

**BACKGROUND PAPER FOR THE  
CALIFORNIA ARCHITECTS BOARD  
AND  
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE  
(Oversight Hearing, March 21, 2011, Senate Committee on  
Business, Professions and Economic Development)**

**IDENTIFIED ISSUES, BACKGROUND AND RECOMMENDATIONS  
REGARDING THE CALIFORNIA ARCHITECTS BOARD AND  
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

**BRIEF OVERVIEW OF THE  
CALIFORNIA ARCHITECTS BOARD**

On March 23, 1901, the Governor of California approved An Act to Regulate the Practice of Architecture (Act), creating the State Board of Architecture. At the time, the Governor appointed 10 architect members to the Board. Initially, the Board was comprised of two districts, Northern and Southern. The district offices acted independently to some degree and made recommendations to the full Board on matters relating to applicants for certification. Initially, individuals who could demonstrate to the satisfaction of the district board in which they would be practicing that they were practicing architecture in the state of California as of March 23, 1901, and who were in good standing, could apply for certification with the Board without examination. Six months after the approval of the Act, it became unlawful to practice architecture or call oneself an architect in the state of California unless certified by the Board. In 1929, the Board's name was changed to the California State Board of Architectural Examiners. That same year, the Board began issuing licenses to individuals who passed both a written and an oral examination. In 1963, the Act was revised making the actual practice of architecture by an unlicensed individual a misdemeanor. This revision made the Act a true practice act, restricting the practice of architecture to only licensed architects. Through 1984, the Board also had the authority to issue a temporary certificate to practice architecture to an architect licensed in another state for a stipulated structure in California upon satisfactory evidence of his or her architectural competence and payment of the applicable fee. The Board also previously regulated registered building designers but now only licenses architects.

Since 1997, the Board has also been responsible for the Landscape Architects Technical Committee (LATC). The Board is charged with regulating landscape architects and managing all of the affairs of LATC, which is set up as a committee of the Board. According to the Board, opportunities for collaboration between the two regulatory programs and the efficiencies associated with combining efforts are positive for both licensees and the consumer

In 1999, Assembly Bill 1678 (CPGE&ED Committee, Chapter 982, Statutes of 1999) changed the Board's name to the California Architects Board (CAB) to better reflect the fact that in addition to

examining candidates, the Board maintains a wide range of programs to protect consumers and regulate the practice of architecture.

The mission of CAB, as stated in its Strategic Plan, is to protect the public health, safety, and welfare through the regulation of the practice of architecture and landscape architecture. The Board has established the following goal areas which provide the framework for its efforts to further its mission:

- Ensuring that those entering the practice meet standards of competency by way of education, experience, and examination.
- Establishing standards of practice for those licensed to practice.
- Requiring that any person practicing or offering to practice architecture be licensed;
- Protecting consumers and users of architectural services.
- Enforcing the laws, codes, and standards governing architectural practice in a fair, expeditious, and uniform manner.
- Empowering consumers by providing information and educational materials to help them make informed decisions.
- Overseeing the activities of LATC to ensure it regulates the practice of landscape architecture in a manner which safeguards the wellbeing of the public and the environment.

The Board is composed of five architects and five public members. Each architect member of the Board is required to be an architect in good standing who has been licensed and practiced in California at least five years preceding the date of appointment to the Board. The five architect members are all appointed by the Governor. Three of the public members are also gubernatorial appointees, while one of the remaining two public members is appointed by the Speaker of the Assembly and the other is appointed by the Senate Rules Committee. Board members are paid \$100 for each meeting day and are reimbursed for travel expenses. Board members typically attend four to six Board meetings per year and may attend three or four committee meetings per year, depending on the committee(s) to which they are assigned.

Members are appointed to four-year terms, and no member may serve more than two terms consecutively. The Board annually elects from its members a president, vice president, and secretary.

Name and Short Bio	Appointment Date	Term Expiration Date	Appointing Authority	Architect or Public
<p><b>Pasqual Gutierrez, President AIA,</b>            Mr. Gutierrez, an architect member of the Board since 2006, is currently the Board President. A resident of Walnut, Gutierrez has served HMC Architects in the various capacities of senior project architect, associate, senior associate and currently serves as principal. From 1988 to 1999, Gutierrez was principal of the architecture firm The Gutierrez Partnership before joining HMC. Prior to that, he was an architect with the interior design firm Reel Grobman Associates from 1983 to 1988. He chairs the Board's Executive Committee and serves on the Professional Qualifications Committee. Gutierrez also serves on the National Council of Architectural Registration Boards' (NCARB) Committee on IDP.</p>	12/21/2010	06/30/14	Governor	Architect

<p><b>Marilyn Lyon, Vice President</b>  Ms. Lyon, a public member of the Board since 2006, is currently the Board Vice President. Lyon has been the owner of Lyon &amp; Associates Marketing and Public Relations since 1991. Lyon has been very active working with the South Bay Cities Council of Governments (located in the southern region of Los Angeles County) with their energy efficiency information, education, and savings programs directed toward residents, businesses and public agencies. Lyon served on the Rancho Palos Verdes City Council from 1993 to 2001. She has served as Mayor of the city in 1996 and 2001. Lyon has also served on the Los Angeles Regional Quality Control Board 1997-2000 and the California Board of Professional Engineers and Land Surveyors 1996-2001. She chairs the California Architects Board's Examination Committee and serves on the Executive Committee and Communications Committee.</p>	10/27/08	06/30/12	Governor	Public
<p><b>Sheran Voight, Secretary</b>  Ms. Voigt has nearly 30 years of experience as a real estate agent and broker. Voigt has served as a broker associate for the Western Group since 1997. She was broker and owner of American Dream Properties from 1994 to 1997 and broker and office manager for the Western Group from 1991 to 1997. She was also a real estate agent and broker in the Commonwealth of Virginia and the state of Alabama from 1977 to 1985.</p>	12/22/10	06/30/14	Governor	Public
<p><b>Jon Alan Baker, FAIA</b>  Mr. