervision in connection with the development of land areas for preservation and enhancement;
- Design of non-habitable structures for aesthetic and functional purposes, such as pools, walls and structures for outdoor living spaces, for public and private use;
- Determination of proper land use as it pertains to natural features; ground cover, use, nomenclature and arrangement of plant material adapted to soils and climate; naturalistic and aesthetic values; settings and approaches to structures and other improvements; and the development of outdoor space in accordance with ideals of human use and enjoyment;
- Design with a priority to ensure equal access to all public goods and services through the use of barrier-free design in compliance with the Americans with Disabilities Act (ADA);
- Consideration of the health, safety and welfare of the public. Public welfare is defined through: environmental sustainability; contribution to economic sustainability and benefits; promotes public health and well-being; builds communities; encourages landscape awareness/stewardship; offers aesthetic and creative experiences; and enables people and communities to function more effectively.

105.10 ACTIVITIES NOT SUBJECT TO THE ACT.

Effective regulation is targeted to address the specific risks of harm to consumers and not to restrict competition or be a barrier to incentives for innovation in products and services.

The activities to engage in the practice of Landscape Architecture shall not be construed to prevent or to affect the right of any individual licensed in related design profession practicing within their licensed scope. In addition, nothing shall be construed to prevent or affect the right of any individual to engage in any occupation related to growing, marketing and the design of landscaping material.

106.10 DEFINITIONS.

The [CLARB Model Law Section 106 Definitions] provides definitions applicable to the [CLARB Model

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Regulations].

213.10 POWERS AND DUTIES DELEGATED TO BOARD.

Authority is delegated to the Board by the [JurisdictionSTATE] legislature to effectively and efficiently regulate the profession of Landscape Architecture in the interest of public protection.

213.11 PROFESSIONAL PRACTICE.

Pursuant to [CLARB Model Law Section 213(C)(i)], the Board is authorized to establish and enforce minimum standards of practice and conduct for Landscape Architects and to provide Licensees and Clients with expectations regarding professional conduct.

A. Competence.

- (i) In engaging in the practice of Landscape Architecture, a Licensee shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by Landscape Architects of good standing, practicing in the same locality.
- (ii) In designing a project, a Landscape Architect shall abide by all applicable federal state, county, regional and municipal laws and regulations. While a Landscape Architect may rely on the advice of other professionals, (e.g., attorneys, engineers and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a Landscape Architect shall not knowingly design a project in violation of such laws and regulations.
- (iii) A Landscape Architect shall undertake to perform professional services only when he or she, together with those whom the Landscape Architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.
- (iv) No individual shall be permitted to engage in the practice of Landscape Architecture if, in the Board's judgment, such individual's professional competence is substantially impaired by physical or mental disabilities.

B. Conflict of Interest.

- (i) A Landscape Architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to by (such disclosure and agreement to be in writing) all interested parties.
- (ii) If a Landscape Architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with his or her performance of professional services, the Landscape Architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and, if the client or employer objects to such association or financial interest, the Landscape Architect will either terminate such association or interest or offer to give up the commission or employment.
- (iii) A Landscape Architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

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- (iv) When acting as the interpreter of construction contract documents and the judge of contract performance, a Landscape Architect shall render decisions impartially, favoring neither party to the contract.

C. Full Disclosure.

- (i) A Landscape Architect, making public statements on landscape architectural questions, shall disclose when he or she is being compensated for making such statements.
- (ii) A Landscape Architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.
- (iii) If, in the course of his or her work on a project, a Landscape Architect becomes aware of a decision taken by his or her employer or client, against such Landscape Architect's advice, which violates applicable federal, state, county, regional or municipal laws and regulations and which will, in the Landscape Architect's judgment, materially and adversely affect the health, safety or welfare of the public, the Landscape Architect shall:
 - i. report the decision to the applicable public official charged with the enforcement of the applicable laws and regulations;
 - ii. refuse to consent to the decision; and
 - iii. in circumstances where the Landscape Architect reasonably believes that other such decisions will be taken, notwithstanding his or her objections, terminate his or her services with respect to the project. In the case of a termination in accordance with this clause (3), the Landscape Architect shall have no liability to his or her client or employer on account of such termination.
- (iv) A Landscape Architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for a registration or renewal thereof.
- (v) A Landscape Architect shall not assist the application for a registration of an individual known by the Landscape Architect to be unqualified in respect to education, training, or experience or character.
- (vi) A Landscape Architect possessing knowledge of a violation of the provisions set forth in these rules by another Landscape Architect shall report such knowledge to the Board.

D. Compliance with Laws.

- (i) A Landscape Architect shall not, while engaging in the practice of Landscape Architecture, knowingly violate any state or federal criminal law.
- (ii) A Landscape Architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the Landscape Architect is interested.
- (iii) A Landscape Architect shall not solicit a contract from a governmental body on which a principal or officer of the licensee's organization serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of the appropriate public authority.
- (iv) A Landscape Architect shall not offer, directly or indirectly, to pay a commission or other

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consideration or to make a political contribution or other gift in order to secure work, except for payment made to an employment agency for its services.

- (v) A Landscape Architect shall comply with the registration laws and regulations governing his or her professional practice in any jurisdiction.
- (vi) Each Landscape Architect shall cooperate with the Board in its investigation of complaints or possible violations of the [Jurisdiction STATE] Statutes or Regulations of the Board.
This cooperation shall include responding timely to written communications from the Board, providing any information or documents requested within 30 days of the date on which the communication was mailed, and appearing before the Board or its designee upon request.
- (vii) Landscape Architect shall not violate any order of the Board.

E. Professional Conduct.

- (i) Each office in [Jurisdiction STATE] maintained for the preparation of drawings, specifications, reports or other professional landscape architectural work shall have a licensed Landscape Architect resident and regularly employed in that office having direct supervision of such work.
- (ii) A Landscape Architect shall not sign or seal drawings, specifications, reports or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the Landscape Architect's consultants, registered under this or another professional registration of [Jurisdiction STATE], the Landscape Architect may sign or seal that portion of the professional work if the Landscape Architect has reviewed such portion, has coordinated its preparation and intends to be responsible for its adequacy.
- (iii) A Landscape Architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the Landscape Architect is interested.
- (iv) A Landscape Architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.
- (v) In all professional reports, statements and testimony, each Landscape Architect shall be completely objective and truthful and include all relevant and pertinent information.
- (vi) Conviction of a felony or the revocation or suspension of a professional license by another jurisdiction, if for a cause the State of [STATE Jurisdiction] would constitute a violation of [STATE Jurisdiction] law or of these regulations, or both, shall constitute unprofessional conduct.

213.12 FEES FOR SERVICES.

[Insert schedule of fees, with cross-references to [CLARB Model Law Section 213(G)] permitting the Board to establish fees, or any fees set by statute. This list should identify all categories of fees, including those to be established from time to time by the Board, and it should require the Board to maintain and provide to all individuals upon request a current and complete list of its fees.]

213.13 OTHER POWERS AND DUTIES OF THE BOARD.

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

In addition to the **s**Statutes of **[JurisdictionSTATE]**, other powers and duties of the Board shall include, but are not limited to, the following:

- A. All members of the Board, including the chairperson, are entitled to vote and to make or to second motions. A majority vote of those present is required to pass a motion. The chairperson shall vote as a member of the Board.
- B. The latest edition of Roberts Rules of Order, Revised shall govern the normal proceedings of the Board. Exceptions include hearings that may be disciplinary in nature.
- C. All applications and requests for which the Board has prescribed a form must be presented on these forms.
- D. A roster of all Licensees and firms holding a Certificate of Authorization will be updated annually and shall be accessible to the public.

213.14 SEALS.

Each licensed Landscape Architect shall procure a Seal, which shall contain the name of the Landscape Architect; his or her license number and the state or territory; and the words LANDSCAPE ARCHITECT—**[JurisdictionNAME OF STATE]**. The Seal may be a rubber stamp, an embossed Seal, or a computer-generated Seal. After the Licensee's Seal has been applied to the original or record copy, the Licensee shall place the Licensee's signature and date across the Seal. This Seal shall comply in all respects, including size and format, which the specimen shown below:

[INSERT SPECIMEN SEAL IMPRINT]

- A. The Seal shall be imprinted on all technical submissions, as follows: On each design and each drawing; on the cover and index pages identifying each set of specifications; and on the cover page (and index, if applicable) of all other technical submissions. The original signature of the individual named on the Seal shall appear across the face of each original Seal imprint.

The Seal appearing on any technical submission shall be prima facie evidence that said technical submission was prepared by or under the direct supervision of the individual named on said Seal.

- B. All technical submissions prepared by a licensed Landscape Architect shall contain the following legend wherever the Landscape Architect's Seal appears: "The professional services of the Landscape Architect are undertaken for and are performed in the interest of [name of person employing Landscape Architect]. No contractual obligation is assumed by the Landscape Architect for the benefit of any other person involved in the project."
- C. Any Licensee may use a digital signature if the signature meets all of the following requirements: (1) Is unique to the person using it; (2) is able to be verified; (3) is under the sole control of the person using it; and (4) is linked to an electronic document bearing the digital signature in such a manner that the signature is invalidated if any data in the document is altered.

214.10 SOURCE OF DATA.

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

The Board may rely on the expertise of, and documentation and verified data gathered and stored by CLARB and other not-for-profit organizations as determined by the Board. This data shall include but is not limited to: CLARB Council Record; professional exam scores; verified educational transcripts; verified employment references; professional references; licensure history; disciplinary history; and other information gathered by third parties sharing the Board's public-protection mission.

The Board shall recognize all applicable Open Records Laws in [JurisdictionSTATE] for data as it shall pertain to Records of the Board.

302.10 QUALIFICATIONS FOR LICENSURE.

Pursuant to [CLARB Model Law Section 302] an applicant for licensure must substantiate each item listed in this referenced Section to the Board's satisfaction.

DRAFT

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

302.11 APPROVED EDUCATION PROGRAMS.

An Approved Education Program means a first professional degree in Landscape Architecture from a program which has been accredited by the Landscape Architectural Accreditation Board (LAAB) or the Canadian Society of Landscape Architects Accreditation Council (CSLAAC). In lieu of this degree, satisfaction of five (five) years of combined education and experience credit may be substituted as follows:

R. 302.11 and R. 302.12

This section provides three options for Boards to choose from. Although CLARB recommends that Boards select option 1, CLARB understands not all Boards may be authorized to use dynamic incorporation (i.e., incorporating a periodically updated standard, with each new version of that standard being given the force of law automatically when an updated standard is published).

Option 2 will require Boards to adopt new regulations periodically as new versions of the CLARB uniform licensing standard are published. These new regulations would refer to the version of the CLARB Uniform Licensure Standard then in effect.

Option 3 would require Boards to adopt the content of the "Alternative Education" section of CLARB's Uniform Licensure Standard directly into regulations and update this periodically to reflect the text of the version currently in effect.

Education Equivalency	Maximum Education Credit	Additional Experience Credit Needed
Non-accredited B.L.A. or M.L.A.	4 years	1 year under the direct supervision of a Landscape Architect
NAAB-accredited B.Arch. or M.Arch.		1 year under the direct supervision of a Landscape Architect
ABET-accredited degree in Civil Engineering		1 year under the direct supervision of a Landscape Architect

Color Key for Changes:

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Any Bachelor's degree	2-years	3 years under the direct supervision of a Landscape Architect
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Other landscape architectural curriculum which has not been accredited by LAAB but has been evaluated and found to be of an equivalent standard, may be reviewed and accepted by the Board.

Select either option 1: Dynamic Incorporation.

In lieu of a degree in landscape architecture accredited by LAAB, LAAC, or their international equivalent, as established by [CLARB Model Law Section 302(A)(i)], an Applicant shall meet the "Alternative Education" standards for qualification for licensure set forth in the CLARB Uniform Licensure Standard.'

Or option 2: Static Incorporation by Reference

In lieu of a degree in landscape architecture accredited by LAAB, LAAC, or their international equivalent, as established by [CLARB Model Law Section 302(A)(i)], an Applicant shall meet the "Alternative Education" standards for qualification for licensure set forth in the 2022 version of the CLARB Uniform Licensure Standard.

Or option 3: Direct Incorporation

In lieu of a degree in landscape architecture accredited by LAAB, LAAC, or their international equivalent, an applicant must obtain six (6) additional years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field or, if eligible, an applicant may earn credit toward the remaining years of experience in regulated practice through one of the following options:

- A. If an applicant holds a non-accredited degree or certificate in landscape architecture, then the applicant may be credited with one (1) year of experience for each year of schooling completed up to a maximum of four (4) years of credited experience. OR
- B. If an applicant holds any degree or certificate, then the applicant may be credited with six (6) months of experience for each one (1) year of schooling completed up to a maximum of two (2) years of credited experience.

~~302.12~~ EXPERIENCE SUPERVISION REQUIREMENTS.

302.12

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

The work experience required of each applicant shall ~~should~~ expose the applicant to all phases of work integral to the practice of Landscape Architecture, and shall be performed under the direct supervision of a Licensee. Landscape architectural work experience shall fall within the definition of "the practice of Landscape Architecture" under [CLARB Model Law Section 104] and amendments thereto.

Experience supervision shall be verified by references which are those individuals who should have personal knowledge of an applicant and who can issue judgments concerning an applicant's experience, ability, character or reputation. Relatives may not be used as references. No current Board member shall be used as a reference. Replies received from references regarding the qualifications of an applicant shall be placed in files that are considered nonpublic records. The source and character of the information will not be divulged except in special cases when required by law.

Select either option 1: Dynamic Incorporation

For purposes of [CLARB Model Law Section 302(A)(ii)], to be considered "experience in the regulated practice of landscape architecture," an applicant must gain experience in the practice domains set forth in the CLARB Uniform Licensure Standard.

Or option 2: Static Incorporation by Reference

For purposes of [CLARB Model Law Section 302(A)(ii)], to be considered "experience in the regulated practice of landscape architecture," an applicant must gain experience in the practice domains set forth in the 2022 version of the CLARB Uniform Licensure Standard.

Or option 3: Direct Incorporation

For purposes of [CLARB Model Law Section 302(A)(ii)], to be considered "experience in the regulated practice of landscape architecture," an applicant must gain experience in the following practice domains to ensure competency necessary to protect the public and the environment:

1. **Project and Construction Management:** includes pre-project management, project management, bidding, construction, and maintenance.
2. **Inventory and Analysis:** includes site inventory, physical analysis, and contextual analysis.
3. **Design:** includes stakeholder process, master planning, and site design.
4. **Grading, Drainage, and Construction Documentation:** includes site preparation plans, general plans and details, specialty plans, and specifications.

For purposes of assigning credit for an aApplicant's experience to satisfy the requirements under [CLARB Model Law Section 302(A)(ii) and CLARB Model Regulations 302.11], the Board shall evaluate an Applicant's experience according to the following standards:

Color Key for Changes:

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- [INSERT EVALUATION CRITERION]
- [INSERT EVALUATION CRITERION]
- [INSERT EVALUATION CRITERION]

302.13 EXAMINATIONS.

Applicants shall substantiate successful completion of CLARB's examinations where the examination administration and grading were conducted in accordance with CLARB's standards in effect at the time. CLARB examination administration requirements will be enforced as listed, but not limited to:

- examinations are offered on dates set by CLARB;
- locations at which the examinations are given are designated by CLARB;
- language of the examination will be English;
- results will be released in accordance with established CLARB policy;
- there shall be no post-administration access to, or review of, examination questions;
- re-examination limits shall be imposed by CLARB as necessary for the integrity of each exam;
- any applicant's examination results may be rejected by the Board and permission to retake an examination may be withheld by the Board upon a report by the testing administrator of any possible violation by the applicant of the provisions of any candidate testing agreement regarding examination irregularities.

303.10 QUALIFICATIONS FOR CERTIFICATE OF AUTHORIZATION.

Pursuant to [CLARB Model Law Section 303] an applicant for a Certificate of Authorization must substantiate each item in this referenced Section to the Board's satisfaction.

305.10 REQUIREMENTS OF CONTINUING COMPETENCE.

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of Landscape Architects. Every Licensee shall meet the continuing professional competency requirements of these regulations for professional development as a condition for licensure renewal.

- Each Licensee shall have completed 12 (twelve) Continuing Education Contact Hours during the one-year period immediately preceding the renewal date established by the Board;
- Continuing Education Contact Hours shall be related to the practice of Landscape Architecture and address subjects in the protection of public Health/Safety/Welfare (HSW).
- Other activities may be accepted for Continuing Education credit upon approval by the Board;
- If Licensee is licensed to practice Landscape Architecture in another jurisdiction in which the Licensee resides, the Licensee may meet the Continuing Education requirements of the jurisdiction in which the Licensee resides. If such jurisdiction requires no Continuing Education, the Licensee shall meet the Continuing Education requirements of [STATE Jurisdiction];

Each jurisdiction within the CLARB membership will determine how it will evaluate experience based on that jurisdiction's unique circumstances and requirements.

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- E. Each dual Licensee shall earn at least {8} of the required Continuing Education credits for each renewal period in each profession;
- F. Excess Continuing Education Contact Hours may not be credited to a future calendar year;
- G. Each Licensee shall provide proof of satisfying the Continuing Education requirements as required by the Board. If the Licensee fails to furnish the information as required by the Board, the License shall not be renewed. If the Board does not approve of submitted Continuing Education, Licensee shall have a period of 120 days after notification to provide further information or additional Continuing Education.

305.11 APPROVED PROVIDERS OF CONTINUING EDUCATION.

The following providers of Continuing Education programs have been approved by the Board and courses provided by approved providers are acceptable for meeting the mandatory Continuing Education requirements for licensure renewal:

- Landscape Architects Continuing Education System (LA CES)
- American Society of Landscape Architects (ASLA)
- Council of Landscape Architect Registration Boards (CLARB)
- [State Jurisdiction/Provincial] Board name
- National Society of Professional Engineers (NSPE)
- American Institute of Architects (AIA)
- Agencies of the state or federal government offering training programs in landscape architecture
- Accredited colleges and universities offering training programs in landscape architecture

306.10 REQUIREMENTS FOR LICENSURE RENEWAL.

- A. Each Licensee shall renew the License by [DATE] each year. A written or electronic notice shall be issued by the Board to each Licensee no later than 30 days before this renewal date. An expired License shall be terminated if not renewed by the renewal date. A late fee may be charged for renewals up to 60 days past this renewal date. A reinstatement will be necessary for licenses 120 days past the renewal date.
- B. Each Business Entity shall renew its Certificate of Authorization by [DATE] each year. A written or electronic notice shall be issued by the Board to each Licensee not later than 30 days before this renewal date. An expired Certificate of Authorization shall be terminated if not renewed by the renewal date. A late fee may be charged for renewals up to 60 days past the renewal date. A reinstatement will be necessary for Certificates of Authorization 120 days past the renewal date.
- C. A Licensee or Business Entity shall not practice Landscape Architecture after the expiration date until the License or Certificate of Authorization has been renewed or reinstated.

307.10 NON RENEWAL OF LICENSURE; REQUIREMENTS FOR REINSTATEMENT OF EXPIRED LICENSE.

An individual may reinstate a terminated License from inactive, temporary or emeritus status, or a terminated status by obtaining all delinquent required Continuing Education. Upon completion of a

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reinstatement application and proof that the individual has complied with the requirements for obtaining Continuing Education, the individual shall meet the Board's other requirements for reinstatement before reinstatement shall be granted.

Reinstatement of a Certificate of Authorization shall occur upon completion of a reinstatement application and requirements stated therein.

310.10 LICENSE STATUSES.

A. The following License statuses shall apply:

- (i) Active status shall require successful renewal every 2 (two) years with the appropriate fee and verification of continuing competency requirements.
- (ii) Inactive status shall require successful renewal every 2 (two) years with the appropriate fee. No continuing competency verification is required. The individual shall have no pending disciplinary action before the Board. The individual shall not practice Landscape Architecture in [State Jurisdiction].
- (iii) Temporary status shall require a Disaster Declaration by the governor or other appropriate authority of [State Jurisdiction]. Services by a Landscape Architecture must be provided within the scope of their License, on prior written notice to the Board and only provided for the duration of the declared emergency. [CLARB Model Law Section 304]
- (iv) Emeritus status shall require the individual to be at least 60 years of age. The individual shall submit a one-time application, with no fee and no verification of continuing competency required. The individual shall have no disciplinary action before the Board. Any individual who chooses this license status may use that individual's professional title in conjunction with the word "emeritus". The individual shall not practice Landscape Architecture in [State Jurisdiction].

501.10 MANDATORY REPORTING.

Any Applicant, Licensee or Person with knowledge of conduct by any Person that may be grounds for disciplinary action under this Act or its regulations, or of any unlicensed practice under this Act, shall report such conduct to the Board on a form provided by the Board.

The form shall include but not be limited to information regarding the explanation of complaint, contact information of person making complaint, contact information of person who is the subject of complaint and other information as necessary for investigative purposes.

701.10 SEVERABILITY.

If any provision or application of these regulations is found to be invalid for any reason, such invalidity shall not affect other provisions or applications of these regulations which can be given effect without the invalid provision or application, and therefore, the provisions of these regulations are declared to be severable.

Color Key for Changes:

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CLARB

Uniform Licensure Standard for Landscape Architecture

FAQs for Members

What is CLARB's uniform standard?

CLARB's uniform standard, developed through its Rethink Regulation program, is a set of recommended uniform standards for licensure that landscape architectural licensure boards can adopt and implement to create common, consistent licensure requirements across jurisdictions. By utilizing this uniform standard, which incorporates requirements for education, experience and examination, licensure boards can reduce confusion and barriers to entry for candidates while creating consistency and defensibility, and encouraging mobility.

The Uniform Licensure Standard for Landscape Architecture Summary:

Education	Experience	Exam
LAAB/LAAC-accredited LA degree	2 Years	Pass the LARE
Education through practical experience only*	8 years	Pass the LARE

The Uniform Licensure Standard for Landscape Architecture Details:

Section 1: Qualifications for Licensure. To obtain a license to practice landscape architecture, an applicant must:

- A. **Education:** Either (i) hold a degree in landscape architecture accredited by the Landscape Architectural Accreditation Board (LAAB), Canadian Society of Landscape Architects Accreditation Council (LAAC), or their international equivalent; or (ii) satisfy the alternative education requirements set forth in Section (2); ***and***
- B. **Experience:** Have completed two (2) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field; ***and***
- C. **Examination:** Pass the licensure examination developed and administered by CLARB; ***or***
- D. **Reciprocity:** In lieu of providing evidence that the applicant has completed the education, experience, and examination requirements noted in provisions (A) through (C) of this Section (1), provide evidence acceptable to the Board that the applicant is licensed and in good standing to practice landscape architecture under the laws of another jurisdiction.

CLARB

Section 2: Alternative Education. In lieu of a degree in landscape architecture accredited by LAAB, LAAC, or their international equivalent, an applicant must obtain six (6) additional years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field or, if eligible, an applicant may earn credit toward the remaining years of experience in regulated practice through one of the following options:

- A. If an applicant holds a non-accredited degree or certificate in landscape architecture, then the applicant may be credited with one (1) year of experience for each year of schooling completed up to a maximum of four (4) years of credited experience, **OR**
- B. If an applicant holds any degree or certificate, then the applicant may be credited with six (6) months of experience for each one (1) year of schooling completed up to a maximum of two (2) years of credited experience.

Section 3: Experience in the Regulated Practice of Landscape Architecture.

- A. To be considered “experience in the regulated practice of landscape architecture,” an applicant must gain experience in the following practice domains as determined by the Landscape Architecture Job Task Analysis¹ to ensure competency necessary to protect the public and the environment:²
 - 1. Project and Construction Management: includes pre-project management, project management, bidding, construction, and maintenance;
 - 2. Inventory and Analysis: includes site inventory, physical analysis, and contextual analysis;
 - 3. Design: includes stakeholder process, master planning, and site design;
 - 4. Grading, Drainage, and Construction Documentation: includes site preparation plans, general plans and details, specialty plans, and specifications.
- B. All applicant’s experience in the regulated practice of landscape architecture should be performed under the supervision of a licensed landscape architect or a licensed professional in a related field.

¹ The Job Tasks Analysis is conducted every 5-7 years.

² Notwithstanding the standards set forth here, each jurisdiction within the CLARB membership will determine how it will evaluate experience based on its unique circumstances and requirements.

CLARB

Background/Development Questions:

Why is CLARB developing a uniform standard?

CLARB's Uniform Standard promotes and supports **defensible**, **consistent**, and **equitable** requirements for landscape architectural licensure.

Defensible requirements are **based on data, not from legislators** aligning the profession to others.

- Using data researched by the profession for the profession, CLARB members can confidently “own” the requirements and defend them when needed.
- Defensible inputs came from CLARB member information, CLARB Council Record holders and CELA member surveys, ASLA's Licensure Committee's recommendations, and comparisons to related design professions.
- The data, that the uniform standard is based on, includes jurisdictional education requirements, experience requirements, complaint and discipline data, and competency research.

With 80% of CLARB's member boards already having a clear alternative education path or the ability of the board to consider a combination of experience and education toward licensure requirements, it is expected the majority of members will not have difficulty with this transition.

Consistent requirements ensure there will be **no difference** in licensure requirements for initial or reciprocal applicants **across jurisdictions**.

- Eliminates confusion and discrepancy for candidates selecting which jurisdiction to become initially licensed in and being restricted in where they can get licensed.
- Removes “license shopping” option, allowing candidates to apply for licensure where they actually want to work or where they live.
- Reduces barriers to entry and creates a more mobile profession.

Equitable requirements across jurisdictions that provide boards with a **shared sense of responsibility and ownership over requirements**.

- Uniform standards, both initial and reciprocal, allow CLARB members to control how the future of this profession's regulation is designed.
- CLARB members directly interpret and implement the requirements in their jurisdictions. Why let legislators and lawmakers unfamiliar with the profession determine the standards for licensure?
- The uniform standard provides equitable pathways to licensure (and access to the profession)
- These are *your* uniform standards. Boards are encouraged to determine if the changes necessary to implement the standard are statutory or regulatory. CLARB's team is a resource to walk through your implementation of your uniform standards with you.

With major external factors driving change, if we do not work together to design the future of regulation- change will happen **to us**.

CLARB

How was CLARB's uniform standard developed?

Since 2017, CLARB has been working to rethink regulation by working with the membership and stakeholders to evaluate our licensing systems and processes and identify what may need to be done differently to best achieve our goal of public protection while eliminating unnecessary friction from the licensure process. A uniform standard was identified as the best approach for eliminating the confusion and lack of consistency and defensibility among licensure requirements.

The 2019 policy work group established the fundamental elements (validated by stakeholder research) that a defensible uniform standard should include:

- Inclusive Education Pathways
- Justifiable Experience Requirements
- Accessible Licensure Examination

Additionally, guiding principles were established to focus our work on tangible outcomes that build the case for the uniform standard.

- Achieve consistent licensure requirements across jurisdictions
- Improve the landscape architecture mobility model
- Provide for increased equity to promote diversity
- Increase defensibility of licensure requirements
- Ensures the health, safety and welfare of the public and the environment

In 2020 and 2021, CLARB's uniform standard was developed through research into years of experience and education (and alternative educational paths) required across CLARB's member boards, along with member feedback, comparisons in requirements of related design disciplines, and recommendations and inputs from ASLA and CELA.

Research included:

- [Recommendations](#) from ASLA on alternative educational paths / Inputs from CELA
- Requirements for related design disciplines (architecture and engineering)
- Correlations related to current member requirements
- Correlations related to years of experience (and education type) and demonstration of competency
- Input from the profession on when they felt competent to practice independently
- Feedback from member boards on uniform standard scenarios, experience requirements and model approaches

[View more detailed information about the background of the Uniform Standard project and the research CLARB conducted.](#)

[View the timeline of CLARB's rethink regulation program and uniform standard development here.](#)

CLARB

Who has provided input in the development of the uniform standard?

CLARB sought input from members, stakeholders and others in the regulatory or landscape architecture community throughout this process since 2017. More recently, the work group members who developed the uniform standard recommendation include:

- Chuck Smith, CLARB President-Elect, former North Carolina member board member
- Jon Milstead, CLARB Director-at-Large, Mississippi member board member
- Paul Kissinger, Florida member board member
- Carisa McMullen, Kansas member board member
- Shannon Himes, Ohio member board executive
- Tara Culham, British Columbia member board executive
- Elizabeth Hebron, ASLA National
- EJ Bolduc, ASLA Licensure Committee
- Galen Newman, CELA President
- David Myers, CELA President-Elect
- Maurice Brown, NCARB Council Relations AVP for Advocacy and External Engagement
- Joel Levy, NCARB Customer Relations Specialist

What are members voting on in April 2022?

Members will be voting on three resolutions in April 2022:

1. [Adoption of the CLARB Uniform Licensure Standard](#)
2. [Revisions to the CLARB Model Law and Regulations to align with the Uniform Licensure Standard](#)
3. [Revisions to the CLARB Model Law and Regulations to promote diversity, equity, and inclusion \(DEI\) in licensure standards and to align with CLARB's DEI principles.](#)

How does my Board vote?

In order to vote on the resolution, your Board must credential a board or staff member to vote on behalf of your board. Return your [Letter of Credential](#) to [Andrea Elkin](#) by April 19, 2022. **Your credentialed member must attend the Mid-Year Update on April 20, 2022, at 3 p.m. ET.** Your credentialed member will vote on behalf of your jurisdiction following a roll call.

Why are we proposing changes to the Model Law and Model Regulations?

The CLARB Board of Directors is proposing revisions to the Model Law and Regulations to align the qualifications for licensure with the Uniform Licensure Standard for Landscape Architecture. By having the Uniform Standard reflected in the Model Law and Regulations, it will help members adopt and implement the new standard as well as continue to increase uniformity and improve mobility within the profession.

In addition, the proposed changes will also be a step forward in advancing CLARB's diversity, equity, and inclusion initiatives as the document was evaluated for language that can add bias into evaluating candidates for licensure. By removing the subjectivity of character from the licensing process, licensure boards can help the profession to be more inclusive and place the application evaluation focus on protecting the public's health, safety, and welfare.

CLARB

What exactly is changing in the Model Law and Model Regulations and how is it different than the current versions?

Model Law Changes

Section 302. Qualifications for Licensure was heavily revised to reflect the Uniform Standard. The changes in Model Law center around the education and experience requirements. The education requirement is now LAAB, LAAC, or international equivalent **or** satisfy the alternative education requirements as determined by the Board.

The experience requirement is completed 2 years of experience under the direct supervision of a licensed landscape architect or a licensed professional in a related field as determined by the Board.

The reciprocity requirement is amended to require evidence acceptable to the Board that the Applicant is licensed and in Good Standing to practice under the laws of another jurisdiction.

The language, "Possession of good moral character" has been removed. Removing good moral character language is an important step to remove bias and subjectivity from the licensing process.

Model Regulations Changes

Section 302.10 Qualifications for Licensure was also heavily revised to reflect the Uniform Standard. The previous Approved Education Programs has been stricken and replaced with the accredited degree path **or** an Applicant shall meet the "Alternative Education" standards for licensure set forth in the CLARB Uniform Licensure Standard.

Similarly, the previous Experience Supervision Requirements section has been stricken and replaced with updated experience guidelines. The requirements now reflect the criteria in the CLARB Uniform Licensure Standard for Landscape Architecture.

The Uniform Standard allows for alternative pathways to licensure, including through experience only. How can we explain that this is not "watering down" the requirements for licensure?

While the Uniform Standard may not align exactly with the requirements in your jurisdiction, in our research of requirements across the United States and Canada, we found that all but two jurisdictions allow for some sort of alternative pathway, either in regulation/statute or through enabling authority to consider other pathways. Specifically, 52% of CLARB's member boards allow for an experience-only pathway already. By adopting the Uniform Standard, CLARB member boards are taking a proactive approach to providing candidates with consistent, defensible licensure requirements that support mobility and diversity of the profession.

Implementation Questions:

How will the uniform standard impact my board and candidates?

The Uniform Standard promotes and supports defensible, consistent, and equitable requirements for landscape architectural licensure. Over time, we hope that the Uniform Standard will reduce confusion around getting licensed and the "licensure hopping" that candidates do, as well as increase defensibility or requirements to legislators, mobility for landscape architects and opportunities to increase diversity within the profession.

CLARB

In the short term, your jurisdiction will need to review your licensure requirements and possibly make changes to your statutes, regulations, or processes to align with the Uniform Standard. CLARB is here to help any jurisdictions that may need additional support to make these changes.

How will the uniform standard be implemented?

We realize that each jurisdiction has unique needs and may implement the Uniform Standard differently. CLARB's intent is that the requirements for landscape architecture licensure are consistent across jurisdictions. How each jurisdiction achieves this may be different.

To account for different ways of implementing the Uniform Standard, member boards will see three different approaches listed in the proposed [Model Regulations](#): Dynamic Incorporation, Static Incorporation by Reference, and Direct Incorporation. CLARB is here to help if you need additional support with figuring out the best approach for your jurisdiction.

When will my board be expected to implement the uniform standard if the Uniform Standard passes?

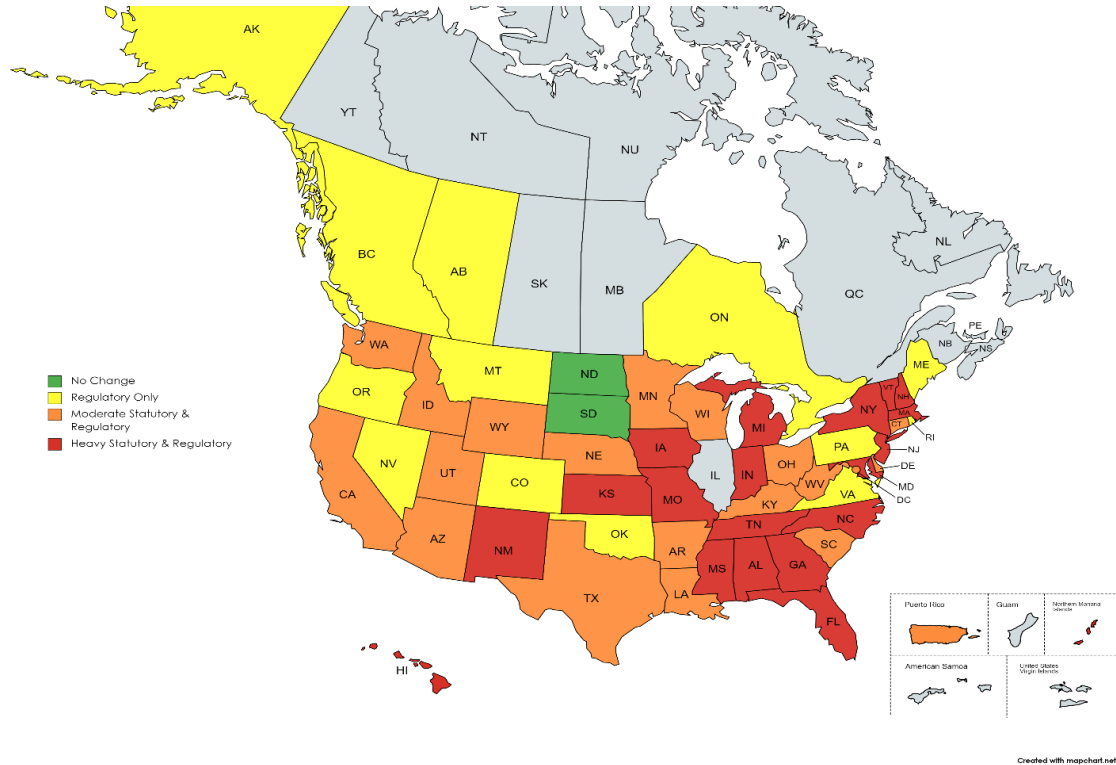
Approval of the Uniform Licensure Standard for Landscape Architecture creates a "best practice" or model standard for member boards to work toward. CLARB does not have a timeline requirement for boards to implement the Uniform Standard. CLARB will continue to work with boards and the necessary stakeholders to help implement the Uniform Standard in your jurisdiction at the time that is right for your board. We realize this is a marathon and not a sprint and will take time to get implementation in all our member boards.

Where do jurisdictions align with the Uniform Standard?

CLARB worked with Venable to analysis jurisdictional requirements against the Uniform Standard. The Venable analysis looked at three options for implementing the different aspects of the Uniform Standard: no change, regulatory change, or statutory and regulatory change. In order to provide consistency in the analysis, Venable used a conservative approach to their review of jurisdictional requirements.

This analysis allows CLARB to see what jurisdictions are going to require heavy statutory changes that will require additional time and resources due to needing approvals from the legislature and governor. An "effort map" was created to visualize the types of changes required. Jurisdictions with heavy statutory changes are in orange and red as statutory changes are a more robust process than regulatory changes.

CLARB



What if my board can't implement the uniform standard?

Approval of the Uniform Licensure Standard for Landscape Architecture just creates a “best practice” or model standard for member boards to work toward. While we want all members to strive for the implementing the Uniform Standard, we realize this will take time. CLARB will continue to work with boards and other necessary stakeholders to help implement the Uniform Standard in your jurisdiction at the time that is right for your board.

Opening up our statutes and/or regulations can open us up for other changes, why would we want to take that risk?

While it may seem like a risky move, making proactive, positive change can be seen as a win by legislators which is a good position to be in. With executive orders and sunset reviews your jurisdiction's statutes are likely coming under review anyway. It is best to be prepared and have a plan on updating your statutes vs leaving it up to the legislature or governor's office. The Uniform Standard is a good story to tell—you're making change to create consistency with other jurisdictions, increase access and mobility of the profession, and aligning with requirements that are based on data and research. This can be seen as a licensure reform “win” by the policy makers in your jurisdiction. CLARB will continue to work with boards and the necessary stakeholders to help implement the Uniform Standard in your jurisdiction at the time that is right for your board.

How can we justify to legislators reducing the number of years of experience required to get licensed without endangering the public?

The Uniform Standard was developed after thorough research, including looking at current licensure requirements and disciplinary data across the United States and Canada, candidate data at the time of

CLARB

licensure and surveying the profession. Across the data, two years of experience was sufficient for competent landscape architects to protect the health, safety, and wellbeing of the public. The Uniform Standard takes into account all the data and provides consistent paths to licensure across jurisdictions. Obtaining consistency in requirements (especially for the alternative paths) will reduce time and confusion to getting licensed and improve mobility. Administratively, it reduces barriers by not differentiating initial and reciprocal licenses.

How can we justify to legislators increasing the number of years of experience required to get licensed without creating more barriers to practice?

The Uniform Standard was developed after thorough research, including looking at current licensure requirements and disciplinary data across the United States and Canada, candidate data at the time of licensure and surveying the profession. Across the data, two years of experience was sufficient for competent landscape architects to protect the health, safety, and wellbeing of the public. While some candidates are competent with less experience, the research indicated that two years of experience is ideal for most candidates to be competent to practice at the time of licensure. Additionally, by the time candidates finish their education and exam requirements, they usually have at least two years of experience, so the requirement is not an impact to their time to licensure. By aligning with the Uniform Standard and obtaining consistency in requirements (especially for the alternative paths), your jurisdiction will reduce time and confusion to getting licensed and improve mobility. Administratively, it reduces barriers by not differentiating initial and reciprocal licenses.

General Questions:

Who should I contact if I have questions?

Any member of the Board (listed below), as well as CLARB staff, are available if you have questions.

CLARB Board Officers:

[Chuck Smith](#), President

[Cary Baird](#), Past President

[Carisa McMullen](#), President-Elect

[Joel Kurokawa](#), Treasurer

CLARB Staff:

[Veronica Meadows](#), Chief Strategy Officer

[Zach Druga](#), State Government Affairs and Advocacy Manager

[Andrea Elkin](#), PMO Manager

[Matt Miller](#), CEO

AGENDA ITEM H.1: REVIEW AND POSSIBLE ACTION ON UNIFORM STANDARD TASK FORCE RECOMMENDED POSITIONS ON CLARB RESOLUTIONS:

- a. RESOLUTION #1 *ADOPTION OF THE CLARB UNIFORM LICENSURE STANDARD FOR LANDSCAPE ARCHITECTURE***
- b. RESOLUTION #2 *REVISIONS TO THE CLARB MODEL LAW AND REGULATIONS TO ALIGN WITH THE DRAFT UNIFORM LICENSURE STANDARD FOR LANDSCAPE ARCHITECTURE***
- c. RESOLUTION #3 *REVISIONS TO THE CLARB MODEL LAW AND REGULATIONS TO PROMOTE DIVERSITY, EQUITY, AND INCLUSION IN LICENSURE STANDARDS AND TO ALIGN WITH CLARB'S DEI PRINCIPLES***

Summary

At the January 27, 2022, LATC meeting, the Committee established a subcommittee, consisting of LATC Chair Jon S. Wreschinsky and Vice Chair Pamela S. Brief, to further discuss the Uniform Standard Voting Package and prepare a recommendation for the next LATC meeting. The subcommittee met with staff via teleconference calls in February and March and prepared a draft letter to CLARB outlining LATC's comments on the CLARB Resolutions for membership vote on April 20, 2022 (Attachment H.1.1).

On March 23, 2022, CLARB provided Special Meeting Rules (Attachment H.1.2) that will be in place during the April 20, 2022, Mid-Year Update. As outlined in the Special Meeting Rules, motions to amend the proposed resolutions were due to CLARB by April 6, 2022. In order to meet this deadline, the subcommittee prepared and submitted proposed amendments prior to today's meeting, on behalf of the LATC (Attachment H.1.3). These amendments and the accompanying letter to CLARB will be provided separately as handouts, as they were not available by the time staff finalized the meeting materials.

Action Requested

Discuss and possible action on subcommittee recommendation regarding the CLARB Resolutions.

Attachments

1. Draft LATC Comments on CLARB Resolutions for Membership Vote in April 2022
2. CLARB April 2022 Special Meeting Rules
3. Subcommittee Recommended Amendments to the CLARB Model Law



CLARB April 2022 Special Meeting Rules

For ease and efficiency of CLARB's Special Meeting, which will be held virtually, the following rules have been approved by the CLARB Board of Directors.

1. The April 20, 2022, Special Meeting of the CLARB Membership will take place via Zoom. All attendees will need to register for the meeting using the Zoom link provided by CLARB.
2. Only credentialed members may vote on behalf of their boards. All credentials letters are due to CLARB by April 19, 2022. Jurisdictions may credential more than one person to ensure someone is available to attend on April 20, but only one credentialed member per jurisdiction may vote.
3. All attendees should use virtual meeting best practices—please mute yourself unless called upon, secure a quiet space with reliable technology to conduct the meeting. Meeting administrators will mute attendees if necessary to ensure background noise is kept to a minimum.
4. All credentialed members and attendees who plan to participate should log into the meeting via the Zoom video link provided. Attendees shall maintain video and audio connectivity throughout the meeting whenever present and shall sign out upon any departure before adjournment of the meeting.
5. Once logged in, attendees should change their display name using the following convention: First name Last Name, Jurisdiction and whether they are the voting or a non-voting member. For example: John Doe - Virginia – Voting. Host may rename anyone needing assistance.
6. Individual connectivity issues will not be a valid basis for any Point of Order or challenge to any votes. It is the responsibility of the attendee to be in a quiet environment with adequate, reliable technology to conduct the meeting.
7. Attendees experiencing technological issues should contact CLARB's designated support staff to attempt to resolve the issue. In the event an attendee cannot connect via the Zoom video link, CLARB staff will direct that attendee to connect via phone (audio-only).
8. To seek recognition of the presiding officer, attendees should use the chat function to indicate the purpose of recognition being sought or their intention to speak in favor of or against a motion.
9. The Zoom chat shall be limited to official business and be limited to allow interaction with hosts only. The chat shall be used to obtain recognition or contact staff about technological issues. If audio issues arise, chat will be moved to everyone to share a jurisdiction's vote.
10. No attendee can speak more than once on the same question and that each speech is limited to 2 minutes.
11. Voting will be conducted by roll call. The credentialed member from each jurisdiction will be asked to unmute and say their jurisdiction's vote. Should the member have audio issues, the chair will direct the attendee to place their vote in chat.
12. Motions to amend the proposed resolutions, must be submitted in writing to CLARB (to Andrea Elkin at aelkin@clarb.org) by Wednesday, April 6, 2022. Motions to amend will not be permitted from the floor. No motion shall require a second.

AGENDA ITEM H.2: DISCUSS AND POSSIBLE ACTION ON CLARB WORKGROUP INVITATION TO EVALUATE OUTCOMES OF THE JOB TASK ANALYSIS

Summary

On January 18, 2022, CLARB's President, Chuck Smith and CEO, Matt Miller responded to LATC Chair Jon S. Wreschinsky's recent inquiry on developing a structured internship program for prospective landscape architects. In their response, CLARB shared that a 2021 work group considered many approaches for the experience component of the Uniform Standard, including a structured internship program, and after evaluation and discussion, they determined that a highly structured internship program for landscape architecture licensure could increase barriers for many candidates and Boards across the United States and Canada. Alternatively, CLARB invited a representative from the LATC to participate in a 2023 work group to evaluate the outcomes of the upcoming Job Task Analysis (JTA) and determine how they might influence refinements to experience required for licensure.

Action Requested

Discuss and possible action on invitation to participate in the 2023 CLARB JTA work group.

Attachment

CLARB Response to LATC on Structured Internship Request dated January 18, 2022



1900 Reston Metro Plaza
Suite 600
Reston, Virginia 20190

January 18, 2022

Mr. Jon S. Wreschinsky, Chair
California Architects Board
Landscape Architects Technical Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

Dear Jon,

Thank you for your recent communication regarding the LATC's request for CLARB to consider developing a structured internship program as part of the landscape architecture licensure process. As you know, CLARB has been working with our members over the past several years to evaluate our licensing systems, processes, and policies to identify how to best achieve the important goal of public protection while eliminating unnecessary friction from the path to licensure.

A recommendation was developed by our 2021 work group and approved by the Board of Directors for a Uniform Standard for licensure that consists of inclusive education pathways, justifiable and consistent experience requirements, and an accessible licensure examination. The work group considered many approaches for the experience component of the Uniform Standard, including a structured internship program like the AXP. After evaluation and discussion, they determined that a highly structured internship program for landscape architecture licensure could increase barriers for many candidates and Boards across the United States and Canada and felt the best approach at this time is to provide:

1. Guidance to candidates and their employers on the areas of regulated practice (as determined by the CLARB Job Task Analysis [JTA]) that should be gained during the experience period; and
2. Flexibility in how each jurisdiction implements the experience component of the Standard.

With that said, we also recognize that continued exploration of the experience component of the Uniform Standard will be necessary. The JTA will be conducted this year, which will provide valuable new insights on landscape architecture practice. Our tentative plan is to convene a new work group in 2023 to evaluate the outcomes of the JTA and determine how they might influence refinements to the experience required for licensure. If you are interested, we would like to invite a representative from the LATC to participate in that work group. We hope that you will consider this invitation and look forward to your participation.

CLARB

1900 Reston Metro Plaza
Suite 600
Reston, Virginia 20190

Thank you again for the opportunity to engage with the LATC on this issue. We look forward to future discussions and to your continued contributions to our community.

Sincerely,

Handwritten signature of Chuck Smith in black ink.

Chuck Smith, President

Handwritten signature of Matt Miller in blue ink.

Matt Miller, CEO

cc: Trish Rodriguez, LATC Program Manager

AGENDA ITEM I: REVIEW OF FUTURE COMMITTEE MEETING DATES

A schedule of planned meetings and events for the remainder of 2022 are provided to the Committee.

<u>Date</u>	<u>Event</u>	<u>Location</u>
May 20	California Architects Board (Board) Meeting	TBD (Bay Area)
August 2	LATC Meeting	TBD
September 9	Board Meeting	TBD
September 21-23	CLARB 2022 Annual Meeting	Omaha, NE
November 1	LATC Meeting	TBD
November 11-14	ASLA 2022 Conference on Landscape Architecture	San Francisco
December 9	Board Meeting	TBD

AGENDA ITEM K: 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 S. Brief
Susan M. Landry
Patricia M. Trauth
Jon S. Wreschinsky

AGENDA ITEM L: STRATEGIC PLANNING SESSION

At this meeting, the Committee is scheduled to update its Strategic Plan, which will be facilitated by the Department of Consumer Affairs' Strategic Organization, Leadership, and Individual Development staff. LATC's most recent Strategic Plan was developed for 2019 through 2021.

Attachments

1. 2022 Environmental Scan
2. LATC Strategic Plan Objectives Handout

2022



DEPARTMENT OF CONSUMER AFFAIRS
CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
Public Protection through Examination, Licensure, and Regulation

Environmental Scan

SOLID PLANNING



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Introduction

One of the first steps in developing a strategic plan is to conduct a scan and analysis of the environment in which an organization operates. This analysis allows us to look at the factors that impact the organization's success. This is a summary of the environmental scan recently conducted by SOLID Planning (SOLID) for the Landscape Architects Technical Committee (LATC) in the months of November 2021 and December 2021.

The purpose of this environmental scan is to provide a better understanding of LATC external stakeholders, committee members, liaisons, management, and staff's thoughts about LATC's performance and environment. SOLID followed the SWOT Analysis (strengths, weaknesses, opportunities, and threats) method to solicit feedback from stakeholders. Feedback was solicited regarding LATC's internal strengths and weaknesses as it relates to the goal areas (listed below) and external opportunities and threats as it relates to the profession and environment LATC operates in.

1. Regulation and Enforcement
2. Professional Qualifications
3. Public and Professional Outreach
4. Organizational Effectiveness

This document outlines areas where LATC external stakeholders, committee members, liaisons, management, and staff agree and disagree, while providing additional insight to assist LATC in developing goals and objectives for the upcoming strategic plan.

Please review this information carefully in preparation for the upcoming strategic planning session. At this planning session, we will discuss and evaluate this information as a group to help identify new strategic objectives LATC will focus on during the new strategic plan period.

If you have any questions about this report, please contact Trisha St.Clair with SOLID Planning at Trisha.St.Clair@dca.ca.gov.

Acronyms

Acronym	Definition
AB 5	Assembly Bill 5, Affects independent contractors throughout California
ADA	Americans with Disabilities Act
AEC	Architecture/Engineering/Construction
APLD	Association of Professional Landscape Designers
ASLA	American Society of Landscape Architects
ASLD	Architectural Stone and Landscape Design
CAB	California Architects Board
CAD	Computer Aided Design
CE	Continuing Education
CEU	Continuing Education Units
CLARB	Council of Landscape Architectural Registration Boards
CSE	California Supplemental Exam
CSLB	Contractors State License Board
DCA	Department of Consumer Affairs
DSA	Division of State Architect
EV	Electric Vehicle, Refers to the 2019 California Green Building Code
Houzz	Online Platform for Home Remodeling and Design
LA	Landscape Architect
LAAB	Landscape Architectural Accreditation Board
LARE	Landscape Architect Registration Examination
LATC	Landscape Architects Technical Committee
MWELO/WELO	Model Water Efficient Landscape Ordinance
OE	Organizational Effectiveness
PR	Public Relations
PV	Solar Requirement, Refers to California's 2019 Building Energy Efficiency Photovoltaic Standards
RLA	Registered Landscape Architects
SB 10	Senate Bill 10, The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element.
SB 9	Senate Bill 9, provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.
SWPPP	Storm Water Pollution Prevention Plan

Regulation and Enforcement

Protect consumers through effective regulation and enforcement of laws, codes, and standards affecting the practice of landscape architecture.

Regulation and Enforcement Overall Effectiveness Rating:

Rating	External Stakeholders	LATC Members/Liaisons	Management and Staff
Number of Respondents	354	7	6
Very effective	6%	57%	83%
Effective	41%	29%	17%
Poor	7%	0%	0%
Very poor	1%	0%	0%
No Experience	45%	14%	0%
Total	100%	100 %	100 %

Summary of Regulation and Enforcement Strengths

Survey responses on p. 58 - 62

1. LATC members, liaisons, management, and staff praise LATC for staying on top of current issues that might affect the profession as well as topics of public concern and acting appropriately. LATC management and staff also praise LATC for staying on top of enforcement cases.
2. External stakeholders state that LATC maintains high standards in the profession by regulating who can be a landscape architect.
3. External stakeholders cite that LATC upholds licensure by enforcing unlicensed activities and tracking legislation that may harm the profession.
4. External stakeholders, LATC members, liaisons, management, and staff describe LATC enforcement staff as responsive, quickly acting on complaints and investigating complaints thoroughly.

Summary of Regulation and Enforcement Weaknesses

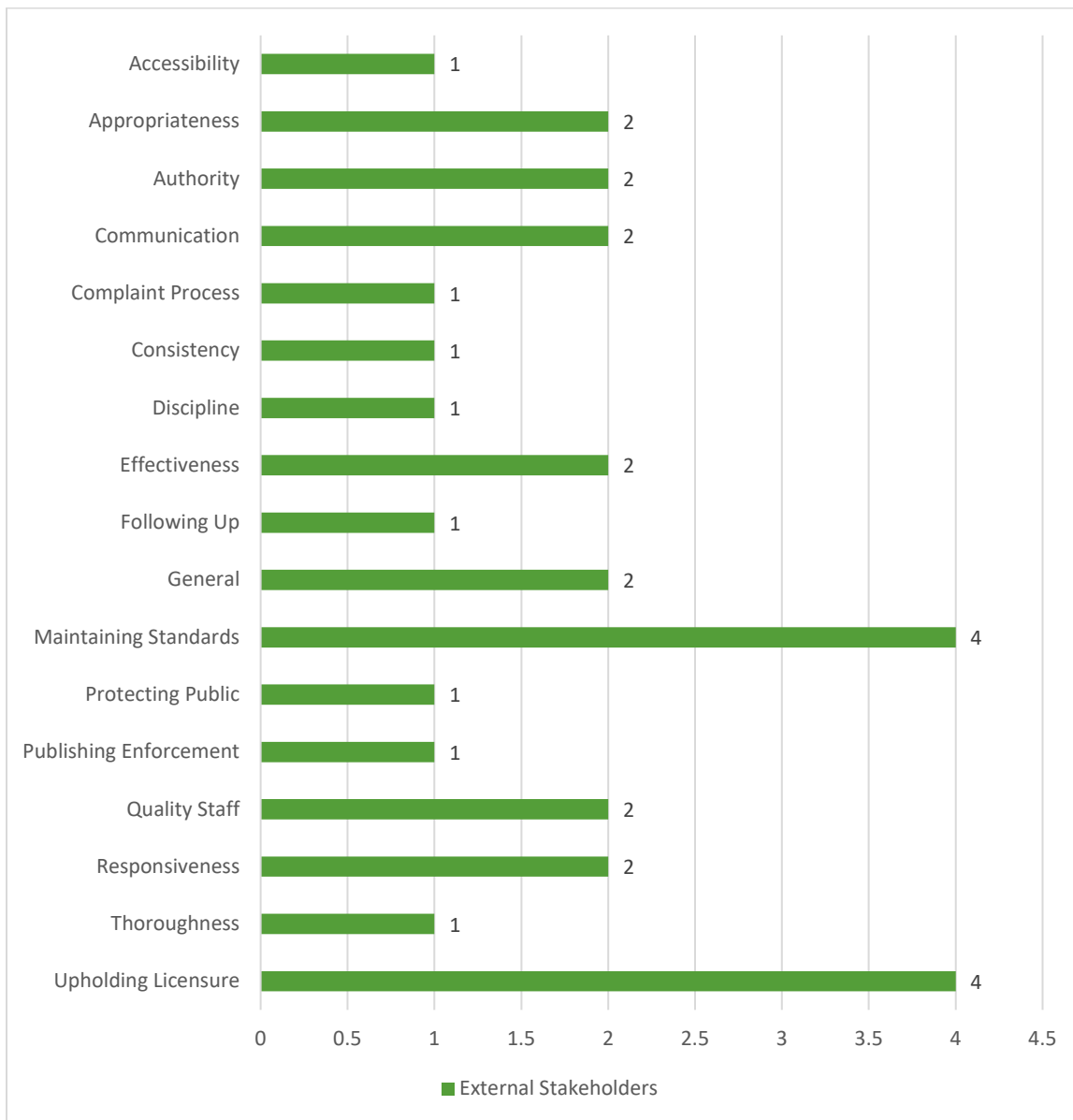
Survey responses on p.63 - 69

1. External stakeholders, management, and staff express concern over the number of unlicensed people using the title of landscape architect.
2. External stakeholders perceive LATC as taking little action when infractions occur and not actively seeking violations.
3. External stakeholders, LATC members, and liaisons would like LATC to increase and improve its communication regarding enforcement cases and guidelines for licensees, as well as disaster response and licensure information for the public.
4. External stakeholders, LATC members, and liaisons would like to see the enforcement process reformed, stating that the complaint process needs to be more accessible, the need for licensure needs to be publicized, and discipline needs to be stronger to act as a deterrent to unlicensed activity.

Trends in Regulation and Enforcement Strengths

Regulation and Enforcement Strengths Comment Trends – External Stakeholders

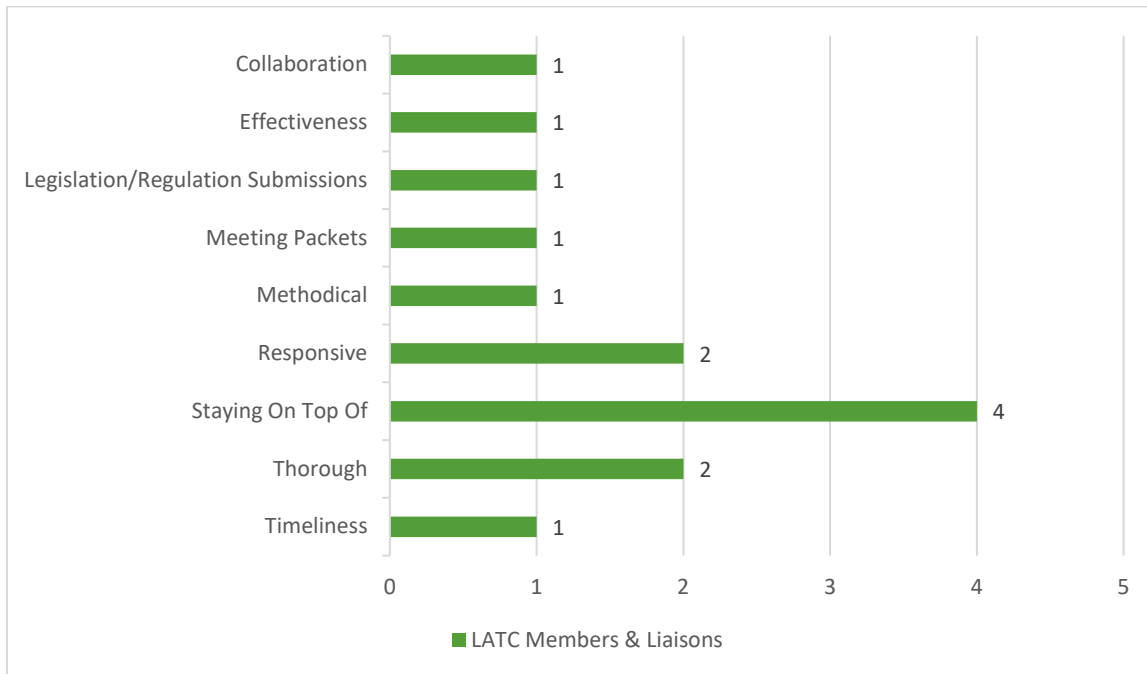
The bar chart below and table that follows list the regulation and enforcement trends along with the corresponding number of comments based on feedback from external stakeholders. Refer to Appendix C for a complete list of trends and comments.



Trend	Responses
Maintaining Standards	4
Upholding Licensure	4
Appropriateness	2
General	2
Authority	2
Communication	2
Effectiveness	2
Quality Staff	2
Responsiveness	2
Accessibility	1
Complaint Process	1
Consistency	1
Discipline	1
Following Up	1
Protecting Public	1
Publishing Enforcement	1
Thoroughness	1

Regulation and Enforcement Strengths Comment Trends - LATC Members and Liaisons

The bar chart below and table that follows list the regulation and enforcement trends along with the corresponding number of comments based on feedback from LATC members and liaisons. Refer to Appendix C for a complete list of trends and comments.



Trend	Number of Responses
Staying On Top Of	4
Thorough	2
Responsive	2
Timeliness	1
Methodical	1
Meeting Packets	1
Legislation/Regulation Submission	1
Effectiveness	1
Collaboration	1

Regulation and Enforcement Strengths Comment Trends – Management and Staff

The bar chart below and table that follows list the regulation and enforcement trends along with the corresponding number of comments based on feedback from management and staff. Refer to Appendix C for a complete list of trends and comments.

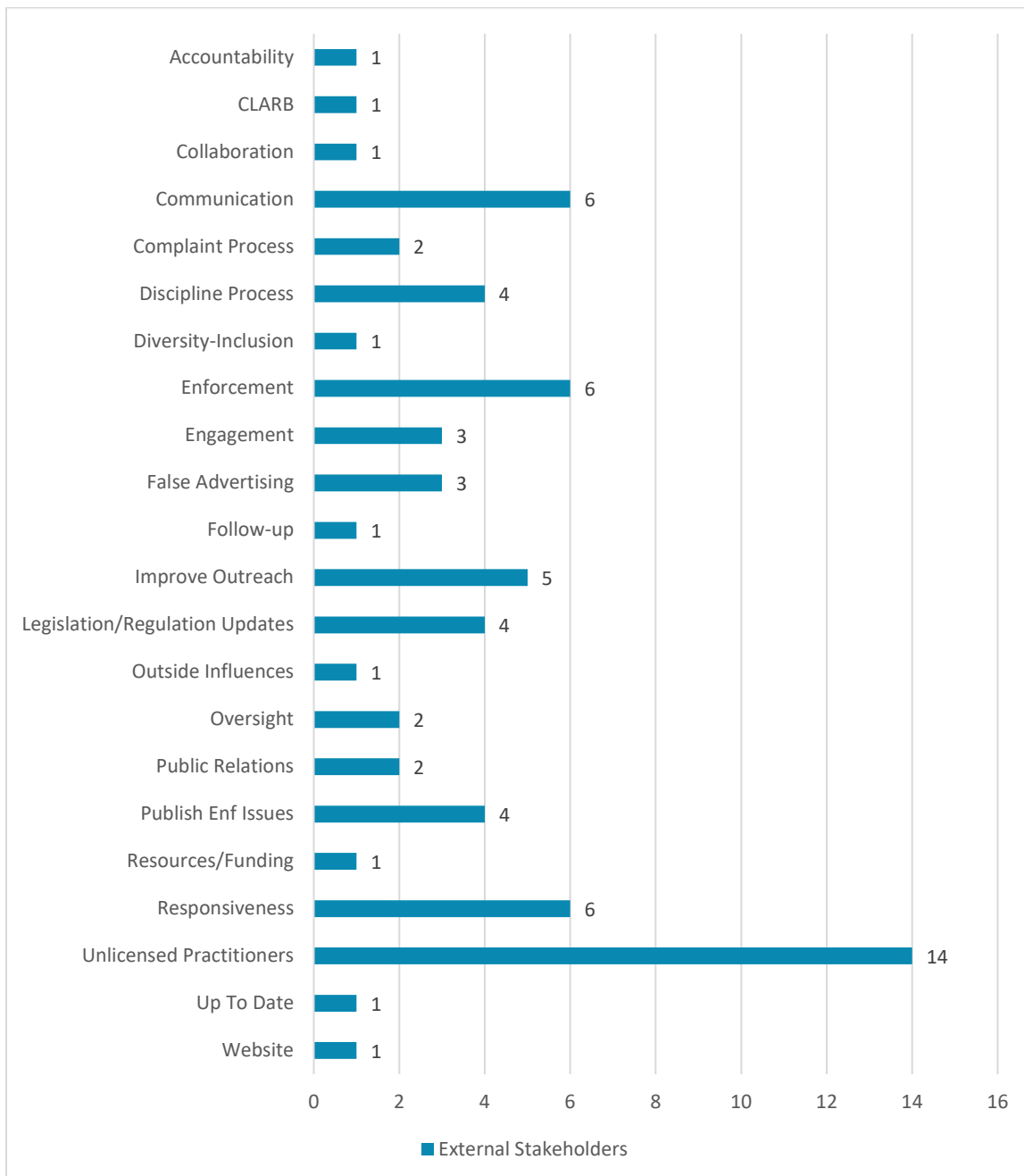


Trends	Number of Responses
Effective/Efficient Investigations	2
Knowledgeable Staff	2
Public Relations	2
Staying on Top Of	2
Timeliness	2
Collaboration	1
Responsiveness	1

Trends in Regulation and Enforcement Weaknesses

Regulation and Enforcement Weaknesses Comment Trends – External Stakeholders

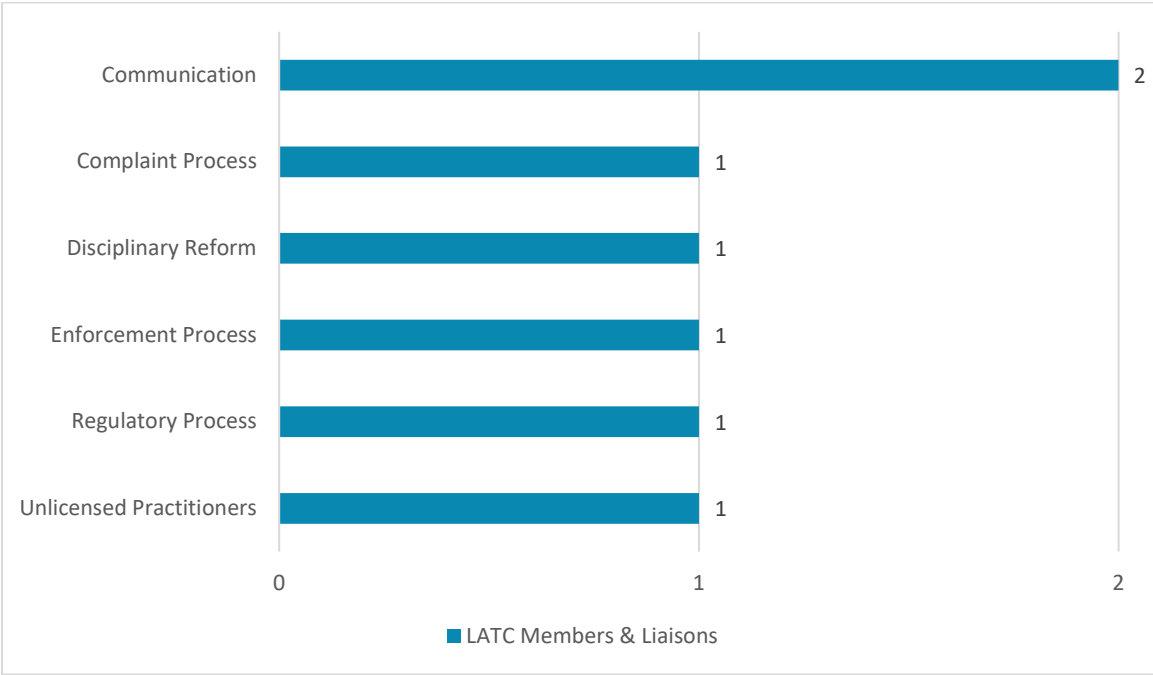
The bar chart below and table that follows list the regulation and enforcement trends along with the corresponding number of comments based on feedback from external stakeholders. Refer to Appendix C for a complete list of trends and comments.



Trend	Responses
Unlicensed Practitioners	14
Responsiveness	6
Communication	6
Enforcement	6
Improve Outreach	5
Discipline Process	4
Publish Enforcement Issues	4
Legislation/Regulation Updates	4
False Advertising	3
Engagement	3
Complaint Process	2
Oversight	2
Public Relations	2
Accountability	1
CLARB	1
Collaboration	1
Diversity – Inclusion	1
Follow Up	1
Outside Influences	1
Resources/Funding	1
Up To Date	1
Website	1

Regulation and Enforcement Weaknesses Comment Trends – LATC Members and Liaisons

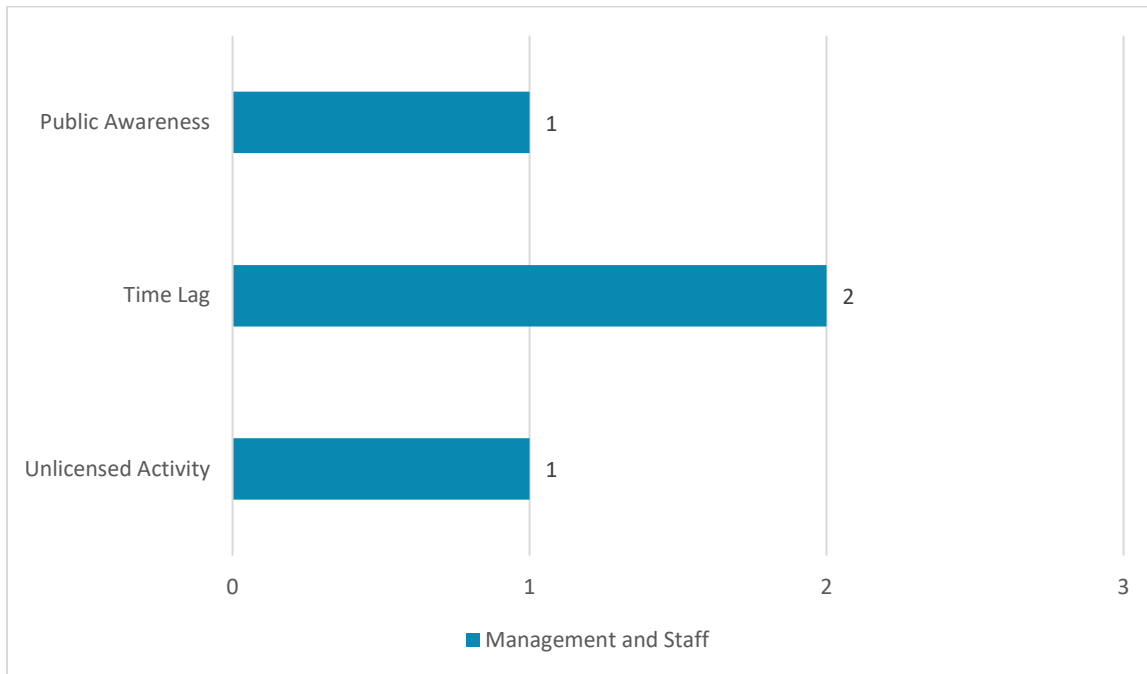
The bar chart below and table that follows list the regulation and enforcement trends along with the corresponding number of comments based on feedback from committee members and liaisons. Refer to Appendix C for a complete list of trends and comments.



Trend	Number of Responses
Communication	2
Complaint Process	1
Disciplinary Reform	1
Enforcement Process	1
Regulatory Process	1
Unlicensed Practitioners	1

Regulation and Enforcement Weaknesses Comment Trends - Management and Staff

The bar chart below and table that follows list the regulation and enforcement trends along with the corresponding number of comments based on feedback from management and staff. Refer to Appendix C for a complete list of trends and comments.



Trends	Number of Responses
Time Lag	2
Public Awareness	1
Unlicensed Activity	1

DCA Performance Measures Summary

The performance measures demonstrate DCA is making the most efficient and effective use of resources. Performance measures are linked directly to an agency’s mission, vision, strategic objectives, and strategic initiatives. The chart below shows the number of days between the stages of investigating a consumer complaint for the LATC. The column labeled “target” is the goal the LATC established for itself. The remaining columns show the actual number of days to move a complaint from one step of the investigative process to the next.

Glossary of Performance Measure Terms

Volume – Number of complaints and convictions received.

Intake – Average cycle time from complaint receipt to the date the complaint was assigned to an investigator.

Intake & Investigation – Average cycle time from complaint receipt to closure of the investigative process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Formal Discipline – Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the LATC and prosecution by the Attorney General.)

Probation Intake – Average number of days from monitor assignment to the date the monitor makes first contact with the probationer.

Probation Violation Responses – Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Enforcement Performance Measure	Target	Q4 FY 2019	Q4 FY 2020	Q4 FY 2021
Complaint Volume	N/A	13	12	3
Complaint Intake (days)	10	6	2	*
Investigation (days)	270	105	63	124
Formal Discipline (days)	540	*	*	*
Probation Intake (days)	10	*	*	*

The data contained in this table is compiled from the Open Data Portal which uses monthly statistical reporting from DCA Boards, Bureaus, and Committees. Years are based on California’s fiscal year, which runs from July 1 through the following June 30. (Data was last refreshed 10/01/2021)

*Data not available.

Summary of Recommended Regulation and Enforcement Objective Topics

The list below consolidates and categorizes objectives recommended by LATC members, liaisons, management, and staff. Refer to Appendix D (pages 108 - 109) for a complete list of comments.

1. CLARB National Standards

- LATC needs to decide if it supports CLARB's national standards and change regulations if appropriate.

2. Cross Training

- LATC needs to continue cross training in regulations and enforcement.

3. Educational Outreach

- LATC can work on informing the public that Landscape Architects need to be licensed.

4. False Advertising/Unlicensed Activity

- LATC can focus on unlicensed practice/advertising.

5. Fire Control

- LATC can provide information on fire resistant plants and on how landscapes should be maintained to keep people safe from fires.

6. Protectionism

- There are people that feel the profession of landscape architecture is too protectionist.

7. Public Awareness

- LATC can let the public know it exists.

8. Streamline

- LATC can look at aligning its enforcement and regulatory efforts with CAB.

Professional Qualifications

Ensure the LATC’s enforcement and diversion programs provide timely and equitable consumer protection.

Professional Qualifications Overall Effectiveness Rating:

Rating	External Stakeholders	LATC Members and Liaisons	Management and Staff
Number of Respondents	335	7	6
Very effective	23%	29%	83%
Effective	60%	57%	17%
Poor	5%	0%	0%
Very poor	1%	0%	0%
No Experience	11%	14%	0%
Total	100 %	100 %	100 %

Summary of Professional Qualifications Strengths

Survey responses on p. 70 - 76

1. External stakeholders commend the quality of exams, saying the exams are relevant, comprehensive, and challenging. Stakeholders also appreciate that professionals are utilized to develop the exams.
2. External stakeholders, management, and staff praise professional qualifications for maintaining standards and ensuring only qualified landscape architects are licensed.
3. External stakeholders state that the requirements for becoming a landscape architect are appropriate.
4. Management and staff list pathways to licensure as a strength, saying LATC is very thoughtful about this and provides as many options as possible for licensure.

Summary of Professional Qualifications Weaknesses

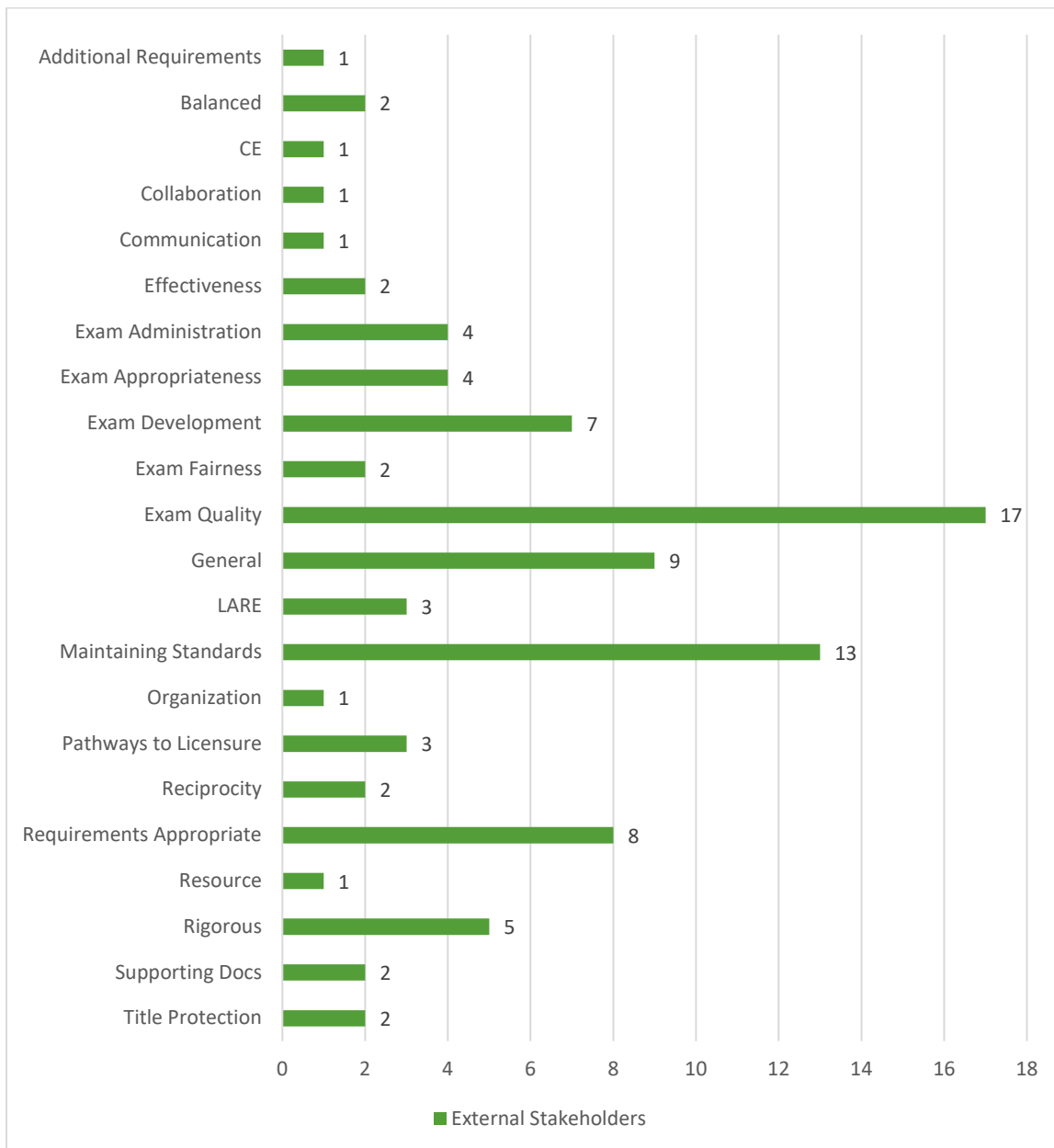
Survey responses on p. 76 - 85

1. External stakeholders, LATC members, and liaisons would like to see continuing education required, saying such a requirement would help keep licensees up to date on codes and best practices as well as help them stay relevant in a field that is constantly evolving.
2. External stakeholders state exam content is weak, asking for more rigorous content and the inclusion of a section on climate change, especially water management. An LATC member/liaison suggests that the people developing the exam may be too removed from the subject and may be simplifying questions.
3. External stakeholders cite requirements as a weakness, questioning the efficacy of certain education requirements while saying any reduction in current requirements would harm the profession.
4. External stakeholders point out that professional qualifications are not preventing rampant unlicensed activities.

Trends in Professional Qualifications Strengths

The bar chart below and table that follows list the professional qualification trends along with the corresponding number of comments based on feedback from external stakeholders. Refer to Appendix C for a complete list of trends and comments.

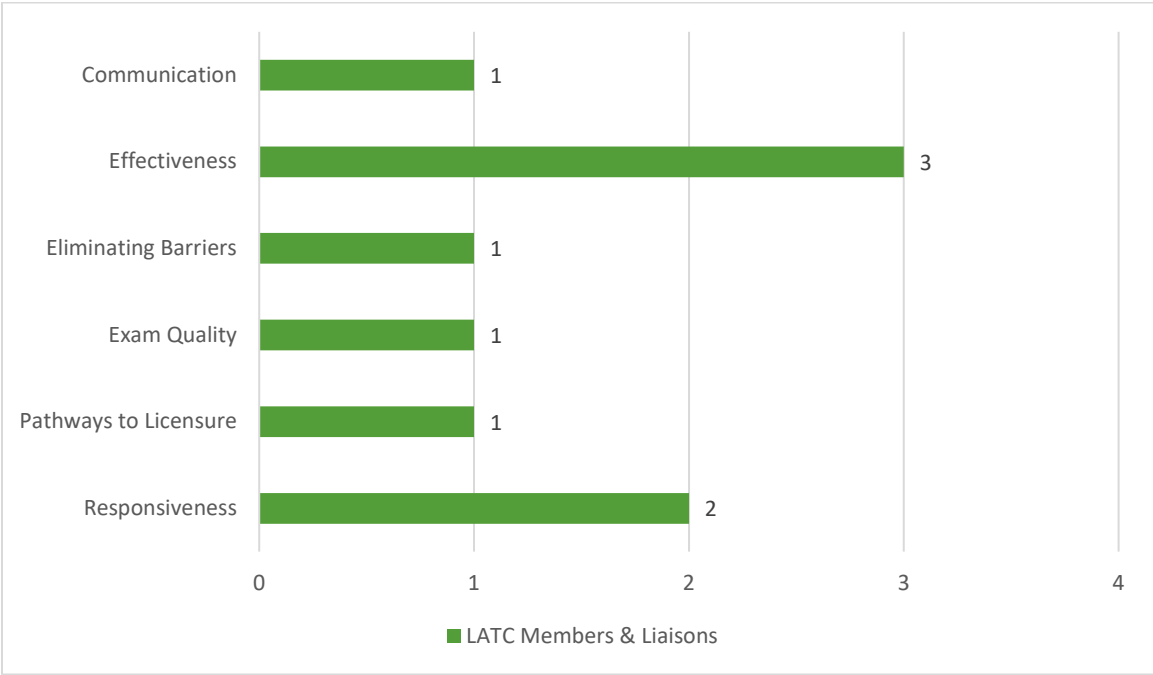
Professional Qualifications Strengths Comment Trends – External Stakeholders



Trend	Responses
Exam Quality	17
Maintaining Standards	13
General	9
Requirements Appropriate	8
Exam Development	7
Rigorous	5
Exam Administration	4
Exam Appropriateness	4
LARE	3
Pathways to Licensure	3
Balanced	2
Effectiveness	2
Exam Fairness	2
Reciprocity	2
Supporting Docs	2
Title Protection	2
Additional Requirements	1
CE	1
Collaboration	1
Communication	1
Organization	1
Resource	1

Professional Qualifications Strengths Comment Trends – LATC Members and Liaisons

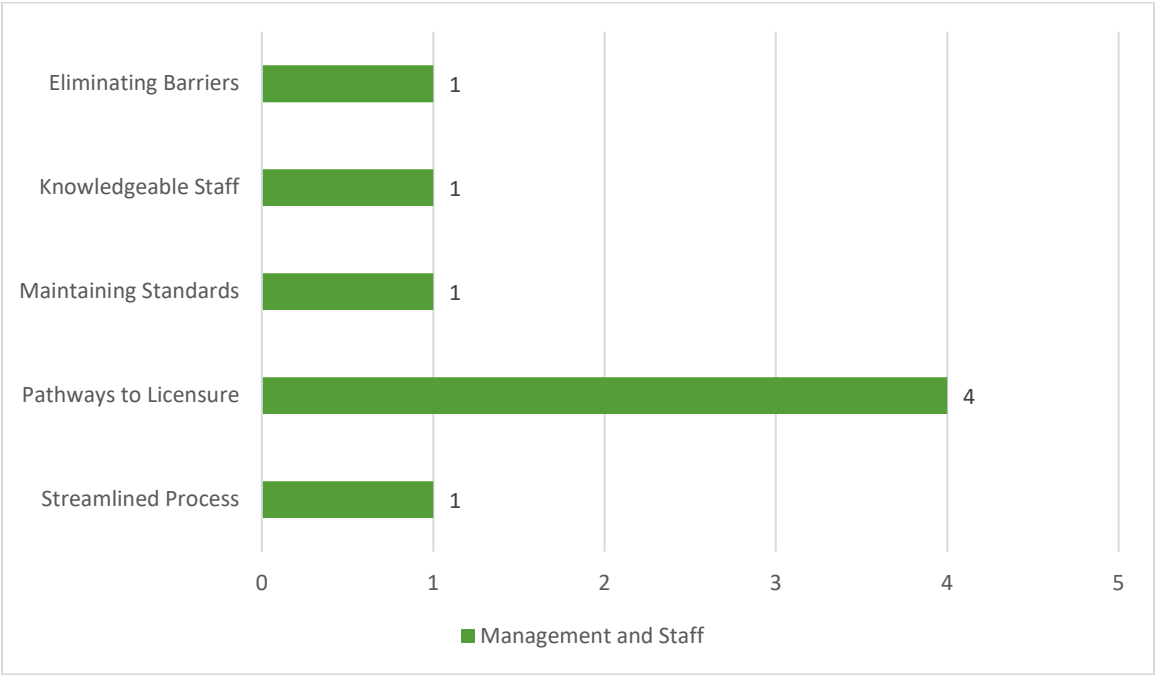
The bar chart below and table that follows list the professional qualification trends along with the corresponding number of comments based on feedback from LATC members and liaisons. Refer to Appendix C for a complete list of trends and comments.



Trend	Number of Responses
Effectiveness	3
Responsiveness	2
Communication	1
Eliminating Barriers	1
Exam Quality	1
Pathways to Licensure	1

Professional Qualifications Strengths Comment Trends – Management and Staff

The bar chart below and table that follows list the professional qualification trends along with the corresponding number of comments based on feedback from management and staff. Refer to Appendix C for a complete list of trends and comments.

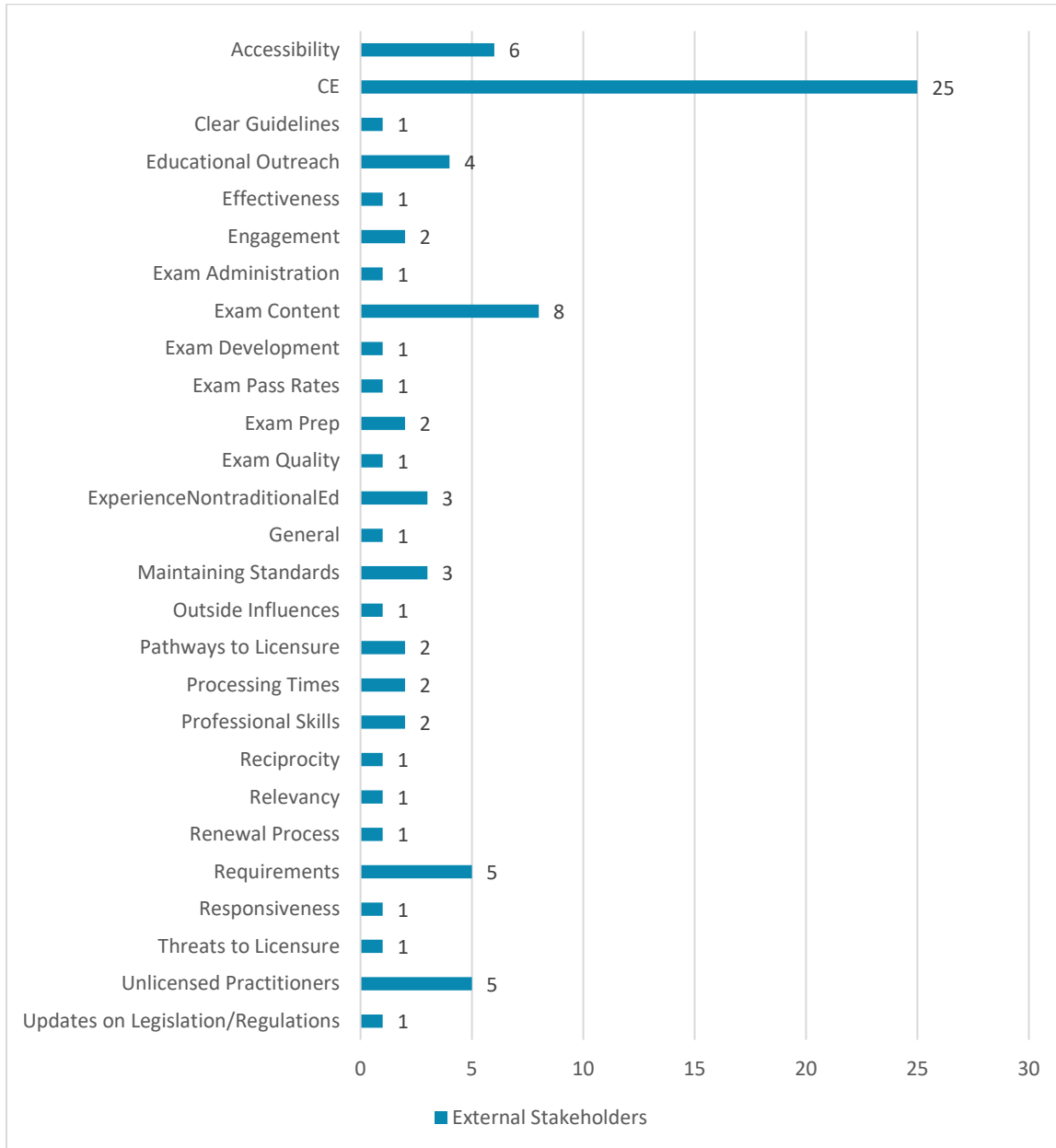


Trend	Responses
Pathways to Licensure	4
Eliminating Barriers	1
Knowledgeable Staff	1
Maintaining Standards	1
Streamlined Process	1

Trends in Professional Qualifications Weaknesses

The bar chart below and table that follows list the professional qualification trends along with the corresponding number of comments based on feedback from external stakeholders. Refer to Appendix C for a complete list of trends and comments.

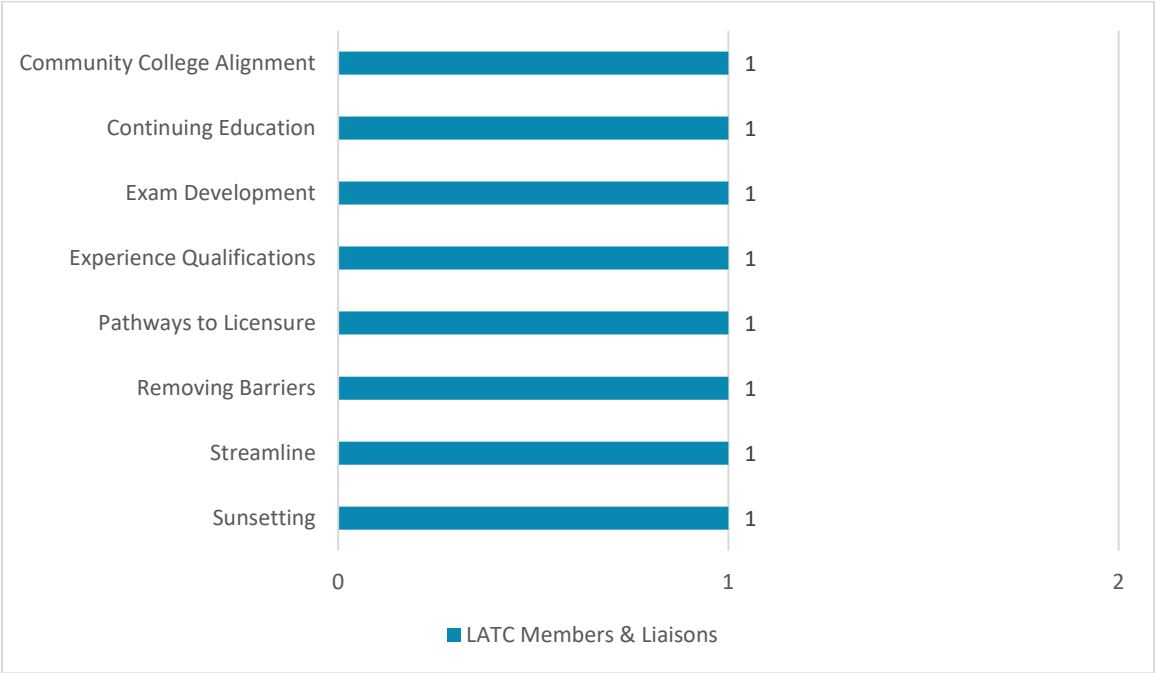
Professional Qualifications Weaknesses – External Stakeholders



Trend	Responses
CE	25
Exam Content	8
Accessibility	6
Unlicensed Practitioners	5
Requirements	5
Educational Outreach	4
Experience/Nontraditional Education	3
Maintaining Standards	3
Engagement	2
Exam Prep	2
Pathways to Licensure	2
Professional Skills	2
Clear Guidelines	1
Effectiveness	1
Exam Administration	1
Exam Development	1
Exam Pass Rates	1
Exam Quality	1
General	1
Processing Times	1
Reciprocity	1
Relevancy	1
Renewal Process	1
Threats to Licensure	1
Updates on Legislation/Regulations	1

Professional Qualifications Weaknesses – LATC Members and Liaisons

The bar chart below and table that follows list the professional qualification trends along with the corresponding number of comments based on feedback from LATC members and liaisons. Refer to Appendix C for a complete list of trends and comments.



Trend	Number of Responses
Community College Alignment	1
Continuing Education	1
Exam Development	1
Experience Qualifications	1
Pathways to Licensure	1
Removing Barriers	1
Streamline	1
Sunsetting	1

Professional Qualifications Weaknesses – Management and Staff

The bar chart below and table that follows list the professional qualification trends along with the corresponding number of comments based on feedback from management and staff. Refer to Appendix C for a complete list of trends and comments.



Trend	Responses
CLARB	1
Clarify/Update Legislation/Regulations	1
Maintaining Standards	1
Processing Times	1

DCA Active License Statistics

To ensure that the Department of Consumer Affairs (DCA) and its stakeholders can effectively execute the department’s core mission of consumer protection, the department has established a transparent set of measurements to track licensing activity. The chart below shows the number and types of licenses issued in current and prior years.

Data Definitions

License Application – An application for first licensure received by a DCA entity at any time during the period July 1 through June 30 of the year selected.

Active License – A license issued by a DCA entity that was active at any time during the period July 1 through June 30 of the year selected.

New License – A license issued by a DCA entity to a first-time licensee at any time during the period July 1 through June 30 of the year selected.

Renewed License – A license that was renewed by a DCA entity at any time during the period July 1 through June 30 of the year selected.

Licensing Measures*	FY 2017/2018	FY 2018/2019	FY 2019/2020
Active Licenses	3,675	3,868	3,729
Licensing Statistics - Licensing Applications	109	169	83
Licensing Statistics - Renewed Licenses	1,907	1,756	1,873
Licensing Statistics - New Licenses	108	169	84

The data contained in this table is compiled from the Open Data Portal which uses monthly statistical reporting from DCA Boards, Bureaus, and Committees. Years are based on California’s fiscal year, which runs from July 1 through the following June 30.

* Data last refreshed 10/1/2021

Summary of Recommended Professional Qualifications Objective Topics

The list below consolidates and categorizes objectives recommended by LATC members, liaisons, management, and staff. Refer to Appendix D (pages 109 - 112) for a complete list of comments.

1. Climate Issues

- LATC has an opportunity to educate the public about such things as wildfires and sea level rise.

2. Clarify/Update Laws/Regs

- LATC can work on simplifying the language regarding licensure requirements.

3. Discussion Participation

- As standards shift, LATC needs to stay involved in these discussions.

4. Equity – Social Justice

- LATC can study the relationship between a community's economic status and climate change consequences.

5. Licensing Reform

- LATC can consider offering a range of licenses to accommodate the huge range of the profession.

6. Maintaining Standards

- LATC can make sure it is still licensing qualified people.

7. National Licensure

- LATC can explore if this is a viable option and compare its requirements to those of other states.

8. National Standard

- LATC needs to look closely at justification of changes to standards at the state and national level.

9. New Practices

- LATC can consider indigenous practices coming forward and see what they have to offer.

10. Pass Rate Discrepancies

- LATC needs to look at the discrepancy in pass rates between the California and the national exam and see if it needs to address any of these discrepancies.

11. Pathways to Licensure

- LATC can look into an alternative path to licensure which allows students to start the licensing process while in school.

12. Processing Times

- LATC can work on improving licensing application timeframes.

13. Staying on Top of Trends

- LATC can stay in touch with top trends as well as examine if there are trends in pass rates for the California Supplemental Exam.

Public and Professional Outreach

Increase public and professional awareness of LATC’s mission, activities, and services.

Public and Professional Outreach Overall Effectiveness Rating:

Rating	External Stakeholder	LATC Members and Liaisons	LATC Management and Staff
Number of Respondents	326	7	6
Very effective	4%	14%	33%
Effective	24%	72%	50%
Poor	33%	0%	0%
Very poor	10%	0%	0%
No Experience	29%	14%	17%
Total	100%	100%	100%

Summary of Public and Professional Outreach Strengths

Survey responses on p. 85 - 89

1. External stakeholders compliment LATC for sending them frequent and helpful communication through email and direct mail.
2. External stakeholders appreciate how LATC makes their profession visible, saying public knowledge of what landscape architects do is fair.
3. External stakeholders, LATC members, and liaisons cite collaboration as an outreach strength, stating LATC meets with professional organizations and coordinates with schools.
4. Management, staff, LATC members, and liaisons praise LATC’s creation of informational videos which make its website more interactive.

Summary of Public and Professional Outreach Weaknesses

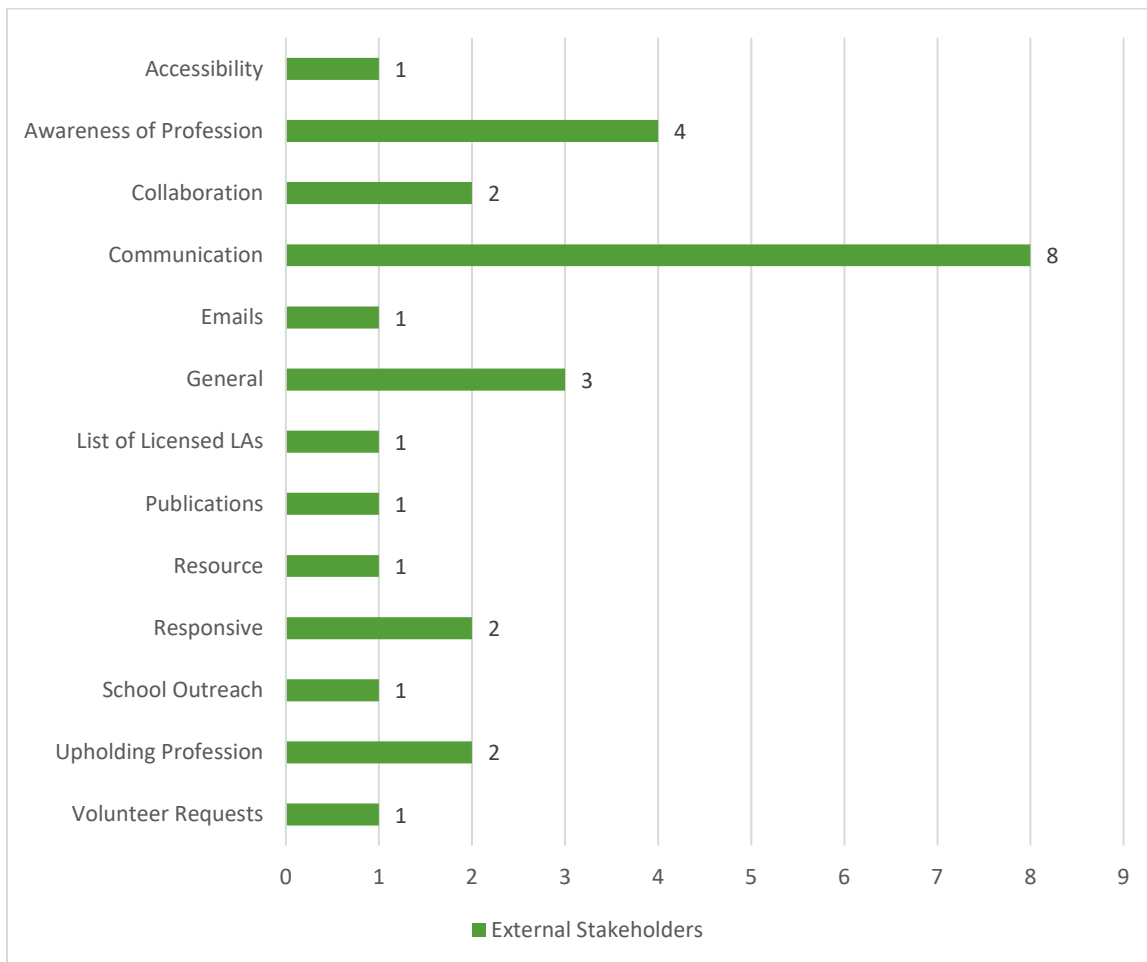
Survey responses on p. 89 - 98

1. External stakeholders, LATC members, liaisons, management, and staff agree that more outreach needs to be done, with many external stakeholders stating they have seen no outreach in the past.
2. External stakeholders, LATC members, liaisons, management, and staff state that educational outreach is needed to educate the public on the profession and to inform licensees and the public about LATC functions.
3. External stakeholders would like LATC to promote their profession, emphasizing the importance and value of landscape architecture.
4. Stakeholders suggest a need for LATC to communicate more frequently and more clearly, including using plain English rather than more technical terms.

Public and Professional Outreach Strengths – Trends

The bar chart below and table that follows list the public and professional outreach trends along with the corresponding number of comments based on feedback from external stakeholders. Refer to Appendix C for a complete list of trends and comments.

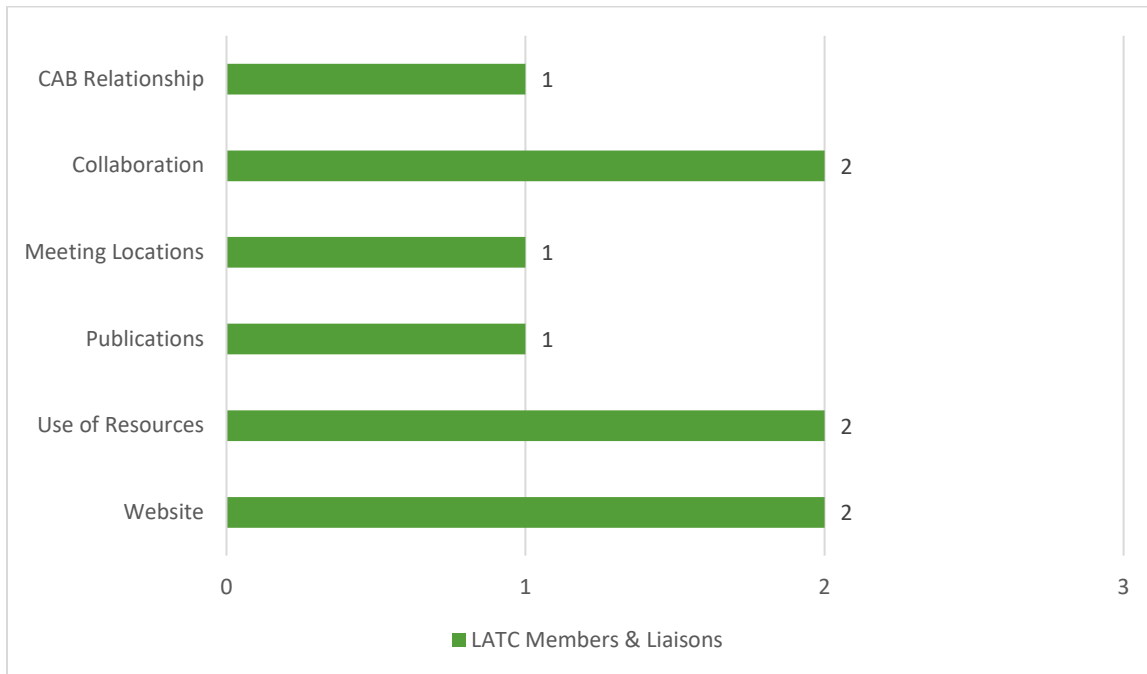
Public and Professional Outreach Strengths Comment Trends – External Stakeholders



Trend	Responses
Communication	8
Awareness of Profession	4
General	3
Collaboration	2
Responsive	2
Upholding Profession	2
Accessibility	1
Emails	1
List of Licensed LAs	1
Publications	1
Resource	1
School Outreach	1
Volunteer Requests	1

Public and Professional Outreach Strengths Comment Trends – LATC Members and Liaisons

The bar chart below and table that follows list the public and professional outreach trends along with the corresponding number of comments based on feedback from LATC members and liaisons. Refer to Appendix C for a complete list of trends and comments.



Trend	Number of Responses
Collaboration	2
Use of Resources	2
Website	2
CAB Relationship	1
Meeting Locations	1
Publications	1

Public and Professional Outreach Strengths Comment Trends – Management and Staff

The bar chart below and table that follows list the public and professional outreach trends along with the corresponding number of comments based on feedback from management and staff. Refer to Appendix C for a complete list of trends and comments.

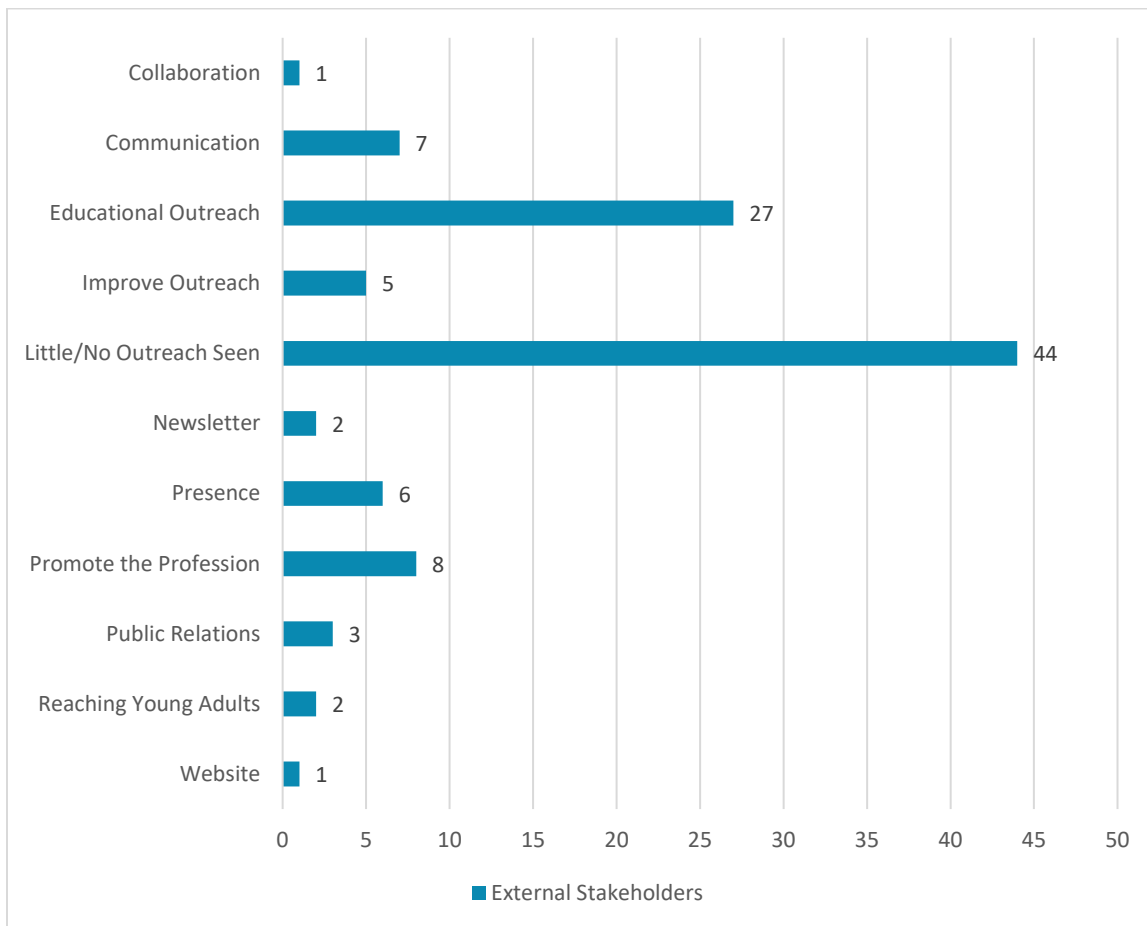


Trends	Responses
Informational Videos	2
Innovative	2
Capability	1
Collaboration	1
Communication Plan	1
Presentations	1
Student Outreach	1

Public and Professional Outreach Weaknesses – Trends

The bar chart below and table that follows list the public and professional outreach trends along with the corresponding number of comments based on feedback from external stakeholders. Refer to Appendix C for a complete list of trends and comments.

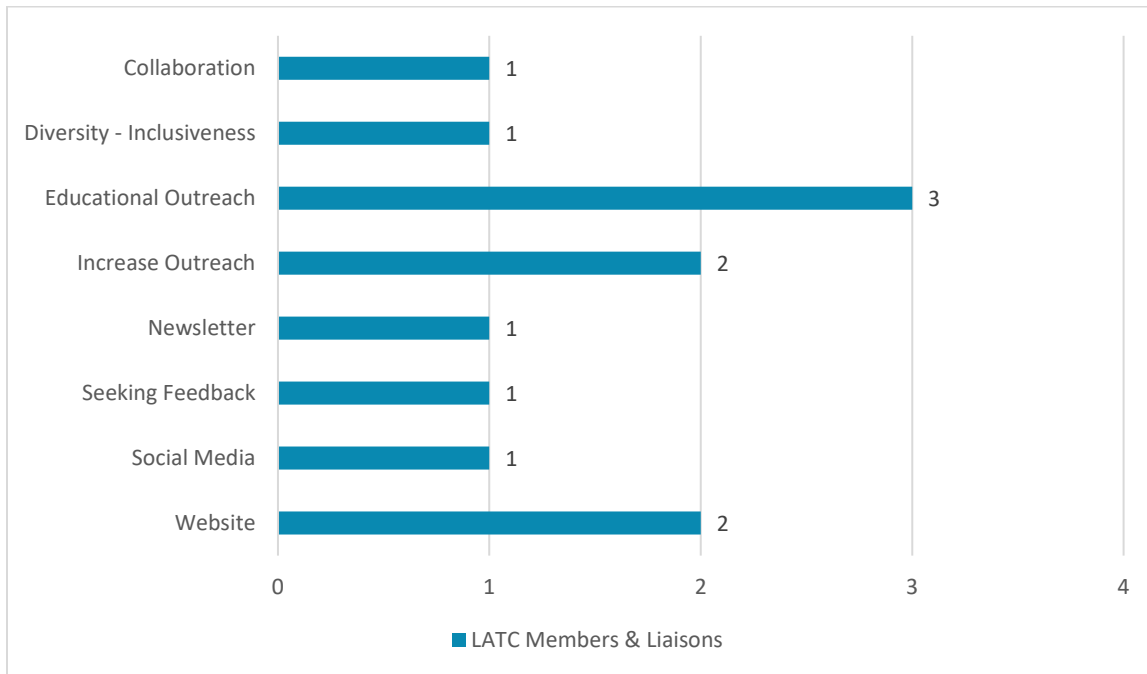
Public and Professional Outreach Weaknesses Comment Trends – External Stakeholders



Trend	Responses
Little/No Outreach Seen	44
Educational Outreach	27
Promote the Profession	8
Communication	7
Presence	6
Improve Outreach	5
Public Relations	3
Newsletter	2
Reaching Young Adults	2
Collaboration	1
Website	1

Public and Professional Outreach Weaknesses Comment Trends – LATC Members and Liaisons

The bar chart below and table that follows list the public and professional outreach trends along with the corresponding number of comments based on feedback from LATC members and liaisons. Refer to Appendix C for a complete list of trends and comments.



Trend	Responses
Educational Outreach	3
Increase Outreach	2
Website	2
Collaboration	1
Diversity	1
Newsletter	1
Seeking Feedback	1
Social Media	1

Public and Professional Outreach Weaknesses Comment Trends – Management and Staff

The bar chart below and table that follows list the public and professional outreach trends along with the corresponding number of comments based on feedback from management and staff. Refer to Appendix C for a complete list of trends and comments.



Trend	Responses
Change Readiness	1
Educational Outreach	1
Increase Outreach	1
Internal Communication	1
Meeting Attendance	1
Social Media	1

Summary of Recommended Public and Professional Outreach Objective Topics

The list below consolidates and categorizes objectives recommended by LATC members, liaisons, management, and staff. Refer to Appendix D (pages 112 – 114) for a complete list of comments.

1. Collaboration

- LATC can work with other professions on the issue of climate change to help build a sustainable future.

2. Complaint Process

- LATC can educate the public about its complaint process.

3. Educational Outreach

- LATC can educate licensees on its functions as well as requirements and regulations licensees need to follow, and LATC can educate the public on the landscape architect profession.

4. Increase Outreach

- LATC can work on increasing outreach to schools.

5. Increase Voice

- LATC can work on developing a national voice by participating more in CLARB.

6. LA Stamp

- LATC can work on municipalities allowing landscape architects to stamp construction documents when qualified to do so.

7. Newsletter

- LATC can work on generating a quarterly newsletter.

8. Seeking Feedback

- LATC can survey licensees about specific issues they are seeing.

9. Social Media

- LATC can work on its social media presence.

Organizational Effectiveness

Provide accessible and responsive quality services to consumers and licensees.

Organizational Effectiveness Overall Effectiveness Rating:

Rating	External Stakeholders	LATC Members and Liaisons	LATC Management and Staff
Number of Respondents	315	7	6
Very effective	7%	29%	83%
Effective	35%	43%	17%
Poor	14%	0%	0%
Very poor	1%	0%	0%
No Experience	43%	28%	0%
Total	100%	100%	100%

Summary of Organizational Effectiveness Strengths

Survey responses on p. 99 - 103

1. External stakeholders, LATC members, and liaisons praise LATC for its customer service, saying staff are professional, helpful, and thoughtful.
2. External stakeholders, LATC members, and liaisons cite timeliness as a strength, stating that staff answer questions in a timely manner and are good at getting back to people.
3. External stakeholders report LATC as being effective and efficient.
4. External stakeholders, LATC members, liaisons, management, and staff agree that LATC is responsive, responds to calls and emails quickly, and considers whatever is brought to its attention.

Summary of Organizational Effectiveness Weaknesses

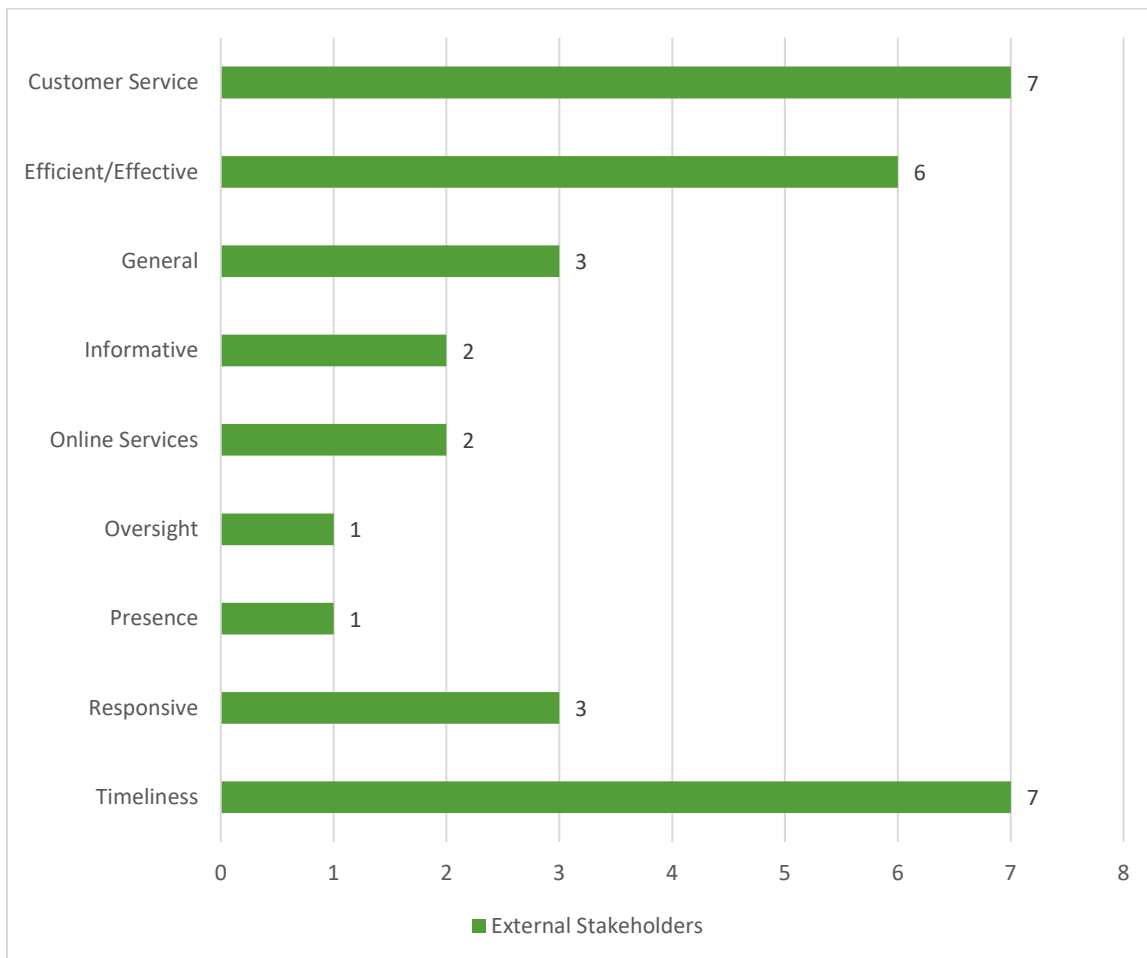
Survey response on p. 103 - 107

1. External stakeholders express a desire to receive more communication from LATC while LATC members and liaisons express a desire to communicate more amongst themselves.
2. External stakeholders, LATC members, and liaisons suggest LATC can improve its effectiveness by streamlining processes.
3. External stakeholders, LATC members, and liaisons say LATC needs to engage more with the public to ensure they know LATC exists as a resource and to educate the public on environmental issues.
4. External stakeholders recommend LATC work on eliminating paper-based processes through the use of technology.

Organizational Effectiveness Strengths – Trends

Organizational Effectiveness Strengths Comment Trends – External Stakeholders

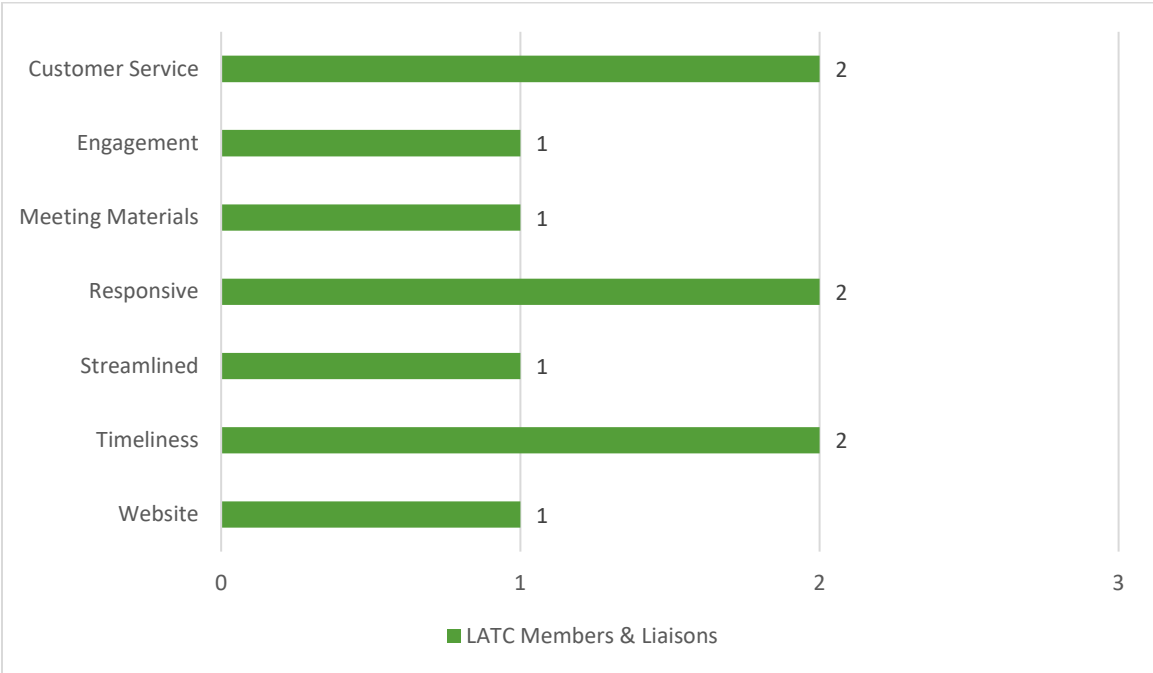
The bar chart below and table that follows list the organizational effectiveness trends along with the corresponding number of comments based on feedback from external stakeholders. Refer to Appendix C for a complete list of trends and comments.



Trend	Responses
Customer Service	7
Timeliness	7
Efficient/Effective	6
General	3
Responsive	3
Informative	2
Online Services	2
Oversight	1
Presence	1

Organizational Effectiveness Strengths Comment Trends – LATC Members and Liaisons

The bar chart below and table that follows list the organizational effectiveness along with the corresponding number of comments based on feedback from LATC members and liaisons. Refer to Appendix C for a complete list of trends and comments.



Trend	Responses
Customer Service	2
Responsive	2
Timeliness	2
Engagement	1
Meeting Materials	1
Streamlined	1
Website	1

Organizational Effectiveness Strengths Comment Trends – Management and Staff

The bar chart below and table that follows list the organizational effectiveness along with the corresponding number of comments based on feedback from management and staff. Refer to Appendix C for a complete list of trends and comments.

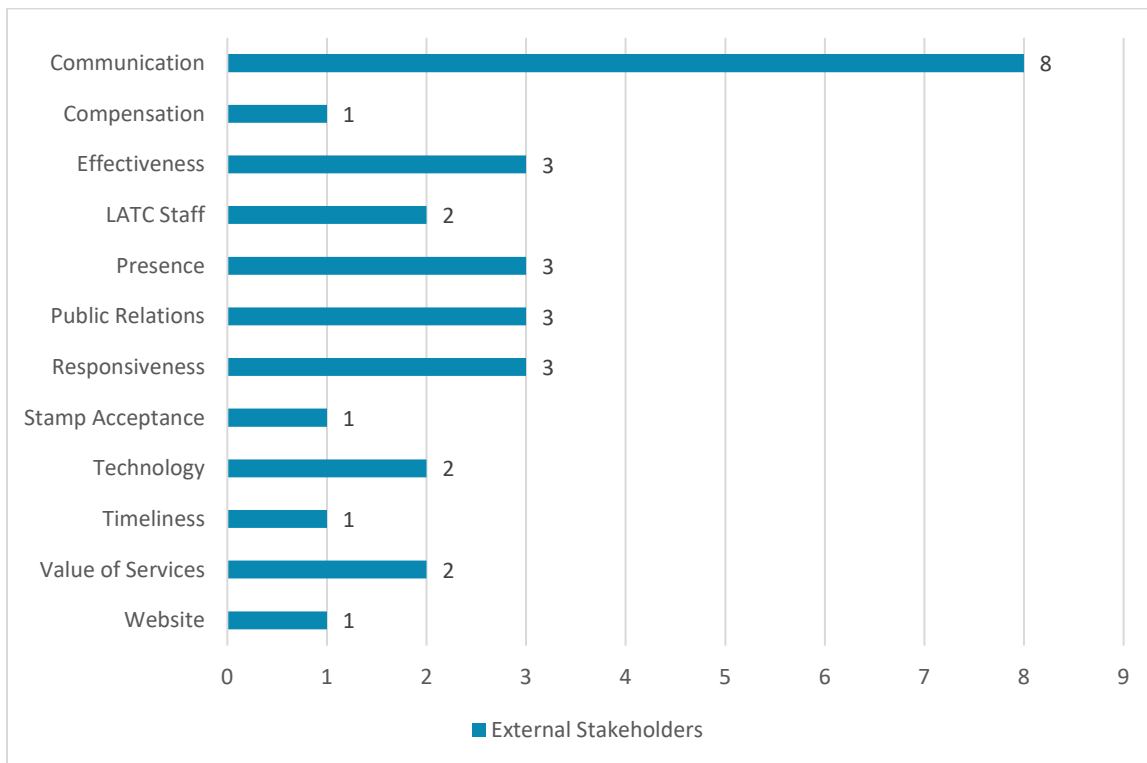


Trend	Responses
Responsiveness	3
Cross Training	2
Purpose	2
Teamwork	2
Internal Communication	1
Knowledgeable Staff	1
Technology	1
Timeliness	1
Website	1

Organizational Effectiveness Weaknesses – Trends

Organizational Effectiveness Weaknesses Comment Trends – External Stakeholders

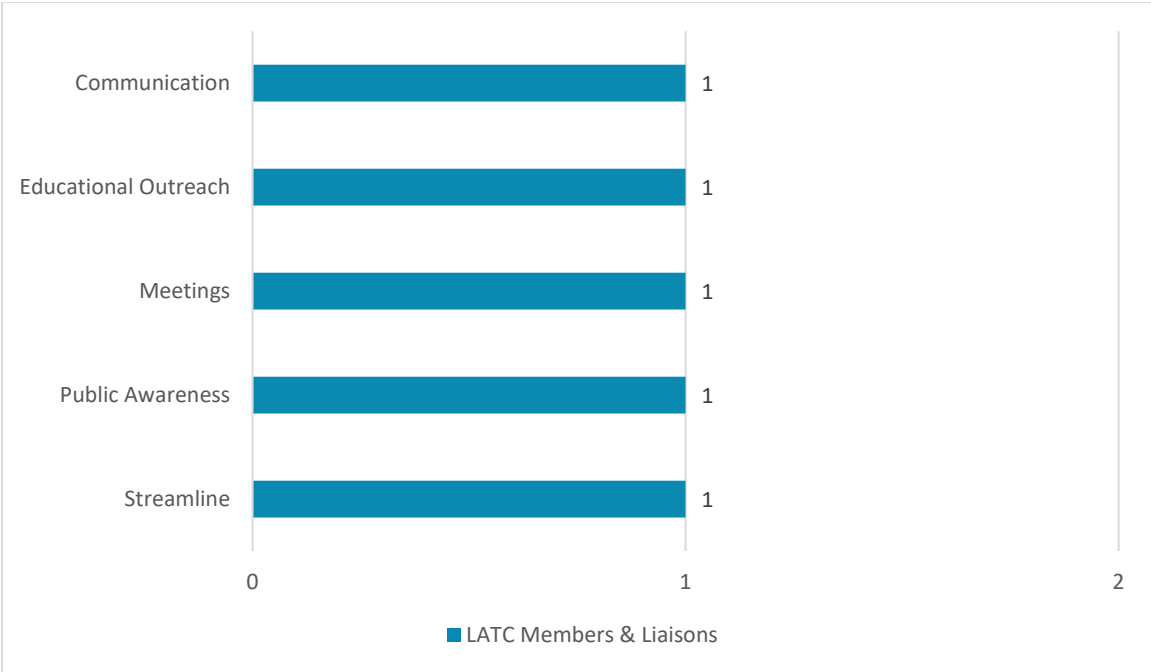
The bar chart below and table that follows list the organizational effectiveness along with the corresponding number of comments based on feedback from external stakeholders. Refer to Appendix C for a complete list of trends and comments.



Trend	Responses
Communication	8
Effectiveness	3
Presence	3
Public Relations	3
Responsiveness	3
LATC Staff	2
Technology	2
Value of Services	2
Compensation	1
Stamp Acceptance	1
Timeliness	1
Website	1

Organizational Effectiveness Weaknesses Comment Trends – LATC Members and Liaisons

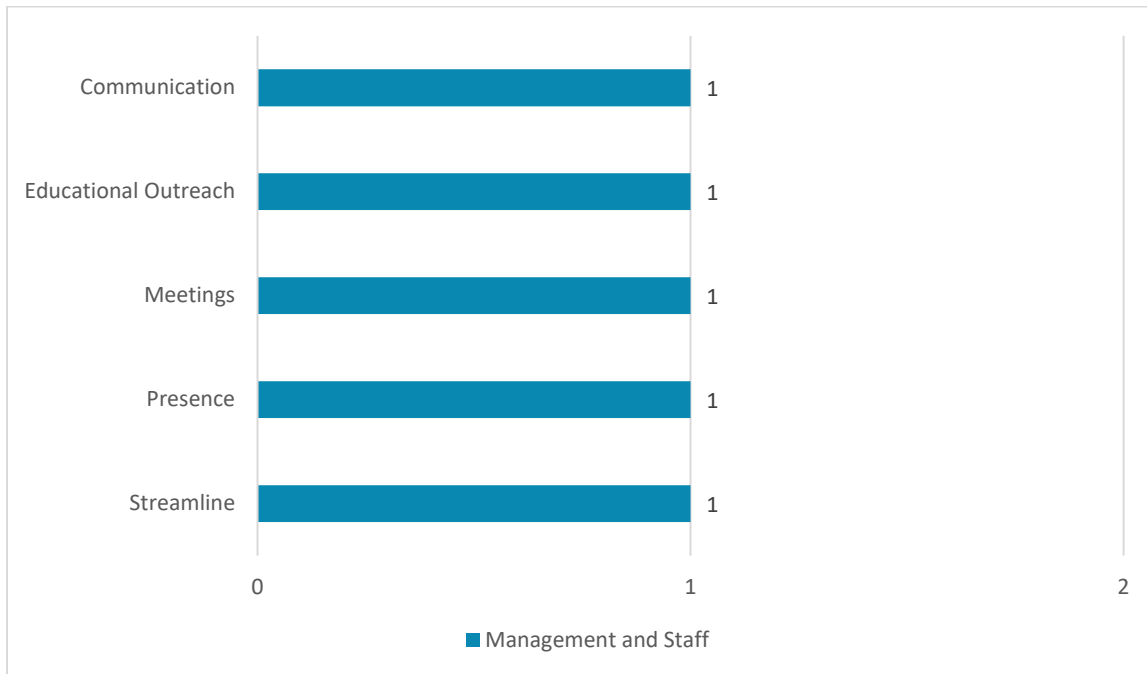
The bar chart below and table that follows list the organizational effectiveness along with the corresponding number of comments based on feedback from LATC members and liaisons. Refer to Appendix C for a complete list of trends and comments.



Trend	Responses
Communication	1
Educational Outreach	1
Meetings	1
Public Awareness	1
Streamline	1

Organizational Effectiveness Weaknesses Comment Trends – Management and Staff

The bar chart below and table that follows list the organizational effectiveness along with the corresponding number of comments based on feedback from management and staff. Refer to Appendix C for a complete list of trends and comments.



Trend	Responses
Communication	1
Educational Outreach	1
Meetings	1
Presence	1
Streamline	1

Summary of Recommended Organizational Effectiveness Objective Topics

The list below consolidates and categorizes objectives recommended by LATC members, liaisons, management, and staff. Refer to Appendix D (pages 114 - 115) for a complete list of comments.

1. Communication

- LATC can provide updates to committee members on what LATC is doing, how it is getting out to the public, how it sees its organizational effectiveness.

2. Cross Training

- LATC can continue cross training staff to offset when staff are out or on vacation.

3. Diversity – Inclusiveness

- LATC can promote more well-rounded representation in its committee members.

4. Policies/Procedures

- LATC can improve communication to ensure that staff know how to access policies and procedures.

5. Public Awareness

- LATC can work on letting licensees and the public know what the committee is doing.

6. Streamline

- LATC can look for similarities in CAB's strategic plan and work on streamlining its strategic plan implementation.

7. Succession Planning

- LATC can create a succession plan to prepare for the LATC program manager promoting elsewhere.

8. Synergy

- LATC can work with CAB to see if there are any changes that could lead to improvements for either party.

9. Website

- LATC can work on making the website more user friendly.

Appendix A – Data Collection Method

Information for this survey was gathered by surveying external stakeholders and internal stakeholders (LATC members, liaisons, management, and staff) using the following methods:

Interviews were conducted with all LATC members and liaisons, as well as management and staff during the months of November and December 2021, to assess the challenges and opportunities the LATC is currently facing or will face in the upcoming years.

An online survey was sent to external stakeholders on December 1, 2021, closing on December 28, 2021. In the survey, external stakeholders provided anonymous input regarding the challenges and opportunities the LATC is currently facing or will face in the upcoming years. A total of 420 external stakeholders participated in the survey.

Classification of External Stakeholder Relationship with LATC

Relationship with LATC	Number of Responses	Response Rate
Licensed Landscape Architect	399	95%
Retired or Formerly Licensed Landscape Architect	11	3%
Professional Association Affiliated with LATC	0	0%
Academic Institution	1	.2%
Government Agency	2	.5%
Other	7	2%

Appendix B – Survey Data Reliability

A total of 420 external stakeholder responses were received. Participants can skip questions; thus, each question has its own response rate. Survey data reliability per question is detailed below.

Goal Area Effectiveness Data Reliability Table

Goal Area	Number of Responses	Confidence	Confidence Interval	% of Responses with Very Effective & Effective Ratings	% of Stakeholders that Would Rate Effectiveness the Same Way
Regulation & Enforcement	354	95%	5%	47%	42% to 52%
Professional Qualifications	335	95%	5%	83%	78% to 88%
Public & Professional Outreach	326	95%	5%	28%	23% to 33%
Organizational Effectiveness	315	95%	5%	42%	37% to 47%

Goal 1: Regulation and Enforcement

Based on 354 external stakeholder survey responses regarding Regulation and Enforcement, we can be 95 % confident their opinions represent all Californian stakeholders plus or minus 5 %. For example, 47 % of stakeholders rated LATC’s overall Regulation and Enforcement effectiveness as very effective or effective. Based on our response rate, we can be 95 % confident between 42 % and 52 % of stakeholders would rate LATC’s effectiveness the same way.

Goal 2: Professional Qualifications

Based on 335 external stakeholder survey responses regarding Professional Qualifications, we can be 95 % confident their opinions represent all Californian stakeholders plus or minus 5 %. For example, 83 % of stakeholders rated LATC’s overall Professional Qualifications effectiveness as very effective or effective. Based on our response rate, we can be 95 % confident between 78 % and 88 % of stakeholders would rate LATC’s effectiveness the same way.

Goal 3: Public and Professional Outreach

Based on 326 external stakeholder survey responses regarding Public and Professional Outreach, we can be 95 % confident their opinions represent all Californian stakeholders plus or minus 5 %. For example, 28 % of stakeholders rated LATC's overall Public and Professional Outreach effectiveness as very effective or effective. Based on our response rate, we can be 95 % confident between 23 % and 33 % of stakeholders would rate LATC's effectiveness the same way.

Goal 4: Organizational Effectiveness

Based on 315 external stakeholder survey responses regarding Organizational Effectiveness, we can be 95 % confident their opinions represent all Californian stakeholders plus or minus 5 %. For example, 42 % of stakeholders rated LATC's overall Organizational Effectiveness as very effective or effective. Based on our response rate, we can be 95 % confident between 37 % and 47 % of stakeholders would rate LATC's effectiveness the same way.

Appendix C – Survey Comments

This appendix contains qualitative data relating to the LATC strengths and weaknesses collected during the survey (external stakeholders) and interviews (LATC members, liaisons, management, and staff).

The comments in this appendix are shown as provided by external stakeholders, LATC members, liaisons, management, and staff. Comments that appear similar or on a specific topic have been organized into categories. Comments that were repeated multiple times are grouped with the amount shown in parentheses. The comments have not been edited for grammar or punctuation to preserve the accuracy, feeling, and/or meaning intended by the respondent.

Regulation and Enforcement Strengths – External Stakeholder Responses

Accessibility

1. easy to contact LATC to let them know if an unlicensed person is advertising as licensed and LATC investigates well.

Appropriateness

2. Appropriately addresses unlicensed individuals attempting to practice landscape architecture.
3. appropriate level of response

Authority

4. A duly appointed panel to evaluate complaints with the authority to take action.
5. Underlying State law that gives LATC the means to regulate and enforce.

Communication

6. they are very clear and concise with enforcement when notified of infringement.
7. publishes helpful list of licensees

Complaint Process

8. In testing and accepting consumer complaints

Consistency

9. Consistency

Discipline

10. You do occasionally levy fines

Effectiveness

11. Process of licensure was smooth and well managed
12. Gets everyone licensed

Following Up

13. follows up when issues are reported.

General

14. as a former member of what was referred to as the "Enforcement Committee" there wasn't a whole lot of cases to consider

15. Is the governing body and enforcement arm of the profession.

Maintaining Standards

16. Testing and passing the exam(s) is critical in keeping the knowledge, skills and abilities required of a landscape architect and regulating who is legally able to provide for the health, safety and welfare of the general public when it comes to outdoor spaces.

17. The strength is that there are strict requirements to become licensed in the State of California. That ensures the integrity of our profession and keeps the standards high.

18. Does good job in assuring quality and capabilities of licensed professionals.

19. I have not seen any public notice to any enforcement proceedings that may have occurred, so i really don't know how effective they are except to say that LATCs existence causes us to make sure we are current in licensure and continue to encourage younger practitioners to get licensed.

No Feedback/Not Applicable

20. No Feedback/Not Applicable (292)

21. No experience on enforcement.

22. no comment

23. Unknown

24. You are prefacing question no. 2 without letting us know the measures LATC takes in reg & enf. so it makes it difficult to answer....

25. I am not aware of how it has worked over the past 30 years I have been licensed. I have no opinion given I do not know any professionals that have had to deal with this.

26. I see very few strengths

Protecting Public

27. Protects the public from unregulated and unqualified landscape industry work and standards

Publishing Enforcement

28. The website shaming seems to be a deterrent since there are very few cases.

Quality Staff

29. LATC enlists Seasoned Professionals to review License violations
30. Knowledge base and expertise

Responsiveness

31. When I spotted someone using Landscape Architecture inappropriately, they were quick to investigate and enforce the removal of the terminology from the website.
32. have had only one complaint filed by a client, LATC responded quickly and fairly.

Thoroughness

33. Based on what I have read in LATC minutes, there seems to be a thorough effort expended in complaint investigations.

Upholding Licensure

34. Enforcement of non licensed activities
35. Upholding infractions to preserve the importance of being licensed.
36. leader in preserving licensure.
37. LATCs strength is in monitoring and tracking legislation that may effect our profession and/or attacks on our professional licensure.

Regulation and Enforcement Strengths – LATC Member and Liaison Responses

Collaboration

1. LATC work very closely with CAB and so whatever issues it's addressing , LATC aligns itself with as best as it can . The CAB basically handles our enforcement so other than documenting the complaints and if any warrant further investigation and must go before the Board, all are turned over to CAB.

Effectiveness

2. LATC staff does a really good job. I haven't heard any negative comments.

Leg/Reg Submissions

3. LATC has been pretty active in submitting to the legislature and DCA a number of changes to our practice act.

Meeting Packets

4. What I read in the meeting packet is really good. The staff does a great job.

Methodical

5. LATC does everything by the book.

Responsive

6. LATC is very good at responding to all inquiries that come across the enforcement desk, and they review each case and take appropriate action as needed. We try to be responsive to everything in the regulation area.
7. Once Enforcement receives complaint, it pursues them.

Staying On Top Of

8. LATC is always looking at the current climate of how things are going in the state as far as licensure and areas that the public might be concerned about, such as water use.
9. LATC tries to stay abreast of issues coming up around professional licensure in general. LATC is actively involved with Council of Landscape Architectural Registration Boards (CLARB) and tracking what is going on with other states in that regard.
10. LATC tries to stay on top of changes happening in the industry and respond to those so that the practice act is current and up to date.
11. LATC is doing a good job of keeping track of those people selling the services without the license to go with them. I'm happy to hear LATC follows up with these people, and if they don't give the proper response, they're fined. That makes public safer when they have qualified people doing their designs.

Thorough

12. I'm constantly impressed with the thorough job the staff do.
13. Cases requiring review seem well-documented, and not too many cases require committee and board review.

Timeliness

14. In general, LATC staff stay on top of enforcement – their response times, they have goals set, in the reports and they're hitting these goals.

Regulation and Enforcement Strengths – LATC Management and Staff Responses

Collaboration

1. LATC works really well with its legal counsel. LATC communicates regularly with its legal counsel and sets target dates of completion, which it has achieved those through team effort.

Effective/Efficient Investigations

2. Investigations are timely and done very effectively. LATC hasn't had anyone who made a complaint unhappy with the investigation it has done.
3. LATC does pretty well on investigating cases and completing them in a timely manner. The only they have is for the expert review, but they recently contracted with 5 expert witnesses, so this will speed the process up from here on out.

Knowledgeable Staff

4. Board staff are good at answering all questions from the public regarding the practice act and what they're allowed and not allowed to do.
5. LATC is very equipped with experts for reviewing cases.

Pushing Regulations

6. LATC does a great job of really getting regulations through the process quickly.
7. LATC has managed to successfully initiate and complete a number of regulatory packages.

Responsiveness

8. Our enforcement analyst is very responsive.

Staying On Top Of

9. LATC does a great job of being on top of things.
10. LATC is always on top of enforcement cases.

Timeliness

11. Our enforcement analyst is very timely with her responses.
12. LATC quickly assigns and reviews enforcement cases.

Regulation and Enforcement Weaknesses – External Stakeholder Responses

Accountability

1. lack of accountability for being an enforcement agency.

CLARB

2. The regulatory environment nationally is changing quickly. It would be good to align more closely with CLARB's model law to ensure that future threats to licensure are well-balanced with the protection of the public.

Collaboration

3. I think as a profession we need to meet with fire and fuel modification departments. California's wildfires are increasing drastically, but as I go through plan check with fuel modification departments I feel the landscape is being disproportionately attacked and blamed for fire. There needs to be a balance between quality of life needs, such as shade and greenery, and fire hazards. Some counties have gone over the top with their fire landscape regulations. Fire departments want lawns around buildings, or nothing, but we have water ordinances that don't allow it. It's very frustrating for designers, as well as Cities that want attractive landscapes. This area is new but, in my opinion, needs a lot of attention and we need a good working relationship with fire departments. Thank you.

Communication

4. The committee is very technical and could be better at providing proactive information to avoid license issues.
5. In nearly 35 years of being licensed, I have only "heard" of a handful of enforcement actions.
6. Lack of direct communication using traditional and common technical options
7. We don't hear from except at dues renewal time.
8. making clear where the limits are.
9. need summaries of new state rules and regulations and how they affect the landscape architecture practice

Complaint Process

10. it is not readily known to me on how to report unlicensed people and what the repercussions are

11. There ought to be a way for employees of corrupt business owners to anonymously report personal intimidation/threats practiced by their employers who finagle with plant suppliers, landscape contractors and general contractors in kickback schemes.

Discipline Process

12. Reported a person who advertised themselves as a landscape architect who wasn't licensed. Did not see change in person's business except that the tag was changed to landscape designer.
13. Typically no action is taken other than cease and desist. Fines?
14. Many unlicensed designers passing themselves off as RLAs. Unlike Architects, there don't seem to be any penalties.
15. Too many unlicensed practitioners running around out there with no consequences to the parties that hire them nor the unlicensed person.

Diversity-Inclusion

16. What is the LATC doing in regards to diversity, equity, and inclusion?

Enforcement

17. enforcement of regulations
18. The LATC, in my opinion, is very weak at enforcement.
19. I have never heard of or experienced regulation despite the many landscape designers out there. So I assume that there is little fear of enforcement
20. Regulations in general are not enforced as outlined.
21. Nearly every complaint I've ever filed is found as "no violation." If nothing is a violation, or you simply take the word of the individual the complaint is against, what are you enforcing? As stated previously, I know landscape architect practicing unethically and have filed complaints about them, but have been told they're doing nothing wrong. If these issues are seen as non-violations, there really isn't a reason for the LATC to exist. You let licensees get away with murder without any action against their licenses whatsoever.
22. I also have never heard of nor seen any enforcement on complaints from consumers or unlicensed work.

Engagement

23. My understanding is that LATC does not actively seek violations of code of ethics or enforcement of laws but rather rely on others to turn in code violations for potential enforcement. In my opinion to be active in understanding the current trends LATC should be involved in selected projects to get a better understanding of what the profession is evolving into and how the LATC could support/enforce regulations.
24. I have been in the residential sector for 30 years and LATC has never been a part of it.

25. actively participate in regulatory code writing to mandate municipal plan check with landscape architect's seals

False Advertising

26. I see advertisers siting landscape architecture services without having licensed professionals on staff
27. I hear ads on the radio, "No need to hire an expensive landscape architect. We can do the job for you!" LATC should address these ads.
28. Over the years, I have found numerous examples of contractors and designers advertising under the heading of landscape architect.

Follow-up

29. No follow up.

Improve Outreach

30. Public outreach should be improved for educational exposure and how LATC benefits the community.
31. Weak in informing general public about the dangers of employing unlicensed and unqualified landscape practitioners.
32. Houzz and other websites don't make the distinction between landscape architects and designers -and many people who are not licensed are able to tell the world that they are landscape architects.
33. I'm not even sure what LA TC does, other than administer licenses
34. Consumer education is needed.

Leg/Reg Updates

35. Ambiguous definitions in "permitted practices" allow unwarranted complaints against unlicensed persons, which wastes Committee resources.
36. The bureaucracy of gov'ts is dysfunctional, and there are gaps btw regs-enforc and current codes and laws, so LATC's ability to progress is hindered. Need to focus on education of current mindset.
37. There are very few laws, codes and standards to regulate and enforce, and the few that exist are ineffective
38. no regulation at all on APLD. they cross the line a lot

Miscellaneous

39. it still seems that there are a lot of landscape contractors selling designs when they aren't doing the installations

No Feedback/Not Applicable

- 40. No Feedback/Not Applicable (271)
- 41. no comment
- 42. none
- 43. Unknown
- 44. I am not in the blame game. Maybe I should get up to speed with the issue before I rate it.

Outside Influences

- 45. I believe that the profession has become overly sensitive to political views of what is environmentally correct. We should challenge senseless regulation based on our education and experience. However I do realize that we are also under political scrutiny which can jeopardize our profession.

Oversight

- 46. Advertisement for Landscape Architectural services are not adequately monitored.
- 47. What is LATC's role in requiring compliance with MWELC which is now part of the Green Building Code? Compliance is so minimal that I suspect it could really use some help from LATC.

Public Relations

- 48. do consumers know LATC exists?
- 49. Not enough public support

Publish Enforcement Issues

- 50. I don't ever hear about any enforcement actions taking place.
- 51. probably need to have a forum/newsletter regarding enforcement issues. if one is following the rules, would not be exposed to enforcement issues.
- 52. About 10 years ago there used to be a quarterly publication of enforcement actions. About the last 7 years or so, there have been no publications, and presumably any enforcement by LATC has ceased.
- 53. Finding reports of enforcement actions requires reading through LATC agendas/meeting minutes.

Resources/Funding

- 54. Not enough resources.

Responsiveness

55. infractions are rampant and unmitigated
56. Minimal action (if any) is actually taken when it comes to complaints. I know a landscape architect who illegally lets landscape contractors and others use his stamp and have complained about this, but nothing is done. I know another landscape architect who uses her political connections to force companies to cancel existing contracts and hire her. Again, I've filed a complaint, but no action is taken. I complain about websites advertising landscape architecture services by non-licensed individuals and those individuals are fined, but the websites are still up. You do not force these individuals to take down or change their websites. The list goes on and on. No actual action other than a minor fine is taken.
57. I have reported people practicing Landscape Architecture without a license. I don't recall that anyone responded or followed up about the complaint status.
58. slow to react to enforcement cases.
59. Saves money by not actively seeking violations
60. I called years ago about landscapers advertising themselves as landscape architects. No interest in my call and nothing was done.

Unlicensed Practitioners

61. There are a lot of designers out there claiming to be landscape architects in CA.
62. Unlicensed people use the title landscape architect.
63. In the residential space, it seems there are a lot of landscape designers doing work that is only supposed to be done by a Landscape Architect that is licensed. I've seen this for decades. With the level of complication in these designs now, that is a big liability to consumers. I think better enforcement in that area would be better for everyone.
64. Need to eliminate the ability for other professions to sign landscape architecture plans. Engineers and Architects should not be able to sign our plans since we can't sign theirs. That would lend more credibility to the profession.
65. LATC should be seeking out "Garden Designers" who are utilizing licensed landscape architects to stamp plans and enforce the regulations.
66. Doesn't demand states require landscape architects stamp on submitted landscape plans or that a landscape architect must be used to design a landscape plan. States allow civil engineers provide landscape plans.
67. Landscapers sometimes advertise that they are landscape architects. I've called about it and was basically told tough luck. We don't deal with that. Unless consumers do research, they assume they're working with a licensed landscape architect.
68. pursuing unlicensed practitioners
69. Title and practice laws seem to be ignored in Southern California. Unlicensed activity is commonplace
70. There appears to be little or not regulation or enforcement of unlicensed practitioners
71. Many CA Landscape Designers using the #landscapearchitect hash tag on Instagram
72. I have never heard of LATC going after unlicensed designers

73. We are currently working on a project, a member of a group of designers licensed under the Association of Landscape Designer. She implied that she was licensed and that she was a Licensed Landscape Architect. What she designed was mostly unbuildable. We were engaged to correct the design. This happens constantly in the community. She is wholly unqualified."

74. acting against unlicensed individuals .

Up to Date

75. Not sure. It does however seem that there are some licensed professionals that are not up to date on current design standards.

Website

76. I think it would be helpful for the LATC website have a more expanded FAQ or information for consumers as to what a licensed LA and unlicensed person can legally design. Currently the FAQ has the code and some more technical wording on what can and cannot be done, but something for the layman may help consumers understand the advantages of a licensed LA.

Regulation and Enforcement Weaknesses – LATC Member and Liaison Responses

Communication

1. LATC could probably provide more information to the public, especially when it comes to some of the disaster they've dealt with, like the wildfires. LATC could be a conduit to provide information to the public helping them navigate the issues we have with wildfires and getting appropriate plant materials around their homes.
2. Improve communication, that is when LATC and the LATC Program Manager make a report, provide more detail on the enforcement side so the board members are informed more.

Complaints

3. Not many people file complaints.

Disciplinary Reform

4. Because LATC is state mandate, when complaints are filed and LATC investigates, because of what they're allowed or not allowed to do, people may just get a slap on the wrist and go on their way. I wish more could be done to prevent unlicensed activity.

Enforcement Process

5. Enforcement, once anything is turned over to CAB, LATC does not have any involvement. This seems strange, since it's a landscape architect, that there's no one on committee that sits in on any of those sessions, just the CAB members.

Regulatory Process

6. The committee itself does not need to improve, but there are issues involved with regulations and enforcement that would warrant looking into more. Whenever LATC submits regulatory changes, they take forever to get done.

Unlicensed Practitioners

7. Some of the instances on social media show people who practice landscape architecture but they're not landscape architects. Does anyone check LinkedIn, Facebook, Social Media to check out people who advertise as landscape architects without licenses, such as landscape designers? Originally LinkedIn had only a couple of options to check, such as just "Architect" and then someone from the Architect Board said it was illegal for a landscape architect to list themselves as an Architect on LinkedIn. I heard there's a garden designers association, that to me is a gray area.

Regulation and Enforcement Weaknesses – LATC Management and Staff Responses

Public Awareness

1. In general, the public isn't aware Landscape Architects need to be licensed.

Time Lag

2. There are a few regulations where LATC got bogged down and spent too much time going back and forth to get them developed. The Committee Members are really involved and interested, but because they're so hands on, they can take longer to get things done.
3. The internal review process is quite lengthy, but it ensures the package is approved when it goes outside the department.

Unlicensed Activity

4. Regulating license practice is the only weakness. LATC can continue to educate the public and encourage people to notify LATC if they see any false advertising.

Professional Qualifications Strengths – External Stakeholder Responses

Additional Requirements

1. Additional qualification requirements such as archeological, fire control, accessibility, etc.

Balanced

2. Balanced credit for education and experience
3. good balanced requirements

CE

4. Evaluating the need for CEC's.

Collaboration

5. Participation with CLARB.

Communication

6. Outreach and dissemination of information

Effectiveness

7. I responded with Effective even though I have no direct experience other than seeing how the qualifications for testing and required experience has maybe loosened up over the years.
8. the license test seems to be working well

Exam Administration

9. Administering examination for general knowledge of profession.
10. Administrating the licensing exams.
11. testing process and subjects
12. Tests are regularly administered.

Exam Appropriateness

13. I obtained reciprocal licensure after taking the CA exam. I think the CA exam was a good measure for qualifying a licensure candidate.

14. The California supplemental exam is needed due to the expansive size and diversity of climates and habitats
15. The combination of national exam and state section work well
16. The level of expertise seems right for minimum competence

Exam Development

17. Contently updating exam questions to meet the current needs of the industry.
18. Continuous review of exam questions and updates with changes in rules, codes, regulations to keep licensees up to date.
19. Thorough review of the exam by licensed professionals and the cycle where they invite licensees into a meeting and discuss the past present and future of the profession.
20. Updates in testing.
21. Updating exam content for new LA's
22. Updating the licensing exam to reflect current standards.
23. Utilizing professionals for developing relevant and current questions for licensing in California.

Exam Fair

24. Testing information is fair
25. The test has been made as fair as it can be because of the testing methodologies established over the years.

Exam Quality

26. reasonable tests
27. Ancillary comments from examinees indicate the CA section of the LA License exam requires preparation.
28. California supplement exam is a good challenge
29. enhance qualification exams periodically
30. exams are developed to reflect the true qualifications required for a landscape architect
31. Extremely broad knowledge base required for professional accreditation. Relevant to contemporary issues: specifically environmental concerns such as drought, water conservation, sedimentation and contamination, habitat conservation, fire prevention planning, technology, collaboration with allied professionals, etc...
32. good testing
33. Good testing requirements for licensure
34. I have participated in the test evaluation of the CA portion of the LARE and do think there is effective effort in test preparation, production and evaluation.
35. It seems that the planning and conceptual stuff in the licensing exam is up to par.
36. Providing a difficult test for licensure
37. Test meets basic minimal requirements to employ as licensed landscape architect.
38. Testing information is relevant

- 39. The breadth of knowledge tested is good for the profession.
- 40. The quality and comprehensive of the test.
- 41. the testing is very comprehensive
- 42. The tests help to screen out people who do not have the skills and maturity to be in the field.

General

- 43. Examinations
- 44. License Testing
- 45. Licensing exams
- 46. My only interaction with LATC in 35 years was positive, so have limited knowledge of LATC strengths or weaknesses
- 47. Response is based on reaction that fellow practitioners have to licensing requirements, not so much what LATC actively does.
- 48. Testing
- 49. Testing and Licensure
- 50. This in the requirements to be licensed in the state of CA.
- 51. Licensure

LARE

- 52. LARE
- 53. LARE testing
- 54. The LARE has been a great way to measure the competency of candidates. I felt the test was a fair representation of a broad slice of what we as licensed professionals need to know.

Maintaining Standards

- 55. As noted minimum qualifications are required for education, experience, and examination prior to granting licensure.
- 56. By Keeping Testing Standards High
- 57. establishes a professional platform for licensure
- 58. identifying qualified landscape architects
- 59. It's very important that LATC exists. As a body it creates credibility throughout the state for our profession and licensure.
- 60. LATC does a good job at testing those wishing to be licensed to make sure that they possess the at least the minimum qualifications required.
- 61. Licensees generally reflect a consistent minimum bar.
- 62. On a technical level the professional qualifications are adequate
- 63. Strengths are in assuring minimum testing requirements are met prior to granting licensure.

- 64. The fact that LATC requires a 4 year education and a 2 year aprentiship under a related professional prior to applying for the exam for certification as a L.A. I think is a strong standard
- 65. The LATC does seem to maintain strict standards for education, experience, and examinations
- 66. The licensure process is extensive. The quantity of information covered, educational requirements, and apprenticeship period all validate the professional term landscape architect.
- 67. uphold licensing process

Miscellaneous

- 68. Use of CAD
- 69. watershed management

No Feedback/Not Applicable

- 70. No Feedback/Not Applicable (239)
- 71. no comment
- 72. None. Once the exam is passed, no further qualifications are needed to maintain a license
- 73. Same as last comment.
- 74. This is my only interaction with LATC.

Organization

- 75. Organize and file everyone's qualifications

Pathways to Licensure

- 76. Providing clearly articulated paths to licensure.
- 77. the LATC has opened many avenues for unlicensed people to be eligible to become a licensed professional. I believe this action can strengthen our profession.
- 78. Work experience

Reciprocity

- 79. Ensuring licensure is kept up across the state.
- 80. They follow the national model, which is good for reciprocity.

Requirements Appropriate

- 81. Broad area of knowledge is required

82. Consistent requirements, responsive to CLARB standards and also addressing local state requirements
83. Demanding education, training, and testing is great.
84. I think that the initial requirements for licensing are good.
85. Length of time required to qualify
86. Requiring education, experience, and exams are the strengths that elevate landscape architects to the level of architects.
87. The requirements are commensurate with standards in other design professions and appear to be equitably enforced within the State.
88. they are strong with their requirements

Resource

89. Good resource for people to look for a LA

Rigorous

90. Extremely rigorous.
91. Stringent State specific exam to ensure qualifications for practice.
92. Testing was very rigorous.
93. The requirements for licensure are rigorous.
94. The tests are very difficult and speaks to a high bar of professionalism.

Supporting Docs

95. Documentation of qualifications for registering the exam.
96. Verifying education requirements.

Title Protection

97. Enforcement of the use of 'landscape architect' as a title is effective.
98. LATC seems to protect the title of "landscape architect" well for its intended purpose.

Professional Qualifications Strengths – LATC Member and Liaison Responses

Communication

1. LATC communicates its interests and concerns to the entities that run these exams and put them together.

Effectiveness

2. LATC is doing a good job.
3. The education, the schools, are doing a good job. I think they've changed and improved the references.
4. The issues requiring more time and attention, the committee members work very effectively on.

Eliminating Barriers

5. LATC is always looking at new opportunities and pathways to be less restrictive, make it as easy as possible for people to enter the profession.

Exam Quality

6. The national exam is a rigorous test where you show you know what you're talking about.

Pathways to Licensure

7. We are doing a great job providing a pathway to licensure and offering various pathways to licensure.

Responsive

8. LATC stays abreast of what seem to be the critical issues of the profession and works to ensure that those issues are being addressed in the national exam or if they're issues exclusive to California, that they're covered in the supplemental exam.
9. LATC has been very engaged on issues that require their attention, and the members are devoted.

Professional Qualifications Strengths – LATC Management and Staff Responses

Eliminating Barriers

1. The Committee is very focused on making sure there are no unnecessary barriers to licensure.

Knowledgeable Staff

2. Anytime LATC has a phone call about Landscape Architect qualifications, staff is very knowledgeable about answering their questions – staff is aware of LATC’s process as well as other organizations such as CLARB.

Maintaining Standards

3. LATC does really well at ensuring it licenses qualified landscape architects.

Pathways to Licensure

4. Committee Members are interested in and supportive of making as many options as possible for licensure, of making the licensure pathway as inclusive as possible.
5. LATC is very thoughtful about this and has looked closely at expanding its pathways and has successfully done so.
6. They’re going in a positive path to opening pathways to licensure. They’ve opened an experience only pathway to licensure.
7. Previously, LATC only allowed for landscape architect degrees, but soon they’re opening this up to other licenses and experiences.

Streamlined Process

8. We have a streamlined system to check education and experience for examination readiness, so that makes us strong in doing that.

Professional Qualifications Weaknesses – External Stakeholder Responses

Accessibility

1. Ensuring these items so strictly before letting someone take the test may not actually be equitable though. Is it the content of the test which signifies readiness to be a landscape architect, or is it the schooling and practice? If the test is all that is needed to truly show readiness, then there doesn't need to be any previous requirements, unless we are just trying to keep our profession small and not accessible to everyone.
2. Best way to study for and pass CSE is knowing others who have done it - challenging for people without a good network. Better study guides for all would be more equitable
3. The cost of tests and the lack of testing resources or guides is prohibitive for licensure for many people.
4. We need to make licensure more accessible

5. Education requirements are prohibitive if not in an area with a four year program or the ability to go to school on another area. San diego region needs an accredited LA program
6. The licensure process can be extremely complicated especially when mixed with the different requirements needed from CLARB. The complicated process deters future professionals from completing the licensure process

CE

7. I think that it's a huge problem that there are no requirements for continuing education. The field is constantly evolving. I am strongly in favor of requiring continuing education in order to maintain a license.
8. I believe that Landscape Architects should have a continuing ed requirement. Our profession has evolving impacts on stormwater quality and management, accessibility and climate. We should be informed at the global and site scale about how our design work is contributing to public health or compromising public safety. We should be leading in these areas, not satisfied with minimum competency. Even our long time licensees should be required to be knowledgeable. If they can't keep up with these developments they should make way for the next generation who will be responsible for our future.
9. Lacks continuing education as a requirement for licensing renewal. Most states make this a requirement.
10. I think that the LATC should require continuing units for all licensed professionals similar to other states. I understand that it would be a burden on myself but it will make all Landscape Architects better.
11. Once the exam is passed and the license is issued, no continuing professional development is required. Someone could pass the exam and become licensed and practice for decades without learning anything new or being up to speed on modern practices. Any continuing education or professional development is solely up to the licensed individual to do on their own.
12. No continuing education requirements. The field is constantly changing; professionals should be required to keep up with current topics/trends.
13. LATC should require CEU's.
14. LATC waits for complaints when it should be culling the profession of it less than qualified individuals by requiring continuing education. The public is depending on the LATC to raise the bar not only the new applicants but the practicing professionals. Other wise you would give the same test as I passed in 1981. Ask, who is served by the majority who are practicing under the approval of the state via a license who may be less than competent those who passed the test in 2021. Certainty not the public.
15. Ongoing education should be a requirement.
16. Licensees are not required (via CEUs) to stay up to date with evolving best practices of the profession
17. LATC should implement continuing education requirements like the land arch licensure boards in many other states.

18. LATC should require licensed landscape architects to obtain continuing education units to keep their licenses. this is a HUGE drawback and something that just about every other state that recognizes licensure does.
19. i am licensed in several states and i think the educational credits required by other states is important in keeping professionals educated and up to date on various aspects of landscape architecture.
20. No ongoing education requirements (CEUs) to continue licensure is ridiculous.
21. No ongoing training required
22. Not clear on continuing education requirements.
23. Continuing education requirement is non-existent, even though the profession is changing, and with it research and new methods of implementation of landscape design.
24. Continuing education
25. We should have required CEUs to allow us to re-new our licenses
26. Right now the State of CA and LATC do not require continuing education (CE) for licensed professionals. Without CE's, the onus lies on licensees to keep up to date on code and best practices, especially in the face of CA's growing challenges with climate change and water security. Code enforcement is variable at best depending on jurisdiction, and rarely stringent enough in protecting our resources. If LATC required CE's, it would be a way to help ensure practicing landscape architects are educated in the latest technology, best practices, and products to protect CA's natural resources and the health, safety, and welfare of the public.
27. No continuing study.
28. Also, requiring continuing education would seem like a good idea as it relates to changing code/building requirements and or design standards.
29. Also, some type of continuing education on emerging areas of practice should be offered and required.
30. no continuing education requirements for the state
31. there probably needs to be some continuing education especially in sustainability, laws and rules and regulations.

Clear Guidelines

32. There does not seem to be a good standard on what a licensed person should be able to do. Part of this might be based on the variety of duties in the field.

Educational Outreach

33. Ourteach I don't think a lot of my fellow licensees know about the LATC other then paying their dues
34. Lack of outreach/visibility
35. public exposure
36. Many practitioners at the consumer level do not use LAs and do not understand the differences and the risks.

Effectiveness

37. Rather ineffectual, not “poor.”

Engagement

38. LATC not involved very much before an individual decides to become licensed!

39. I'd like to see LATC further engage (I know they have in the past) with promotion of licensure for professionals

Exam Administration

40. Going away from graphic testing for design and grading.

Exam Content

41. I think the multiple choice for grading and site design has weakened the testing.

42. Construction section needs to be more challenging.

43. Having removed landscape irrigation from the professional qualifications has been a big mistake. It is unrealistic to assume that a landscape contractor will be able to accomplish this better than a licensed LA.

44. Irrigation understanding and water management is a huge part of our profession and as I understand it , it is no longer part of the testing. How can we do a good plant design of any kind and then trust someone who doesn't know plants to do the irrigation design? They go hand in hand and should be an area where we can help with the State's water issues.

45. The LARE exams are not as directed to practice as I believe would be helpful

46. Extremely rigorous. Extremely broad knowledge base required for professional accreditation. Can be ill-suited for the more visionary and artistic types, draining financial and emotional resources from future potential professionals within our field. Leaving us with an industry of profit-driven corporate candidates who excel at regurgitating memorized technicalities, but who lack or have been robbed of true passion and concern for the loving design of outdoor environments for future generations of people and wilderness undivided.

47. Overuse of CAD. Need pencil and paper too for preliminary design and figuring. Include plant identification & construction detailing in test?

48. "The written exams given applicants for obtaining a Landscape Architects License in the State of California should have a section on Climate Change! An emphasis on future water shortage is a challenge for plants & irrigation design in every Climate Zone in the state. Conservation is needed!

Exam Development

49. In ability for State employees that are licensed to participate in the exam development process without compensation. This takes away since those in private practice receive compensation for their time but State employees do not. This is unfair.

Exam Pass Rates

50. percentage of testees that are passed.

Exam Prep

51. The LATC's reference materials were not very focused to help candidates sitting for the CA supplemental.

52. Lack of review courses provided

Exam Quality

53. Formalized testing sets the criteria, but I question how effective an on line test can vs what is expected from a Licensed LA.

Experience/Nontraditional Education

54. Failure to attribute quality to non-traditional education and experience especially for minorities

55. By Professional Qualifications you mean what it takes to become Licensed in the State of California, I remember that some of my classmates took the exam one year after graduating with their BS Degree from college. There is not substitute for getting a few years of office experience after graduating from college. Being good at taking exams does not replace a good understanding of actual work experience..

56. more allowance for entering profession through outside routes that do not have to be college learned. University education is so theory-based that practical field skills are critically weak. People with hands-on field experience deserve more opportunity to enter the profession.

General

57. They are limited to technical matters

Maintaining Standards

58. It seems over the years the standards have been relaxed e.g. allowing professional work experience credit while still a student. Making things easier does not always make them better.

59. Not sure. It does however seem that there are some licensed professionals that are not up to date on current design standards.
60. Testing to be licensed is over the top when states allow anyone who call themselves landscape designers to provide designs.

Miscellaneous

61. Failure to secure a forceful and effective certificate of merit requirement
62. plant material and low water-use planting strategies
63. climate change planting
64. biodiversity

No Feedback/Not Applicable

65. No Feedback/Not Applicable (257)
66. Same as last comment.
67. See above
68. no comment

Outside Influences

69. Licensing remains vulnerable to political whims.

Pathways to Licensure

70. Too much attention is paid to the "outliers". Give those who follow a mainstream path to licensure (accredited degree + experience) the easiest road to get there. The 5-10% who fall outside the mainstream shouldn't make it more difficult for everyone.
71. Easier path to licensure for those without a degree would be helpful.

Processing Times

72. Processing time of license renewals to get status and materials back to applicant
73. In the past latc staff have not been very proficient in processing the request to take the California State Exam, or processing the check sent to the latc when the candidate for licensure sent a check in overnight mail.

Professional Skills

74. Recent graduates i know lack any professional skills in relating to business etiquette. Probably not LATC lack, but these are skills traditionally learned in early teen years via public and private schools

75. The profession is losing the skill of hand drawing and hand lettering. This may sound quaint, however there is a strong neurological connection between developing a high level of hand- eye coordination and creative spatial thinking.

Reciprocity

76. Not sure if this is still valid but reciprocity with other states is needed. In my own experience other states didn't recognize my California license and California wouldn't recognize my license from other states so I had to retake the licensing exam.

Relevancy

77. establishing meaningful standards relevant to today's professional problems

Renewal Process

78. (For those who follow the big bucks): on the LATC biennial license renewal form, there ought to be a clause printed on the reverse side of the form stating that the licensee personally attests to having not participated in illegal kickback schemes on high end, exclusive residential estate type projects and must affix their signature. THAT just might make one particular practitioner in Laguna Beach shit his pants.

Requirements

79. Experience with staff over time has shown that people with only a 2-year graduate degree in landscape architecture rather than a 4-5 year undergraduate degree lack a lot of the knowledge to effectively practice upon graduation.

80. I question the validity of graduate degrees as a substitute for a longer focused educational program or more experience in the field.

81. I think that extensive real-world experience should still be a route to licensure."

82. Any reduction in educational requirements would be a disservice to the profession and licensed professionals.

83. Compare with how Architectural candidates are allowed to take the Architectural licensing exam. Landscape architects are governed by a more onerous stricture.

84. Profession is broad -difficult to determine what constitutes "profession qualifications.

85. I would like to see more cities require licensure for submitting any permitted set of plans.

Responsiveness

86. Not very responsive or helpful for people attempting to get licensed.

Threats to Licensure

87. I don't think we should have to continually face threats to reductions in our area of expertise - the license shouldn't be threatened - no one questions the need for a structural engineer to licensed for example.

Unlicensed Practitioners

88. they are strong with their requirements yet there are so many Landscape 'Designers' out there that think their job is the same as a licensed landscape architect

89. would like to know how LATC polices those not licensed

90. Not stopping unqualified groups from promoting their capabilities and ability to give individuals none existent qualifications (APLD) and collecting fees. This group and possibly others have been able to self promote better than LATC. And now are accepted by licensed nurseries as legitimate.

91. We need to enforce current laws. LATC seems to be too concerned with qualifications of those seeking licensure while blind to unlicensed activity.

92. there are so many Landscape 'Designers' out there that think their job is the same as a licensed landscape architect

Updates on Leg/Reg

93. information on changing rules/regulations and legislation

Professional Qualifications Weaknesses – LATC Member and Liaison Responses

Community College Alignment

1. Some recent initiative has California trying to align its community college programs with the 4-year universities. LATC is trying to take a closer look at landscape architect programs at the community college level and assess how many people are going through those programs. Are their students moving on to 4-year degrees or to work?

Continuing Education

2. We should have CEU's. The Committee recently concluded CEUs don't contribute to the health, safety, and welfare of the public in regard to the profession, but I believe they do.

Exam Development

3. The people writing or putting the questions together for the exam, they tend to write simple stuff - they seem too removed from what is currently going on, have been retired a while. LATC gets the applications and added a lot of categories for qualifications, but are they setting the bar high enough?

Experience Qualifications

4. We recently went through a 5-year study of professional qualifications to open up a new pathway for individuals without degrees but with experience to sit for the exam. That was very difficult to get through and get approved because they were mandated to match what the Architects have. I'm not sure I agree with this pathway. Just because someone works for a set number of years, they could be doing low level stuff and not experienced enough to sit to the exam, potentially lowering the exam pass rates. Legislators can criticize low pass rates. Back in the 90's that was an issue, along with low enforcement, that caused LATC to get sunsetted. Unless there are some additional qualifications people must meet to use this pathway, it's not fair or viable. This was more politically driven than anything else.

Pathways to Licensure

5. One area LATC is looking at is the path to licensure. California has the most liberal set of qualifications in the country.

Removing Barriers

6. LATC needs to be more inclusive of people who can sit for the national exam. Need to change this back to what it was pre-1997. You could have a really successful person from another state who can't sit for exam unless they have a degree in landscape architecture.

Streamline

7. LATC members and the LATC Program Manager can work jointly to streamline the business practice and policy setting. Every few years, each board/committee revisits the educational requirements. See if this process can be integrated to compare the two disciplines and see if they're consistent. LATC should align its business effort and policy making with the Board.

Sunsetting

8. We just reviewed the requirements to sit for the exam and because of what the state's been doing for inclusion/diversity, we've added experience areas. You can get years of

credit for peripheral work towards sitting for the exam. I worry that this has lowered the standard in some way. Our pass rates are pretty low. Seems like people may not be ready for the exam. We want more people to be able to be landscape architects. We could be sunsetted for so many people taking the exam and not passing.

Professional Qualifications Weaknesses – LATC Management and Staff Responses

CLARB

1. CLARB's proposed professional qualification standards don't align with California.

Clarify/Update Law/Regs

2. Sometimes LATC receives inquiries from people confused about what's needed for licensure - the language in the practice act is kind of confusing.

Processing Times

3. Processing times could be improved to determine eligibility.

Maintaining Standards

4. LATC is already making opening more pathways to allow qualified people to become licensed. LATC needs to make sure people are qualified but regulated.

Public and Professional Outreach Strengths – External Stakeholder Responses

Accessibility

1. The fact that the LATC can be contacted by a consumer by requiring that all Contracts include the LATC's contact # is a strength.

Awareness of Profession

2. By making our profession visible to the public and profession, it continues to show how important our impact is in the built environment.
3. Most public agencies are aware of the profession and its role in public works.
4. For the size of the profession, knowledge of what we do is fair.
5. Even with weaknesses, we still have better recognition than many other states.

Collaboration

6. Good within professional organizations like asla. Outside of ASLA, i do not come across much exposure to the profession.
7. Regular offers to have professionals join the exam process.

Communication

8. I appreciate the forward communication with a schedule of dates that the test question reviews will be held.
9. Regular updates and notifications
10. I receive emails with surveys and updates periodically
11. Well, the survey is proof of outreach. I have received invites to review testing ect., but have never joined.
12. I appreciate getting notices on professional surveys such as this.
13. Email communication is helpful.
14. Contact through email, direct mail to LA's
15. I hear from you all pretty frequently!

Emails

16. I received 4 emails this past year with short subject lines.

General

17. Publications and testing
18. There may be some professional outreach.
19. Points for effort

List of Licensed Landscape Architects

20. Only thing I'm aware of is the list of licensed LAs. Not aware of any promotion of the list or profession

No Feedback/Not Applicable

21. No Feedback/Not Applicable (264)
22. no comment
23. none
24. I am unfamiliar with LATC's public outreach
25. I can't name any strengths offhand... which makes me sad

Publications

26. Guides to hiring a Landscape Architect help consumers

Resource

27. The information is available for those that seek it

Responsive

28. If I have questions, an LATC representative will generally call me back and be able to answer questions I have pertaining to licensing laws

29. Very responsive when called directly

School Outreach

30. Ongoing outreach to universities.

Upholding Profession

31. the license means something

32. LATC could use their status as the State representatives of the profession to make bold, strong statements on behalf of the profession.

Volunteer Requests

33. Periodically, I receive a notice to volunteer for licensure workshops.

Public and Professional Outreach Strengths – Committee Member/Liaison Responses

CAB Relationship

1. LATC tries to stay aligned with whatever CAB is working on.

Collaboration

1. LATC meets monthly with the professional association and updates it on what LATC's activities are. LATC also takes the information the associations provide to us and figure out if they're bringing up issues LATC needs to be aware of and how to improve the relationship between professional associations and ourselves

2. They coordinate with schools.

Meeting Locations

3. I appreciate in the past LATC had meetings at different locations and that's a great way to do public outreach and meet the requirements needed to be done by the committee.

Publications

4. They have manuals that can be passed out.

Use of Resources

5. With their limited staff, LATC does a good job of outreach where possible.
6. From what they can do, they do a good job.

Website

7. The website is very helpful.
8. I am impressed by their effort to make our website information more friendly and interesting to read and to watch. LATC made videos explaining LATC's role in licensure and their process. This is more interesting for licensees/candidates than reading text.

Public and Professional Outreach Strengths – LATC Management and Staff Responses

Capability

1. LATC does have the ability to do outreach, mainly focusing on exams and how to become licensed and how to become a Landscape Architect. Having that ability is good.

Collaboration

2. LATC also does a lot of outreach with other organizations such as CLARB and universities, so it does keep people informed.

Communication Plan

3. LATC has worked with DCA to come up with a communications plan to identify strategies in educating candidates, stakeholders, and the public.

Informational Videos

4. LATC spent a lot of time on informational vides for the public.
5. LATC implemented some candidate tutorials.

Innovative

6. LATC is good about trying new ways to make information accessible to people.
7. Innovative.

No Feedback/Not Applicable

8. Unknown

Presentations

9. LATC tries its best to do quarterly presentations.

Student Outreach

10. LATC has a big focus on student outreach and making sure the Committee's in contact with all California Landscape Architect programs to make sure students are aware of eligibility requirements and how to get LATC's help if necessary along the licensure process.

Public and Professional Outreach Weaknesses – External Stakeholder Responses

Collaboration

1. integrating with consulting professionals land planning, architecture and engineering

Communication

2. LATC does not communicate effectively with licensees. The meeting minutes are far too technical and since our licenses are the way we maintain our professional value we need to communicate in ways that connect with the majority of constituency. The communication creates a very small and select group of participants.
3. Other than a few surveys here and there I see no real communication from the LATC or information even in municipal buildings regarding landscape architecture
4. I don't see information publicized. Unless I inform people, they rarely know there is licensure
5. Other than when the LATC needs SMEs or has a code update, we really don't hear from the LATC
6. I hear zero from LATC other than the proposed meeting minutes that I have electronically subscribed to.

7. I don't recall getting many updates or newsletters as compared to other states I'm licensed in.
8. I don't feel the information is disseminated in a simple manner - I don't have time to remain abreast of the more nuanced information and complexity of the issues we face as a profession. I need "LATC for Dummies".

Educational Outreach

9. Most people in the general public don't have any idea there's a difference between a Landscape Architect and a designer.
10. Many people (public) I meet seem to think a RLA is some kind of gardener. I think more education as to what we do is sorely needed.
11. It could do more to expand on and build the understanding of the profession and qualifications a licensed LA must meet in the design and construction industry, and beyond.
12. The LATC is a good resource for licensees, but the general public has no idea the LATC even exists or what it does.
13. my only interaction is paying my license fee. I don't have any sense that consumers know we are licensed and that there is an agency who is looking out for them
14. If I was not a landscape architect I would have no idea what the LATC is.
15. Even as a licensed professional, I'm completely unaware of how LATC performs any public outreach whatsoever, which is an indicator of a lack of effectiveness.
16. First the public must understand the profession prior to sharing what LA brings to a community/neighborhood
17. LATC should take on a larger role to educate la's about new state regs like WELO.
18. I'm really not aware of what LATC does besides the licensing test and the occasional emails sent out for surveys.
19. The public has no idea that landscape architects are part of the engineer/architect community.
20. the public is not aware that a landscape license licensure exists and how it protects them. there are garden designers who act like landscape architects. public needs to know the difference and what they can expect from a licensed landscape architect.
21. 99% of encounters in social situations assume "landscape architecture" is a person who plants bushes
22. Not limited to LATC, but the profession as a whole is not well known/understood by the general public (outside of planning and design professions).
23. General public is more often than not unaware what a landscape architect does as opposed to a landscape designer.
24. The general public has very little idea about the profession, particularly when and why they should use a landscape architect versus an architect, civil, unlicensed landscape designer, or contractor.
25. the average person thinks that landscape architects are gardeners. In addition, other organizations like APLD are almost on equal footing with us and that is unfair for those who are licensed as they take work away from us. LATC should do more to educate the

- public on the value of licensed landscape architects and they should push state and local jurisdictions to require more licensed LA stamped and signed plans for projects
26. i think there could be a much better campaign on educating the public on landscape architecture and the benefits of using a landscape architect.
 27. I think the public and professional perception of landscape design doesn't always include a Landscape Architect. As such, LATC (and other professional organizations) have an uphill battle.
 28. Nearly every client I have, has no clue that landscape architects are licensed. When I tell them we are licensed, they are surprised. With all that is going on the world these days, it is probably info overload.
 29. My proposals all note that we are licensed and give the boards name, address and contact info.
 30. Very little consumer understanding of the various landscape design practitioners vs LAs.
 31. More clarification between landscape architecture and related professions and fields would be helpful.
 32. Most people don't know the difference between a (licensed) landscape architect and a landscape contractor "who does design build." and many don't care
 33. The public I've been in contact with doesn't even know you exist. I've explained it as part of client education. They're clueless.
 34. communication to the public
 35. After over 40 years of practice, i still find that the general public knows little about the profession. The mission should not be making people aware of LATC, but understanding the professions role.
 36. Future landscape architects taking the exam have to ask by word of mouth where do they get started on the path to licensure..

Improve Outreach

37. University outreach program needs to be revised to talk less about the operational requirements of seeking licensure and move toward WHY it's important to be licensed in this state. There are too many students who come out of school thinking there is no reason to be licensed.
38. Need to improve community outreach possibly with add campaign.
39. I'm not sure the public knows much about us. If we really want people to know what we do, we need someone in the profession with studio producer contacts to have a landscape architect as a starring role in a movie. Otherwise, we'll still just be the ones people ask to come look at their yard.
40. This is not a job at the LATC, but the profession as a whole does an insufficient job in showcasing what Landscape Architects do, as opposed to Architects or Landscape Contractors.
41. As far as I know the LATC seems to preach to the faithful only

Little/No Outreach Seen

42. It does not appear there is Public and Professional Outreach.
43. I am not aware of LATC outreach
44. I am only aware of LATC when I get the emails asking for professionals to help determine the test questions.
45. I wonder if LATC does not have the resources (money or the correct skills) to outreach to the professionals in the state about its mission activities and services? It seems that they many not, because I have not seen them invest in these efforts.
46. I see little public outreach regarding landscape architects!
47. I don't remember ever seeing LATC perform any type of public or professional outreach, aside from requesting people to attend exam formulation sessions.
48. It would appear that there is almost no Public and Professional Outreach. Why is that a perception for those of us within the field? This could be improved.
49. Minimal outreach regarding drought conditions.
50. Virtually non-existent outreach.
51. i've never seen any public outreach from LATC
52. Never heard LATC's efforts on those
53. The fact that I can't think of an instance of LATC public or professional outreach (apart from meeting notices) speaks for itself.
54. I don't believe I've ever seen anything in the way of public outreach in regard to the landscape architecture profession.
55. I am not aware of any outreach beyond limited emails to licensees
56. It doesn't seem to be to focus of LATC
57. Unless your in the business you rarely hear from them.
58. I am not aware of any outreach efforts at all other than notifications of testing.
59. Have never seen any evidence of public outreach
60. none are apparent
61. I was not aware that the LATC did any outreach
62. Haven't received any correspondence or newsletter about LATC or Landscape Architectural Profession in CA
63. I have indicated 'very poor' because I cannot recall instances of LATC providing Public and Professional Outreach
64. I don't see any outreach to public or professionals by LATC. ASLA has a better outlet for this. LATC should emphasize health, safety, welfare issues. ASLA can emphasize that as well but also market good design by L.A.'s.
65. outreach events are not obvious in landscape architectural practices
66. I have never seen any public or professional outreach
67. I have not heard of this. When was the last time public and professional outreach was conducted?
68. Show me national ads promoting and the benefits of using LAs. Show me TV or web programs promoting LAs. Where are the LAs in Better Homes and Gardens? The public thinks the nurseries or design build landscape firms is the way to go. NO LICENSE required for landscapers in Nebraska and most of the states.

69. Most if not all of my clients do not know LATC and licensure exists for the profession
70. No outreach except fees due
71. I am not aware of how LATC can improve my role as a licensed L.A.
72. Don't see evidence of Public and Professional Outreach.
73. I am not aware of LATC's public outreach in any form.
74. Not seen any Public Outreach
75. I have not heard of the LATC in any way and only interacted with the LATC when I applied to get licensed. I think the general public does not know about the LATC.
76. I can't remember seeing information for Public Outreach to educate the public about the profession.
77. Other than the occasional email there doesn't appear to be any outreach or at least nine that's visible to most people landscape architect or not.
78. I see no public outreach in my area.
79. I am not aware of any Public outreach
80. I honestly can't think of a strength because I have not been the recipient of any public or professional outreach except once in a while being asked to help with LATC exams
81. The public still doesn't know what a landscape architect does do to lack of advertising, public articles either in print or on line. Hence the states don't know they need to require LAs to provide plans when a project is a commercial, retail, public, or residential over a given size or sq footage.
82. I am not aware of any professional outreach. Never see or hear of any at my public agency where awareness of the profession is zero and the profession is not respected. Nor at the university where I teach.
83. As a working professional, registered with LATC, I do not experience a connection of professional outreach from LATC.
84. Other than getting these types of request maybe once a year, My Bi-Annual Licensed renewal does not get me much other information.
85. Not seen any Public Outreach

Miscellaneous

86. Please see my earlier comments about fire. Needs to be addressed.
87. Failure to develop and enforce a meaningful and effective certificate of merit in litigation attempts against landscape architects
88. No one wants to hear from you.
89. too cozy with ASLA

Newsletter

90. There should be a news letter, blog or just some type of information being shared from the state.
91. Also having a quarterly or annual newsletter would help here is an example <https://www.oregon.gov/landarch/Pages/default.aspx>

No Feedback/Not Applicable

- 92. No Feedback/Not Applicable (210)
- 93. See above (2)
- 94. no comment
- 95. What are they?
- 96. not many strengths

Presence

- 97. Not sure LATC is very visible to anyone outside of licensed professionals in Landscape Architecture.
- 98. I still think that more visibility is needed. Like articles depicting what LA's do.
- 99. I haven't felt the presence of LATC influence in the world, in all my years of practice
- 100. You'd be hard pressed to find professionals in related fields (Engineering, Architecture, Planning) who know what LATC is. Public presence is non-existent.
- 101. Lack of visibility
- 102. not a big enough presence in the public eye

Promote the Profession

- 103. We need more under-represented groups learning about LA in high school. More resources aimed at adolescents.
- 104. The general public doesn't know what a landscape architect does and most don't know that the profession exists. Need more media to promote the profession.
- 105. Advocating about our profession and why it is valuable.
- 106. There is seldom any Media advertising the value of LA's and no Infomercial in Sunset Magazine
- 107. Still an lesser-known counterpart to Architects and Civil Engineers
- 108. I am not aware of any activity on the part of LATC to promote the profession.
- 109. We have a horrible time explaining why landscape architecture is necessary
- 110. Doesn't promote the profession in the same way as the State of California promotes California.

Public Relations

- 111. I don't believe I have ever seen advertisement of Landscape Architects services in over 20 years as an LA
- 112. Not participating in public relations. The free Landscape Architecture magazine has material, but much is written by LA firms, and it is not distributed to the general public
- 113. LATC needs to embark on an intense public relations campaign through both traditional media (radio, TV, billboards, etc.) as well as through ALL of the social media platforms. It needs to be a public relations campaign that strengthens and clarifies the perception of our profession in the public mind. Even today, in the 21st century, the general public still

does not have a clear idea of the vital importance of the profession, nor do they have a clue as to the scope of services we provide, nor do they identify the profession of landscape architecture as one that has the breadth of knowledge and wide array of skills to combat climate change. If it takes hiring a PR consultant, then that's what should take place. Knowing that my dues help support such an effort would be gratifying.

Reaching Young Adults

114. More presence at schools and engaging the youth to understand what landscape architecture is.
115. Reaching young adults

Website

116. I think re-doing the webpage would be a start. Public and Professional Outreach Weaknesses – LATC Member and Liaison Responses

Collaboration

1. Also, parallel to CAB, I would like to see LATC reach out and keep in communication with similar jurisdictions such as New York or neighboring jurisdictions, like OR, WA, and AZ, to understand trends and concerns of the neighboring Boards.

Diversity – Inclusiveness

2. I sense culturally that diversity and equity is not critical in the culture of the committee.

Educational Outreach

3. LATC needs to do a broad outreach and raise awareness of what LATC does in terms of regulating licensees practice and administering candidates applications and the licensing process by outreach to similar to CAB to educational institutes, including community colleges and professional organizations whose business nature very close aligns with landscape architecture and keep more regular communication with them.
4. Just in general LATC could probably spend more time on just making current licensees aware of any number of issues it's dealing with. I know we get a lot of inquiries about qualifying for licensure, so we could do a better job of reaching out to those candidates. I know we posted some videos online to help with this.
5. Could educate the public more. People want to hire a garden designer thinking they're as qualified as a landscape architect. I don't know how to get the word out.

Increase Outreach

6. The amount of outreach done is not as effective, because there are not enough people to do it. Someone should go to every school every year talking about the advantages of getting licensed. Outreach is a little hit or miss.
7. We could improve in this goal area. I have not seen a lot of public outreach per se. I'd be interested in hearing from the other committee members about what things have been done.

Newsletter

8. I would like to see LATC send out a newsletter similar to what the Architects do or the state of Arizona.

Seeking Feedback

9. As far as candidates currently taking exams, if we're seeing anomalies/discrepancies, we could spend more time engaging with the candidates to ascertain what they're seeing as particular issues.

Social Media

10. LACT could also have podcasts and use social media to get the word out to the public about the profession and how landscape architects make people safer.

Website

11. There is some talk of updating the website. LATC needs to be sure this is addressed.
12. Statistics on people visited website are low.

Public and Professional Outreach Weaknesses – LATC Member and Liaison Responses

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5. Could educate the public more. People want to hire a garden designer thinking they're as qualified as a landscape architect. I don't know how to get the word out

Increase Outreach

6. The amount of outreach done is not as effective, because there are not enough people to do it. Someone should go to every school every year talking about the advantages of getting licensed. Outreach is a little hit or miss.
7. We could improve in this goal area. I have not seen a lot of public outreach per se. I'd be interested in hearing from the other committee members about what things have been done.

Newsletter

8. I would like to see LATC send out a newsletter similar to what the Architects do or the state of Arizona.

Seeking Feedback

9. As far as candidates currently taking exams, if we're seeing anomalies/discrepancies, we could spend more time engaging with the candidates to ascertain what they're seeing as particular issues.

Social Media

10. LATC could also have podcasts and use social media to get the word out to the public about the profession and how landscape architects make people safer.

Website

11. There is some talk of updating the website. LATC needs to be sure this is addressed.
12. Statistics on people visited website are low.

Public and Professional Outreach Weaknesses – LATC Management and Staff Responses

Change Readiness

1. Implementing updates quicker is a challenge because LATC doesn't have the resources to quickly change its videos, for example. So, to implement changes timelier.

Educational Outreach

2. LATC needs to continue publicizing the requirements of licensure and why Landscape Architects are licensed.

Increase Outreach

3. LATC could potentially provide more outreach - that would be beneficial. Even outreach in the practice for already licensed people. Maybe do a presentation on regulations of the practice. LATC could try to educate the public about landscape architects and educate licensees about what LATC does and what the regulations are. LATC could better educate the licensees about the practice act and the public on the profession itself.

Internal Communication

4. Share with staff what Outreach is happening or going to happen in case someone in the field or prospective educators call. Staff can then share this information.

Meeting Attendance

5. LATC could work on getting more public visitors or organizations to attend meetings.

Social Media

6. LATC has a social media presence now, but this could be improved. Maybe LATC can contract with someone or use a consultant?

Organizational Effectiveness Strengths – External Stakeholder Responses

Customer Service

1. My experience with LATC has been professional and staff is helpful.
2. Any question or concern I have had has been addressed satisfactorily.
3. Access to live person when calling in.
4. I received a personal phone call in advance of a revised bill regarding a billing error by LATC.
5. All interactions I have had with the LATC have always been responsive, professional, thoughtful.
6. All of my interactions with LATC have been expedient, well-informed, clearly articulated w/ designated roles of responsibility, and they have even gone above and beyond to provide additional outside professional resources when applicable. Essentially, I have found them to be not only a highly professional organization, but also to be very human and satisfying to work with.
7. Very happy with my personal interactions with LATC

Efficient/Effective

8. I had no issues with coordinating my license or renewal.
9. Experience in dealing with the LATC that it is an efficient organization with prompt and accurate responsiveness.
10. In my dealings with LATC, I've found them to be very effective and efficient
11. It's pretty straightforward and quick to get my license renewed on time every time.
12. LATC has been very efficient. Thank you for your support.
13. All my experiences with the LATC have been handled efficiently

General

14. Since we are still licensed I assume the committee is effective.
15. The strength of services is with licensees
16. My experience is the LATC is a governmental organization that could cover any field. It's seems to collect payments, validate the test, and appears to provide a database of licenses. They seem to collect complaints, though I haven't heard of any enforcement.

Informative

17. Information was provided about testing requirements for licensure in California.
18. Good information on what is landscape architecture and what we do as a profession for consumers

Miscellaneous

19. Oh the tests are good the required education is good, the mentoring is good. Now show me a state that requires it.

No Feedback/Not Applicable

20. No Feedback/Not Applicable (267)

21. See above.

22. no comment

23. none apparent

24. Have no idea

Online Services

25. I appreciate being able to pay my license online now! and it was relatively easy to change my address, which was handled the same day I emailed in the change of address.

26. ability to pay fees online is great

Oversight

27. It maintains the status of all licensed professionals and keeps makes sure they are in good standing.

Presence

28. I'm encouraged that the LATC has resumed attendance at CLARB annual meetings and regional updates.

Responsive

29. I've never had any trouble getting the support I need from an LATC representative.

30. LATC has been very responsive to my inquires. Thank you for your support.

31. I always receive a call back or communication through the US Mail.

Timeliness

32. They always answer my questions via phone and email quickly and professionally.

33. I've always received responses to my questions posed to the LATC in a timely manner.

34. My license renewal always arrives on time

35. Got responses very quickly to all of my inquiries.

36. When I requested documents to get licensed in another state, documents were sent and recieved in a reasonable amount of time.

37. All my experiences with theLATC have been handled quickly
38. Always have received timely responses;

Organizational Effectiveness Strengths – LATC Member and Liaison Responses

Customer Service

1. LATC provides good service to the licensees.
2. I have not observed any glitches or concerns, so staff must do well here to keep problems away. I have heard no complaints from consumers or licensees.

Engagement

3. Impressed with the level of discourse the committee does. The committee seems really engaged in accomplishing what's in the best public's interest.

Meeting Materials

4. The meeting materials committee members receive are very well-organized.

Responsive

5. LATC really excels at this – staff is very responsive
6. LATC is responsive to particular things brought to our attention.

Streamlined

7. That whole process is a lot more streamlined.

Timeliness

8. LATC really excels at this – staff is always trying to answer questions in a timely manner and get to everybody as quickly as they can.
9. Responses are timely and staff are very focused on this.

Unknown

10. I don't know enough about LATC's interactions with the public.

Website

11. The website and resources available are very helpful.

Organizational Effectiveness Strengths – LATC Management and Staff Responses

Cross Training

1. All staff are cross trained on basic candidate and licensing requirements to be able to provide backup and assistance.
2. There's been cross training, so we're good at collaborating.

Internal Communication

3. Staff is very good at communicating.

Knowledgeable Staff

4. LATC has a small staff but they are all pretty knowledgeable in their specific areas, so it's rare when they don't have the answer and need to reach out further to acquire it.

Purpose

5. All of the LATC staff have an understanding of what our program is supposed to do and why we're here.
6. LATC staff's understanding of who does what is strong, of each individual person's role.

Responsiveness

7. LATC staff is responsive to its customers
8. LATC staff's responses to phone calls and emails are very timely.
9. LATC does really well at communicating with the stakeholders and any candidates or licensees that contact them. If they leave messages, staff get back to them right away.

Teamwork

10. LATC has a relatively small staff, which creates a good environment where they work well together and get projects done quickly.
11. Staff is very good at teamwork.

Technology

12. LATC has been implementing business modernization solutions for enforcement and licensing.

Timeliness

13. Everyone on staff is very committed to timely processing of requests and questions. This refers to questions from consumers and licensees, plus enforcement issues as well.

Website

14. In addition, management is very focused on the organization of the website. It constantly reviews the website to see if there are opportunities to add information or increase access.
- 15.

Organizational Effectiveness Weaknesses – External Stakeholder Responses

Communication

1. Very little communication. My license renewal is coming due in a couple months and I haven't received any information regarding fees, etc. Had to go to website and check there. When our vehicles need to re-register we get the fee documents a couple months in advance, the same should be said for something as important as our professional registration.
2. Since completion of my tests and licensure, LATC hasn't been on my radar.
3. Unfortunately most licensed landscape architects are not kept aware of the important LATC actions. Not sure if this is due to a lack of organizational effectiveness or lack in funding to provide adequate professional awareness.
4. I see and hear nothing regarding Organizational Effectiveness from LATC
5. Very little communication from LATC.
6. I haven't received any information regarding Organizational Effectiveness
7. LATC has not been effective in communicating what services are available. LATC seems like more of a professional constraint than a professional benefit.
8. need news letters

Compensation

9. Also LA fees and wages should be more in line with arch / engineers. They are woefully behind our peer disciplines.

Effectiveness

10. A couple of years ago I mailed my semi annual dues, they cashed my check, and then gave me the run around for about 2 weeks that my license had lapsed.
11. Outdated admin practices. Also they spelled my name wrong on my license
12. ineffectual at resolution

LATC Staff

13. I haven't encountered any licensed landscape architects in the LATC offices.
14. Staff seems low energy/not the best informed...but it's been awhile since I've had any contact.

No Feedback/Not Applicable

15. No Feedback/Not Applicable (257)
16. See above.
17. no comment
18. N/A
19. Never heard of any Organization activities
20. I am not aware of any services provided by LATC other than testing and license renewal.
21. I am licensed though, at the moment, without looking back, i have no clue of the functions of LATC
22. I have no way of determining how effective the LATC in OE
23. not aware of the organizational effectiveness
24. Have no idea

Presence

25. More than one member should be budgeted to attend CLARB meetings.
26. I'm not sure LATC even interacts with consumers, so between its strength with licensees and weakness with consumers, Organizational Effectiveness averages "poor"
27. again not enough public exposure to enhance effectiveness

Public Relations

28. The committee needs to engage more people.
29. I know CA and Florida are probably the most strict and yet they are weak in advertising or letting the public know what an LA does and it's benefits.
30. more PR, marketing in build industries

Responsiveness

31. Unresponsive
32. Can take days to receive a response. But then perhaps that has more to do with too few people to do so much.

Stamp Acceptance

33. I'd like to see LA's stamps accepted by jurisdictions (like Architects and Civil Engineers) for submitting planing documents.

Technology

34. LATC has been waaaayyyy behind in using technology to best serve L.A.s. License renewal fees, questions, and other needs have been painful to go through, at best.
35. LATC should figure out a way to eliminate paper forms and transition to electronic forms.

Timeliness

36. Receiving documentation from passing licensure exams was a tedious lengthy process of check in with LATC numerous times. This delay in receiving documentation resulted in a delay from pay raises.

Value of Services

37. I am not aware of services the LATC provides me.
38. I have only needed their services for address changes and to report a violation on a website. And yet our fees are double those of engineering licensees. I'm not quite sure why that is.

Website

39. Website needs better organization to find information easily

Organizational Effectiveness Weaknesses – LATC Member and Liaison Responses

Communication

1. In California, with the Brown Act, the committee's prevented from interacting with each other between meetings. It would be nice if we could discuss amongst ourselves what we're seeing. That's a frustration to not be able to reach out to other committee members to share what I'm working on or what I'd like discussed at next meeting.

Educational Outreach

2. LATC needs to have some type of education to help the public understand environmental issues more, like water scarcity. You can have a nice yard and not acres

and acres of grass. The incentive programs have been really appropriate to encourage that conversion – LATC could support that type of thing.

Meetings

3. We only meet 3 times during the year, that seems to be working based on the typical things we're dealing with. It might be worth exploring adding a meeting more focused on outreach rather than the administration duties of the committee. That would be a good way to engage with the public, licensees, and educational institutions.

Public Awareness

4. The public doesn't know the committee exists and therefore, cannot use it as a resource. How do we get the information out there?

Streamline

5. LATC members and the LATC Program Manager should review and align business and policy making processes with CAB, so we can benefit from streamlining our business.

Unknown

6. Unknown

Organizational Effectiveness Weaknesses – LATC Management and Staff Responses

Budget/Funding

1. LATC could look at its fund condition. LATC is working with the budget office now to see if it needs to make any changes.

Cross Training

2. LATC could improve by cross training staff, since they're such a small unit. Right now, 1 person does licensing, 1 person does enforcement, etc. It would be good to have succession planning in case someone's promoted or needs to be out for some time.

Policies/Procedures

3. LATC needs to improve staff being educated on policies and procedures, but also following them. The policies and procedures exist but they're not always followed or known.

Social Media

4. Social Media outreach. The Committee's interested in exploring Social Media and has started working on it. LATC has a Twitter account.

Appendix D – Possible Objective Topics Comments

Regulation and Enforcement Possible Objective Topics – LATC Member and Liaison Comments

CLARB National Standards

1. Right now, CLARB is instituting a uniform standard that our committee will be voting on as a member state and there's definitely discrepancies between our practice act and what the new standard will be. Over the next couple of years, LATC will need to decide if it supports that initiative and then how it will deal with requests to change their regulations to fit that. Right now, under the practice act, certain credits are received for education or experience and there is a minimum amount needed to sit for the national exam. CLARB is trying to standardize this across the country. They are asking states to vote on their plan, and then states will modify their own regulations to meet the plan.

False Advertising

2. There is some issue with houzz, an app where you can get pictures of things you want to do around your house. The categories within HOUZZ aren't distinguishing between landscape architects and landscape designers. There are situations where contractors or landscape designers say you don't need a landscape architect and in the long run, this doesn't benefit the consumer. LATC needs to continue watchdogging and see how trends are evolving.

Fire Control

3. Getting the right plant material that's fire resistant and providing information on how landscapes should be maintained to keep people safe from fires.

Protectionism

4. There are those that feel that the profession of landscape architecture is too protectionists, that the design professions in general are too protectionist.

Public Awareness

5. Getting the word out. A lot of people don't know LATC exists

Streamline

6. LATC and the LATC Program Manager can start looking to align their enforcement and regulatory effort with the full board so that in the years to come, they'll be more and more in sync and less independent.

Regulation and Enforcement Possible Objective Topics – LATC Management and Staff

Cross Training

1. To have continued cross-training in both areas.

Educational Outreach

2. LATC can work on informing the public that Landscape Architects need to be licensed.

Unlicensed Activity

3. LATC can focus on unlicensed practice/advertising.

Professional Qualifications Possible Objective Topics – LATC Member and Liaison Comments

Climate Issues

1. There is an opportunity to educate the public, particularly about wildfires. Also, sea level rise. These issues we're dealing with are critical, e.g. global warming. LATC could make a difference as part of that forum.
2. Climate.

Discussion Participation

3. There's going to be a shift in standards. As these discussions go on, LATC needs to stay involved in these discussions.

Equity - Social Justice

4. Look at what's going on with climate and how communities are affected by it, especially a community's economic status. How do we grow in looking through that equity lens?

Exam Quality

5. The tests – is the bar high enough? We want more people in the profession, which helps justify us better.

Licensing Reform

6. Having been in public works, and then doing residential work, there's a huge range of the profession. ADA and playground design are very technical and very specific, for example. It seems like the license exam, in the areas of technical stuff, it seems like they only have a couple of questions. Residential designers may not be very technical about other things. Why not offer a range of licenses? The test is the entry level, the basic level to get licensed.
7. Should LATC offer additional levels of licensing, such as garden designer versus landscape architect?

Monitoring

8. We continue to monitor what's going on with the licensure of all professions and the nation-wide trend about the right to work and one license fits all, the notion that a license in NY should be good in CA.

National Licensure

9. Universal licensure. Some amount of review needs to happen to see if this is a viable option and what their requirements are versus other states, so they can streamline and be more consistent. There's CLARB as a model law that they're trying to push that helps make the requirements for licensure more universal across all states.

New Practices

10. Some of the practices coming forward are indigenous and we need to take a look at these and what they have to offer.

Pass Rate Discrepancies

11. One issue is for those candidates sitting for the exam, we've noticed for a couple of sections of the national exam, there's a discrepancy between California's and the national pass rates. What does this signify, what do they need to do to address those discrepancies?

Pathways to Licensure

12. There is an alternative path to licensure which allows students to start the licensing process while in school. CAB has been very supportive of this initiative. Many schools in the nation have established programs that allows students in their later studies to work as interns and start taking exams. Some students become licensed immediately after they graduate. This encourages students to commit to being a licensed architect. I see a parallel benefit for LATC to start a similar program. LATC should consider this.

Staying on Top of Trends

13. Staying in touch with and on top of the trends that are coming about – certain things within the practice of landscape architects in the way it touches regenerative landscapes and how they look at fire.

Professional Qualifications Possible Objective Topics – LATC Management and Staff Comments

Clarify/Update Law/Regs

1. LATC can work on simplifying the language regarding licensure requirements.

Maintaining Standards

2. LATC will need to make sure it's still licensing qualified people.

National Standard

3. There is a push from CLARB to create a uniform standard for licensure. LATC needs to push back on why CLARB feels California should make these changes.
4. As CLARB proceeds in considering the changes to prof qualifications, we need to look closely at the justification of changes at the state and national level.

Processing Times

5. LATC has a process when they get applications that have to be evaluated for qualifications, and that process takes way too long. LATC has applications that sit untouched for way too long. In the future, applications should be processed in a timely manner.

Trends

6. Because LATC is opening up the types of degrees that can be used towards becoming licensed, it would be beneficial to monitor which degrees people have and seeing if there's a trend in pass rates for the CSE (California Supplemental Exam).

Public and Professional Outreach Possible Objective Topics – LATC Members and Liaisons

Complaint Process

1. In the area of enforcement, I get a number of calls now and then where someone says I see this situation, what should I do.

Educational Outreach

2. Anything we can do to improve public or professional outreach would be worth spending time on.
3. More communication with licensed landscape architects and maybe it's through a little section every couple of months, an LATC report about what it's doing for the public's health safety and welfare and in regard to licensure. There have been times where LATC comes up, but people don't know what LATC does. I'm surprised by the exhaustive effort staff made when the committee was considering CEU's, and I don't think the public or licensees understand that, so that they see value in having LATC exist. The American Society of Landscape Architects SoCal chapter, maybe it could give mention of LATC activities. Messages could be sent via Instagram, too.
4. Just how to get the word out to more people. More people know what a landscape architect is these days but there is still more work to be done in outreach.

Increase Voice

5. LATC can learn something from CAB. LATC needs to have a national voice by actively participating in CLARB. The committee members should get actively involved, working with the LATC Program Manager, to understand how umbrella policies will affect them. So, to have a voice at the national level and umbrella organizations is important, because it directly affects our business. CAB, through active engagement, now has 2 members of NCARB and our members are very active in other functions, such as serving on committees, LATC seems to lack this. They need to make a conscious effort. LATC can engage in visibility and leadership roles in its profession.

Landscape Architect Stamp

6. There's a number of municipalities that question landscape architects stamping certain construction documents, they don't always accept that even though landscape architects are qualified to do so. How do we mandate because we are qualified that the municipalities have to abide by this and not set their own rules? It Always seems to be an area of discussion as to state law versus local rules and regulations.

Newsletter

7. Would like to see a newsletter generated maybe quarterly, then the information can be easily disseminated out. Right now, you must hunt for information.

Seeking Feedback

8. LATC talked in past about sending a survey to ask licensees about any specific issues they're seeing.

Social Media

9. Focus more time on outreach on these social media platforms.

Public and Professional Outreach Possible Objective Topics – LATC Management and Staff

Collaboration

1. To work with related professions on issue of climate change to help build a sustainable future.
2. LATC could work with the organizations they have relationships with to see if there are other groups LATC could work with in the future.

Educate Licensees

3. Just focusing on informing licensees of the requirements and regulations they need to follow, whether by email, tweet, or some other means. For example, LATC could educate licensees about contracts. Not all landscape architects know what to include in their contracts.

Educational Outreach

4. LATC could do additional outreach to local officials in regard to license requirements and what Landscape Architects are allowed to do under the practice act.

Increase Outreach

5. Increase outreach to schools, in person if possible.

Social Media

6. LATC could work on its social media presence.

Organizational Effectiveness Possible Objective Topics – LATC Member and Liaison Comments

Communication

1. Have LATC provide a little update on what they do, how they get out to the public, how they see their organizational effectiveness, so committee members know if they're doing well or need improvement.

Diversity - Inclusiveness

2. When committee members term out, are they supposed to find their replacement or does LATC works on this? Having representation from each of the regions is really helpful. Right now, we're kind of heavy on southern CA. If LATC could promote more well-rounded representation, that's important.

Public Awareness

3. We're very effective but people don't know what we're doing.

Streamline

4. The strategic plan follows an identical process, so question why two strategic plans are needed, one for CAB and one for LATC. Maybe the process itself should include the topic to review and understand the differences and similarities of the roles and responsibilities of entities and look into specific areas (goal areas) and see if they can share some similar vehicles, like social media portals or educational institutes for outreach, and maybe we'll find there's nothing in common and they need independent processes or maybe not.

Succession Planning

5. One area I know is with the staff itself and the executive manager Trish, I'm not sure if there's a transition plan if Trish has to resign or retire, what's the process to fill her role

or any of the staff roles for that matter. And how much say/influence does the committee have in this process at all?

Website

6. Even though website just got redone, the website needs to be overhauled. When I go to the website to lookup licensees, it's not an easy process. And I know where to go. For the average consumer it's confusing and frustrating.

Organizational Effectiveness Possible Objective Topics – LATC Management and Staff Comments

Cross Training

1. Continuing with cross training so all their bases are covered and it's easier if someone's out of vacation.

Policies/Procedures

2. Establishing a new finger printing procedure.
3. Some staff don't know where policies and procedures are or how to implement them. Improve communication so that staff know how to access policies and procedures.

Synergy

4. LATC could work with the Architect Board to look at the structure it has and to see if there are any changes that could lead to improvements for either side, like saving money or operational effectiveness.

Appendix E – Opportunity and Threat Comments

Opportunities and Threats

This appendix contains the qualitative data relating to trends affecting the LATC collected during the surveys and interviews.

The comments in this appendix are shown as provided by stakeholders. Comments that appear similar or on a specific topic have been organized into categories. The comments have not been edited for grammar or punctuation to preserve the accuracy, feeling, and/or meaning stakeholders intended when providing the comments.

There are many factors that may impact the future direction of the landscape architect profession. These could be opportunities LATC may want to capitalize on or threats it needs to mitigate.

LATC members, liaisons, management, and staff were asked to list potential opportunities and threats external to LATC that they felt could impact the profession and LATC's regulatory role. The following are commonly made responses and/or responses that LATC might reference when considering its strategic plan.

Summary of Opportunities

Opportunities for the LATC to Capitalize On:

1. Responding to climate change
2. Protecting the environment
3. Providing educational outreach to consumers and licensees
4. Promoting the profession and the importance of licensure
5. Collaborating with other agencies, organizations, and professions

Summary of Threats

Threats for the LATC to Mitigate:

1. Sunsetting of the license requirement
2. Failing to assure the public the profession requires licensing
3. Expanding environmental threats from climate changes
4. Growing numbers of unlicensed individuals performing landscape architecture work
5. Diluting the profession through insufficient education or requirements

Opportunities – External Stakeholder Responses

Advocacy

1. Lobbying

Building Relationships

2. Reach out to other organizations and let landscape architect to be heard.
3. community building
4. This survey opens the opportunity for the LATC to find new ways to CONNECT to the stakeholders, and to let us know how they can make a difference in our practice as L.A.

CE

5. Maintaining a landscape architect's license should require continuing education credits and/or some demonstration of knowledge of current industry trends and products.
6. Continuing education is an opportunity for California to join nearly every other state in the union in requiring licensed landscape architects to stay educated on current technology, practices, code, etc. It is shocking that California, one of the most progressive states, does not require CEUs
7. continuing education,
8. Continuing education units
9. The profession needs continuation education units in the following: energy conservation, water conservation, storm water quality, urban wildfire fuel modification, habitat restoration, erosion control, irrigation technology, grading and drainage, native vegetation design, arboriculture, urban forestry, Landscape Best Management Practices, etc..

Collaboration

10. work with ARPL (alliance for responsible professional licensing)
11. Although I do not have any personal knowledge of what involvement LATC may have with CLARB, it is my opinion that such involvement is a good thing.
12. work with allied professions on advocacy matters.
13. Deregulation will always be a threat. I don't think the LATC alone can remedy this. Our strongest advocates are other regulated & licensed design professionals. Partnering with these groups to develop symbiotic strategies seems the best way to assure their support and broaden the reach of the profession.
14. How the profession positions itself...in marketing, skill building, in our work with other scientists, engineers and planners, and in raising the bar in education will mark the next key chapter of this profession.
15. liaison between design professions and the public

16. I would say thinking “bigger picture” in terms of prioritizing collaboration with allied fields and agencies would be most paramount on my mind.

Educate Licensees

17. Provide practice workshops to clarify contractual requirements and potential land mines in practice.
18. Should keep up educating the profession about new technologies, new trends.

Education Reform

19. Look at Complete Streets opportunities and how our training as Landscape Architects with regards to people, spaces, land use, variety of transportation alternatives, ADA, etc. allow us to lead the effort for developing these concepts for communities and the State.
20. Online education is an opportunity that needs to be promoted throughout the state in order to make entering the profession more accessible.

Educational Outreach

21. More information to the public about the difference between a landscape architect and a landscape designer or gardner.
22. There is always an opportunity for Landscape Architects to make a difference in our community and our environment. I personally devote time to educate my clients. Most people are interested in their landscape or garden but few truly understand how to manage and maintain it in a responsible manner. That is where I feel it is important to share my knowledge. As a result, I see good changes by those who listen.
23. In my opinion, landscape architects need to be made more aware of the Contractors State License Board (CSLB) laws and regulations.
24. getting cities to understand what a landscape architect does and what they can do for the plans and permitting and why licensure should be mandatory for building permits
25. organize more educational opportunities
26. learning opportunities and other resources
27. Educating clients to value-added skillset of a licensed, proven professional. Now, seems only those needing "the stamp" will hire.
28. There are many opportunities to educate the public about landscape and water use. Over the last 40 years, the mind set has changed for the better. We still have a long way to go. LATC can help continue to get the word out and offer incentives for people to make good choices in the landscape design and water use. The nursery industry also has to provide a good supply of low water use plants for these projects.

Employment Opportunities

29. Expanded demand for qualified LA's during based on climate change, urban heat island effect, storm water run off, etc.

30. Infrastructure spending may increase the employment of LAs for associated erosion control, storm water protection and revegetation work.

Energy Management

31. green energy and infrastructure;
32. Energy management through design
33. Opportunities in renewable energy implementation, carbon farming/sequestration initiatives

Environmental Protection

34. Urban forestry and soil management is also critical to addressing climate change and an area that the profession should be leading.
35. Environmental awareness
36. enhance educations and expand the practice to current challenges in climate changes impact on human habitats and nature environment. Refine landscape architectural practice to grow in wetland engineering & environmental mitigation, wind and water erosion control management & design, site planning and campus design for outdoor space usages..
37. There are two major ones I can think of: water and fire. We all know the climate is changing and I believe that the LATC should be requiring all practicing LAs to know about how to use water wisely and how to design for fire. These are 2 big changes we need to address. we cannot continue to polant turf grasses and high water use landscape plants. We can't ignore wildfires and the thrrreat of more fires in the future as we get less rain. We need to design smartly and innovatively
38. landscape architects should play a key role in flora/fauna species preservation, and current environmental problems
39. This is too big of a question - there are limitless opportunities for improvement in the profession. I would say thinking "bigger picture" in terms of prioritizing environmental conservation
40. To lead the way in responses to climate change, biodiversity decline, conservation of natural systems
41. With continued climate and environmental issues, landscape architects are well positioned to provide solutions to the most pressing development challenges of our time. Everyone should know that.
42. There are opportunities for the profession to be much more of a leader in wildfire mitigation, climate change, water resouce efficiencies, climate change. This leadership could also be encouraged/required by the State. THis is one reason why other professions have been leaders in these areas.
43. erosion control
44. wildfire danger

Exam Prep

45. Resources for exam preparation.

Exam Updates

46. updating tests to have more focus on climate mitigation issues, fire, flood, and green infrastructure, to keep landscape at the table with civil for these issues.
47. Landscape architecture needs to require more technical testing and licensing requirements. This means basic structural engineering testing. The profession is seen by peer professions of architecture and engineering as a fundamental and basic limited skillset. Decorators with plants. More architecture, more urban planning and so on. Designing a bike path with benches is fundamental and basic landscape architecture. Designing a high-end luxury home with retaining walls, pools, water features, lighting, structures and so on is the most difficult and 95% can not do this work. Too technical and grossly inadequate knowledge of architectural skill.

Expand Profession

48. Landscape architects can continue to expand into sustainable design solutions, including natural storm water management and green roof technology, rain water catchment, solar powered irrigation and lighting designs and pushing for plantings area that are large enough to sustain trees that provide much needed shade in parking lots (where there aren't solar panels) and edible gardens.

Guidance

49. Protect LA's from themselves with contract guidance/support.
50. In San Diego county the requirements for residential landscapes vary so much it is hard to explain. The LATC could offer recommendations on when and how landscape architectural services are required for residential development.

Increase Public Space

51. We have a move towards more human spaces in public places. This is an opportunity for the field to incorporate more land use planning, psychology of space, and physical design of hardscape.

Leg/Reg Updates

52. The legislation of regulations that require or encourage the use of a licensed Landscape Architect. An example might be, Model Water Efficient Landscape Ordinance (MWELO) program.
53. Infrastructure bill

54. WELO, SB 1383--both will impact la's and many are still unaware of WELO and have no idea about SB 1383 requirements that affect them.
55. news releases for public consumption regarding new laws and regulations and how they affect the public moving forward.
56. There are opportunities to better connect licensure with relevant state regulations and requirements such as the MWELo (that is being revised) Cal Building Code updates such as EV and PV ready .

Licensing Reform

57. Should create a class of license (landscape architectural engineering) that is more closely aligned with Qualified Storm Water Professional and Civil Engineering licensing. Provide the ability to stamp once licensed grading, drainage and storm water pollution prevention plans (SWPPP's) without having to sit for additional licensing/certification.

Maintaining Standards

58. REAL PLANNING (not conceptual or design "planning" done by untrained planners);
59. There need to be more city submittals that require a licensed stamp. I've seen some really unqualified plans go into the city and by requiring a licensed landscape architect to stamp the drawings would really help with quality control, true water conservation, etc
60. Keeping the true goals of the profession clear and not lumping in extraneous, albeit possibly noble, political or social goals into our practice.

Meetings

61. A State-wide annual or biannual meeting outside of ASLA would be very beneficial to professional growth.

Miscellaneous

62. You know, I'm a retired old guy, 85 years old, retired from a 40 year career of a self employed landscape architect with a very small office providing landscape architectural services to architects on larger public funded projects. That opportunity still exists.
63. Increased interest in homeowners considering Accessory Dwelling Unit as a means to provide housing to family members or for rental income.

National Standard

64. CLARB's uniform national standard

New Licensure Pathways

65. over the next year LAAB will be exploring a path for accrediting (or sub certification) international degrees and their equivalencies.

No Feedback/Not Applicable

66. No Feedback/Not Applicable (195)

Open-mindedness

67. Being open to thinking out of the box and trying new building/landscape materials in our projects.

Promote Profession

- 68. Publish more info on upcoming design competitions.
- 69. Elevate the profile of the profession by educating the public on our value.
- 70. news releases for public consumption regarding the profession of landscape architecture
- 71. advocate for using landscape architects in infrastructure projects.
- 72. The just past rebuild America plan should be lead by LAs and architects but it won't do to lack of lobbying and advertising.
- 73. The profession (always) has an opportunity to demand a more equal professional position alongside architects and engineers.
- 74. Spread the word in more high schools and colleges about the profession
- 75. LA have much to contribute to climate change planning and mitigation but not a lot of agencies take this into consideration. Help spread the word!
- 76. Always improve upon the strength and definition of the profession and importance of licensure.
- 77. stepping up exposure in the public view as to who we are and what our value is to all communities
- 78. Linking the work of landscape architects to legislators and elected officials so they understand the important role the profession plays and why consumers (their constituents) should understand why licensing is important.
- 79. We should do a better job what our contribution is/ what it can be

Protect Licensure

80. To protect licensure

Public Relations

81. Public relations

Public Safety

82. Working with other professions to address the homeless issues in the state of California. And by homeless I mean those who actually want a home and are willing to work to obtain and keep a home.
83. The benefits of a landscape architect licensure in protecting the health safety and welfare should be shared with the public
84. Keeping track of industry trends, especially where LA involvement can help ensure public health, safety and welfare in the deployment of those new technologies, approaches or code/environmental requirements that are forthcoming in the future.

Relevancy

85. Licensed landscape architects need to constantly stay on top of what is available to assist us in providing a professional product and design. This is definitely true with respect to technology but also true with non-tech information.

Response to Climate

86. I think that there are many opportunities for landscape architects to address issues caused by climate change, including drought and habitat preservation and creation. We have the opportunity to make a big difference by specifying low-water-use plants, creating habitat, minimizing the use of chemicals, and rebuilding soils by supporting soil biology.
87. climate change and recycled water are here. this poses challenges to planting design for the future.
88. we can combine stormwater management with places for trees, if we can get the agencies to talk to one another and make it so. "
89. Opportunities to stay at the forefront of emerging responses to the climate crisis.
90. Opportunity to emphasize stewardship versus politically led mandates regarding climate change. Landscape architects are well suited to be leaders in being good stewards of the natural resources we have available to benefit all
91. Landscape Architecture is a profession that can be a forefront discipline in the fight against global/local climate changes.
92. mitigation and climate control
93. Focus on legislation that will address climate change, there is a lot of opportunity for LAs to share their expertise and help.
94. Climate change is a big, and increasingly more public, issue affecting landscape architecture. It would be great if our profession came together to change industry standards to reflect this, instead of continuing to do things the way they have been done in the past. California specifically has new mandates going into effect for 2022 regarding food waste composting for grocery stores and larger residential complexes. Is there a reason we aren't also on board with this and trying to get composting into our

commercial projects? Why are we still using gas powered maintenance equipment to collect green waste, shipping it off, and then importing fertilizers? This seems fixable.

95. landscape architects should play a key role in identification of solutions to climate change
96. Another opportunity to recognize and emphasize is the fact that our training (to see the broad picture, to make connections where they are typically not made by other professions, to problem solve on a large scale, etc.) is vital to combat the effects of climate change. The technology may change radically from year to year, but our essential training remains consistent.
97. Climate change is a large problem that draws in many professions. Landscape architects should be part of the dialogue and working on solutions.
98. Climate change - new ideas on site development and technologies.
99. Become an active stakeholder in sustainability efforts/combating climate change
100. Climate crisis
101. Climate Change

Social Justice

102. Social justice, diversity and equity in our profession, practice and community engagement

Social Media

103. Social Media

Species Protection

104. Speicies protection

Support/Protect Licensees

105. Continue outreach efforts to support licensure of new LA professionals.
106. Landscape Architects should routinely be listed in the licensed professional that are exempted from laws like the gig worker laws, etc.
107. What is the State of California doing currently in support of licensing our profession?
108. Expand legal opportunities for Landscape Architecture profession/eliminate exclusions (for example, DSA reviewed projects currently only allow "architects" to lead submissions, leaving no room for landscape architects to prime projects needing review by DSA...even if the project contains no functional architecture but is solely site based)

Technology

109. Technology
110. New technologies and new practices

- 111. Embracing emerging technologies and teaching them
- 112. Advancement in 3D graphics.

Telework

- 113. remote working

Transparency

- 114. Where are your license fees spent?

Unlicensed Practitioners

- 115. I think there is an opportunity for LATC to "control the narrative" with unlicensed landscape designers, perhaps by creating a second-tier license (or certification?) that would allow better oversight of unlicensed practitioners, which would improve public health, safety and welfare. Currently there is no governance of unlicensed practitioners so they can work in the shadows.

Water Conservation

- 116. Integration of Storm water design, water conservation methods, into land planning standards.
- 117. Stormwater treatment, management and harvesting is critical to adapting to climate change. This is an area where Landscape Architects are underutilized and should have more of a role in the future.
- 118. stormwater management; smart water use
- 119. Landscape water conservation
- 120. Irrigation design and water conservation. State Model Water Efficient Landscape Ordinance(MWEL0)

Website

- 121. Update the website
- 122. A better website for assisting new licensure applicants

Opportunities – LATC Member and Liaison Responses

Climate Change

1. Look at how climate change impacts current practice. LATC has a very significant role in addressing these concerns, particularly in floods, droughts, and wild fire – all these have elements LATC is concerned with in its practice. LATC has an opportunity and threat in

regard to climate change. The opportunity is looking into how education, exam, and experience requirements reflect climate change.

Continuing Education

2. There is a huge opportunity to promote reducing carbon emissions as it pertains to sustainability. It would be nice to require some CE regarding this.
3. Continuing Education. We should have it in the area of accessibility. We've discussed what continuing education should cover.
4. Look at modernization of the continuing education mandate and respond to this.

Diversity – Inclusiveness

5. Our profession is looking at equity and how to bring more diversity into a white male dominated profession. The profession is changing. However, we do not see a lot of African Americans in our firms. I wish there were more people going through the universities to help solve that.
6. Diversity in any body is an opportunity. Ethnic and cultural diversity not reflective of the demographics that the LATC serves.

Drought

7. Water shortages will be impacting us more and more. Typically, the first areas policy makers target is the landscape. If we could get ahead of the game and increase education, especially for policy makers to understand. During the early 1990s draught, people were encouraged to only save their trees. I have trees on separate valves since they may be the only thing people are saving. Recycled water. Policies that make a little more sense. This kind of information, policy makers aren't aware of these types of things. Bring LATC members together with whoever is making decisions as water gets scarce to have a conversation with them and help them understand the complexity of the issue.

Education Reform

8. Looking at aligning different educational institutions to ensure a smoother path to licensure.

Educational Outreach

9. What can the LATC do to enhance the public knowledge about what can be done to reduce carbon emissions?

Meeting Materials

10. Staff does a great job, how organized the material is, how smooth the meetings run.

Public Safety

11. Our purview is really the health and safety of consumers.

Setting Standards

12. LATC is looking at what we value as far as base knowledge licensees should carry. We need to look at how knowledge can bring safety to the consumer, because of our knowledge of natural systems, such as in fire safety.

Streamline

13. Research variation between the strategic plan for CAB and LATC and see if they are the same and whether two plans are necessary.

Sunrise Legislation

14. I think the LATC should be its own Board, the Board of Landscape Architects like it once was. Everything LATC does has to go through the Architects, but with climate change, people see the value of landscape architects more than ever. Now might be the time for sunrise legislation.

Opportunities – LATC Management and Staff Responses

Building Relationships

1. Relationship with CLARB.

Collaboration

2. There is pressure at national level to make changes to licensing requirements. LATC could work with other jurisdictions to make sure concerns are addressed by CLARB.
3. LATC should consider reaching out to states that don't have a pre-approval requirement for exams to see how it's working for them, because LATC could have an opportunity to have more candidates in California by following their example.

Fee Waiver

4. In the midst of COVID-19, licensees have been asking for a fee waiver, so something in regard to this would be a good idea.

Online Services

5. An information system to allow people to apply online – Online application methods.
6. COVID jump started using technology more, so LATC could continue to look for more ways to use technology to its advantage.

Threats – External Stakeholder Responses

Accountability

1. We act as if we aren't complicit in the problems noted above, but we very much are.

Authority

2. Lack of numbers and political clout similar to professional engineers

Barriers to Licensure

3. The paths to licensure continue to be exclusive and self-selecting and cannot attract a true representative diversity of licensed professionals. It's more complex than just financial barriers. It's also about the location and time commitment required by accredited schools. We need viable alternatives to licensure for people changing careers or coming from underserved communities.
4. There seem to be increased movement to reduce Barriers to Licensure.

Business Practices

5. I believe (through experience reviewing plans of others) that an increasing number of people have Licensed Landscape Architects sign their plans, when the Licensee wasn't actually involved in preparing, supervising etc.

CE Requirements

6. The lack of a continuing education requirement has been a high priority concern of the State legislature since the first year I became a licensed in 1974. The Board has dragged their feet on this concern for the past 40+ years. The profession has grown significantly in the past 40 years with greater responsibilities being placed upon practitioners in both the private and public arenas. Education in current practices and procedures is an

important selection criteria. Hopefully, the Board will take another look at a CE requirement.

7. I have heard rumors that LATC is considering requiring continuing education for those with licenses that predated the institution of the current requirement. I consider this a threat and I oppose instituting any such requirement.
8. I do not wish to engage in any required yearly training to maintain my license.

Climate Change

9. expanding environmental threats from climate change.
10. Climate change alarmists and extremists.
11. Drought
12. Less water and more fire are huge threats as well as opportunities as stated above.
13. Climate crisis
14. Climate Change
15. Intensifying climate change and severe drought water restrictions.
16. global warming;
17. Too many to list but the greatest is climate change and the impact it will have on landscapes from drought to fire to other storm damage. Sustainable design practices and requirements are a must.

Compensation

18. equal pay for quality work

Deregulation

19. persistent threats due to deregulatory environment
20. Sunsetting seems obvious. Defunding is also a potential threat.
21. Ongoing sunseting of licensure
22. Threats of sunseting licensing laws are always a concern.
23. The desire by some in politics to deregulate our profession
24. There is always the threat that the landscape architecture licensing process will be revoked because the public, architects, and engineers think landscape architects are the same as landscape designers or just "shrub it up" or cause "excessive" regulation.
25. Nationwide there are on-going threats to licensure as the national movement to deregulate professions gains more and more traction. I urge LATC to remain vigilant against these threats as they arise.
26. The always present possibility that licenses will no longer be required
27. I've read about movements to eliminate licensure for landscape architects. Ensuring that this does not occur should remain a top priority.
28. sunseting the license requirement, chances of re-establish state licensing office for Landscape Architects.
29. Loss of licensure requirements

- 30. challenges to end licensure from the right
- 31. Sunsetting the license requirement
- 32. Licensure attacks through de-regulation legislation

Dilution of Profession

- 33. Still threatened by becoming obsolete when other professionals can obtain project approvals. Do landscape professionals have equivalent training and education? How can we continue to be necessary?
- 34. The clouded line between the Landscape Architects and unlicensed designers to the general public that may deteriorate the profession or the need to use licensed professionals. Over time we could see the removal of the titled profession if the state runs into budget issues.
- 35. The dilution of the profession, not showing the value
- 36. Permitting architects to design landscapes devalues the profession of landscape architecture — why would a consumer need to hire a Landscape Architect when the Architect says they can do it?
- 37. To reiterate somewhat, I feel that the profession is threatened by over-commodification and regulatory concerns to the point of losing vision, hope & meaning amongst the professional body itself. Imagine a future where the profession is dominated by those who are capable of navigating the wide array of regulatory pressures and technical concerns, but who have no intimate experience with nature, with native communities, with traditional meanings of outdoor public spaces, or unique visions of what these could or should be like in the future.
- 38. The primary emphasis in the profession on visual aesthetic "art" design (particularly Modernism) has made the profession more and more irrelevant to today's society. This is an ongoing threat that needs to be corrected in education, policy, regulation, and professional practice qualifications.
- 39. Failure to strengthen profession/allowing other professions WITHOUT TRAINING to do LA work;

Educational Opportunities

- 40. Other professional organizations seem to provide more opportunities to learn about these areas of design.

Enforcement

- 41. Licensees allowing others to use their license and LATC taking no action against this. Licensees overstepping their bounds and independent plan checkers and LATC having no regulations for doing so or taking action against such practice. Licensees using their political connections to cancel contracts that are already in place in order to get the project themselves. I've experienced all of these over the course of my career and the LATC has done nothing when I've filed complaints. If licensees can act with impunity,

what oversight or enforcement do you actually provide? The LATC becomes pointless without any kind of enforcement.

42. Personally in my firm we have had several case of theft of plans (intellectual property). The board as a state agency could be helpful in prosecuting that
43. The committee had ought to be concerned over personal threats by employers against employees involved in their high end projects who refuse to go along with kickback schemes. Specifically, seeing to it that said employees are suddenly awakened in the middle of the night by high powered gunshots outside of their bedroom windows preceding scheduled showdown meetings over employee's concerns/reservations. I suggest that the committee send a message to all LATC licensees seeking their anonymous input - their concern over ethically questionable and outright illegal practices that they've personally witnessed. At least Bernie Madoff never saw to it that his employees be personally threatened such that they feared ending up at the bottom of the Catalina Channel or six feet under out in the desert.

Environmental Impact

44. species eradication and non-native invasives; over-development; water depletion; excessive timber harvest; waste (all forms and "treatment");
45. As Environmental designers we have to be aware that our designs can and do effect the social thought and perception of an organized society. Our designs of the natural environment must retain a civilized form and function. Consider what our designs will look like in 10 years. Without order, society will revert back to chaos.
46. Stress the importance of Landscape Architects for erosion control, slope stability, etc. Engineers have tried to take this aspect away for whatever reason and LATC needs to be sure that Landscape Architects stay at the forefront of this since we are specifically trained in this area.
47. Also with climate change LAs need to be aware of the impacts to the environment and the environment of the community in which they exist.
48. "LINED swales and basins are not a strategy I embrace. no possibilities for trees there, no groundwater recharge.
49. Engineers rely on standard details. many of those details are done by engineers- not people with botanical knowledge. tree grates are tree killers. it is unacceptable to have an average life expectancy of 7 years for a street tree. especially since they don't often get replaced when they are removed.

False Advertising

50. Social media; online resources that inappropriately lead consumers to believe a licensed professional is not needed and no value-added.

Interest in Profession

- 51. Less and less people are willing to become licensed and I think we're losing the people who can be landscape architect but choose to work on other profession due to the low pay rate.
- 52. Apathy

Legal

- 53. Increasing legal environment in commercial work.

Maintaining Standards

- 54. poor construction and lack of oversight

Miscellaneous

- 55. AB 5 was a problem, until it was finally changed, for Landscape Architects. The profession was not seen as a profession to be within the same category as architects or engineers and affected many licensed independent contractors.
- 56. Socialism
- 57. continuing Covid isolation, increasing cost of goods and services
- 58. sometimes planners overreach with their own agendas when reviewing plans prepared by licensed landscape architects and other licensed designers and engineers.
- 59. Public regulations into private property rights

No Feedback/Not Applicable

- 60. No Feedback/Not Applicable (184)
- 61. see above.
- 62. See above, is the Licensing program being threatened by the state?

No Place at the Table

- 63. Environmental biologist are doing work that was done by landscape architects. Regulatory resources agencies purposely exclude landscape architects from being involved in mitigation re-vegetation projects. Cal fish and wildlife and California Coastal Commission routinely exclude landscape architects from being involved in Re vegetation projects.

Outdated Regs

- 64. Local & national regulations need to be reevaluated for smarter growth as soon as possible. Landscape architects play a role and most want to help be a part of the

solution but too often our hands are tied by poor outdated regulations or developers allowed loopholes to develop with Business as usual mindsets.

Pandemics

65. COVID-19 and other possible pandemics are cause for all community designers to look at bio regionalism and sustainability.

Permit Review Process

66. Slow and delayed permit review processes in California are currently a major impediment to many capital improvement projects, public and private.

Politics

67. Politically led factions pushing mandates regarding climate change

68. Politics and drive to deregulate government

69. Woke politics infiltrating the profession.

70. partisan political polarization

Practice Laws

71. There are too many exemptions in practice laws that allow other professions to legally design landscapes without the services of a licensed landscape architect.

Professional Respect

72. disrespect from other professions;

Protect/Support Licensees

73. Keep an eye on the American Legislative Exchange Council, they seem keen on introducing delicensing legislation lumping landscape architects with trades such as 'horse floaters' and nail salon technicians.

Public Awareness

74. public knowledge;

75. failure to assure public that profession requires licensing;

76. Lack of public awareness regarding the importance of the role professional landscape architects play, particularly when compared to the perceptions of architects and engineers.

77. I'd like to see the LATC, together with ASLA, strive to better educate consumers about landscape architecture. Throughout my career, I can't tell you how many times

someone has implied or said words to the effect, "Oh, you're a landscape architect? I already have a gardener."

78. Those who do not realize the extent of the work we do doubting in the necessity for licensure (especially politicians).
79. the general public not being aware of the profession of landscape architecture and how they can help to create a more sustainable environment.
80. Getting lumped in with allied professions or ignored completely. LA provide distinct and necessary services.
81. Lack of public support...but only because the public doesn't understand/appreciate the importance of the profession. Another threat is the continued lack of knowledge and understanding of landscape architecture.
82. Lack of public awareness of profession.
83. I am concerned for the lack of awareness the general public, including planning/building depts, have about the limitations of professional practice that unlicensed landscape designers have.
84. Landscape architects not being recognized for the strong role they play in addressing climate change and environmental/ecological health.
85. Consumers not understanding the work of landscape architects enough.

Public Relations

86. Easy into groups such as ASLD don't even know why they aren't allowed to be members of ASLA. That's the power of advertising, marketing, and building up your members. I have only seen negatives from this group and ASLA. And over the top yearly fees for no support.
87. Current outreach is outdated, bureaucratic looking, hard to determine the relevant information such as upcoming changes to other CA State requirements that effect the work of licensed landscape architects

Relevancy

88. Ourselves if we don't try to change with the times.
89. Doing the same old thing. Old guard folks design parks and restore wetlands and add park benches that claim their license skill are the problem.

Requirements

90. Removal of licensure requirements in CA in favor of opening those opportunities to other design professionals.

SB9, SB10

91. SB 9 and 10 should have a landscape requirement component. LATC should be pursuing modification to these bills. They eliminate landscaping requirements, setbacks, parking requirements, and essentially the zoning of every SF residential community in California.

School Curriculum

92. Few college curriculums include craft level construction instruction. Much of our authority and expertise has shifted to civil engineering and general contractor's pre-construction teams.
93. New technology that self calculates quantities, formulas, friction loss calculations, etc is proving to produce graduates that lack basic math skills needed for our profession. Online testing for licensure has been simplified to the point that it does not accurately test some skills that a licensed professional should possess. It seems like our education has become so broad to capture the many subjects under the umbrella of Landscape Architecture that individuals do not actually learn specialized skills and as a result just have shallow understandings of many topics.
94. Schools seem more focused on design aesthetics and computer use than on actual functional knowledge. We're getting graduates who don't know how to design irrigation systems or do a grading plan. They don't know how to calculate light pollution, or how to do ADA design. Schools need to focus on the architectural aspects of the field more than making things look pretty.

Shortage of Landscape Architects

95. the profession is shrinking in expertise. There continues to be insufficient graduates who are citizens.
96. There seems to be a shortage of recent landscape architecture graduates. Not sure how LATC could address this issue.
97. Aging profession

Social Media

98. Social Media

Sunsetting

99. sunseting

Taxing

100. Taxing of our services would have a huge negative impact.

Technology

101. digital fragility of documents, including improvement plans all the way to business/banking/office, etc.
102. Software platforms that favor other professions threaten our ability to be an independent voice on the design team. Revit strongly favors architecture, AEC Civil favors civil engineers
103. Online/web-based design services.

Threats to License

104. Any threats to the license, including design build work by landscape designers/contractors providing LA scope work.

Unlicensed Practitioners

105. Design build firms and architects providing "Landscape Architecture" services without having licensed professionals on staff.
106. The main threat, as I see it, is from people (groups) that feel they have a right to practice a profession without having to meet minimum standards of public safety, health, welfare and ethical conduct, and vote-getting (cheap) politicians who champion such drivel.
107. Non-licensed professionals that continue violate our licensure laws without any repercussions. APLD members that are providing landscape construction documents and/or providing services beyond their legal capacity.
108. New services offering 100% remote landscape design services with no on site visits or site measurements are creating designs that are often un-installable and could pose a safety risk.
109. Unlicensed professionals doing LA work such as garden designers, irrigation consultants.
110. As always, civil engineers being able to provide landscape architectural drawings/stamp in-lieu is an increasing issue with tighter MWELD guidelines and civil engineers typically aren't up to speed with current regulations. They also typically do not have the plant knowledge and understanding to marry with the irrigation systems.
111. Allowing those non-licensed to provide LA scope services.
112. If the profession does not embrace the above "opportunities" there are other unregulated professionals ready to step in such as: Environmental Horticulturist, Arborist, Urban Foresters, Irrigation Designers, Landscape Designers, Habitat Restorationist, Snake Oils Inc. etc.
113. Non-Licensed designers are a threat to our profession as they keep insisting that they can offer the same services without having to at least pass the LATC exam to demonstrate that they are indeed qualified to do so.

Value of License

114. Licensing is becoming irrelevant to a number of job requirements that are related to site design development. License is mostly related to developing irrigation plans at this point in terms of relevance.
115. Deregulation of licensure
116. how to encourage recent graduates in landscape architecture to take the test and become licensed. we are seeing many new graduates see no benefit in getting licensed.
117. LAs are routinely left off of such lists. I.e. Whenever engineers and architects are listed, so should landscape architects be listed.
118. Lack of respect and value of landscape architecture as a profession. Civil Engineering, architecture and developer models have relegated landscape architects to planting designers
119. More and more I'm hearing from people I encounter that they don't care about licensure, ordinances, permits, etc. The value of regulation is becoming nonexistent in the public eye while it's increasingly important in the real world.
120. many organizations, including government agencies opt for design-built methods of construction rather than design-bid-built, which leaves landscape architects out of full design and construction administration, or makes them "second-tier" consultant.
121. We are so undervalued that I do not see any further threat

Water Resources

122. National, state, and local government over regulation of environmental and water issues.
123. Water resources.

Threats – LATC Member and Liaison Responses

California Interests

1. CLARB has initiatives at the national level some of the initiatives that American Society of Landscape Architects (ASLA) has going on, in the effort to address issues specifically with professional license and there's a number of initiatives put together not in the best interest of California. How does LATC continue to support some regulations that support these issues while protecting California.

Climate

2. There's also the threat that the climate has on the resiliency of our state. Without including landscape architects, the state would end up with people at the table developing okay solutions but not solutions in the best interest of the state. Landscape

architects look at natural systems and it would be beneficial if they had a seat at the table when discussing climate issues like fire safety.

Competency

3. The threat is business as usual, LATC will get into a legal dilemma if it's not competent enough to address these issues its practice.

Education

4. Just with the whole education system right now, it seems that the professional programs, the normal path, are becoming less and less secure in regard to continuing. We need to be looking at how education in this country relates to professional licensure and how professional licensure is being affected by these changes.

Equal Representation

5. There's been an issue where LATC does not feel it's getting adequate representation at the national level to address a lot of these issues. Some of these organizations put out applications for people to serve with them. Having the largest pool of candidates/licensees, LATC does not feel it's really getting its concerns addressed. How do we exert more influence overseas and at home?

Meeting Agendas

6. I know Trish and staff typically set the agenda for the meetings. It seems that there are issues that I think should more time should be spent on. It's not always easy to add items to the agenda that might not be well documented or fit into the current goals and objectives. I'd like to see that committee agenda and how it's put together, would like more flexibility to address specific issues that are coming up.

Politics

7. The political climate in CA with liberal way of thinking, I don't think you can spend billions of dollars and expect people paying taxes to bear the brunt of it.

Qualifications

8. One thing I'm concerned about, it seems that as far as the actual exam process itself goes, it seems they're trying to simplify it and put more emphasis on education rather than experience. I have concerns about whether candidates are truly qualified.
9. Is our minimum standard high enough, are there ways to have higher levels of licensing? When I see how low some of the pass rates are, did we let too many people in or are they not asking for enough experience?

Residential Work

10. Contractors on the residential realm - Contractors and designers are doing the work that only landscape architects should do and not being truthful with consumers about the work they're doing.

Staff Shortage

11. LATC needs double the staff, needs more people, probably areas we could provide more services if we have more people.

Technology

12. Technology. There are so many new technological advances that it's very easy for people to circumvent licensure because they can produce drawings and have them constructed – but the designs are poor, putting consumers at risk. Plans aren't getting reviewed by anybody. Unlicensed activities are just rampant.
13. In regard to technology – it's always changing.

Threats – LATC Management and Staff Responses

No threats were provided.

INSTRUCTIONS

Using the attached worksheets, determine potential Objectives for each goal area for the new Strategic plan based on:

- a. Review of the Environmental Summary Report
- b. Items outlined in Sunset Review (if applicable)
- c. Experience and previously identified needs

GUIDELINES TO DEVELOPING OBJECTIVES

When developing objectives, you should consider the SMART objectives method:

Specific	Details what needs to be done
Measurable	Success that can be measured
Action-Oriented	Uses action words
Realistic	Possible to attain
Time Based	Timeframe is clear

ACTION VERB	WHAT?	WHY?
Action words give the objective movement. Use the "Action Verb" list.	What is the objective to address?	Why does action need to be taken?

Below are examples of how to use the formula to develop objectives.

ACTION VERB	WHAT?	WHY?
Create	an onboarding program	to ensure their successful transition to the Board.
Recruit and train	three additional Subject Matter Experts	to reduce investigative cycle times.

Regulation & Enforcement

ACTION VERB	WHAT?	WHY?

NOTES:

Professional Qualifications

ACTION VERB	WHAT?	WHY?

NOTES:

Public & Professional Outreach

ACTION VERB	WHAT?	WHY?

NOTES:

Organizational Effectiveness

ACTION VERB	WHAT?	WHY?

NOTES:

ACTION VERBS

All-Purpose		Investigative <i>Checking it out</i>		Consultative <i>Doing the research</i>	Communication <i>Sharing knowledge</i>
Adapt	Lead	Analyze	Interview	Address	Communicate
Administer	Perform	Anticipate	Investigate	Advise	Discuss
Adopt	Plan	Appraise	Locate	Benchmark	Disseminate
Combine	Promote	Assess	Measure	Coach	Introduce
Compare	Provide	Calculate	Monitor	Consult	Re-write
Decide	Raise	Conduct	Prioritize	Counsel	Write
Decrease	Recommend	Confirm	Quantify	Demonstrate	
Define	Revise	Determine	Re-	Guide	
Discontinue	Select	Divide	evaluate	Inform	
Enhance	Serve	Evaluate	Research	Mentor	
Expand	Simplify	Explore	Seek	Model	
Gather	Streamline	Find	Survey	Negotiate	
Help	Strengthen	Hypothesize	Validate	Resolve	
Increase	Supervise	Identify	Verify	Review	
Initiate	Use			Suggest	
	Utilize			Teach	
Generative <i>Making things happen</i>		Coordinative <i>Organize it</i>		Collaborative <i>Working with others</i>	
Acquire	Generate	Accelerate		Accommodate	Offer
Activate	Innovate	Arrange		Assist	Participation
Advance	Invent	Assimilate		Co-create	Partner with
Allocate	Launch	Clarify		Collaborate	Persuade
Assemble	Make	Condense		Compile	Recognize
Apply	Maximize	Connect		Contribute	Resolve
Automate	Modify	Coordinate		Educate	Share
Build	Organize	Decide		Encourage	Steer
Consolidate	Outline	Direct		Facilitate	Support
Construct	Prepare	Establish		Guide	Synthesize
Contract	Preserve	Facilitate		Help	Synchronize
Create	Produce	Fund		Leverage	Unite
Deliver	Propose	Implement		Mitigate	
Design	Publish	Include			
Develop	Redesign	Intervene			
Devise	Re-engineer	Itemize			
Document	Require	Lead			
Draft	Restructure	Manage			
Establish	Revise	Merge			
Execute	Simplify	Organize			
Extend	Start	Pursue			
Formalize	Update	Rank			
Formulate		Systematize			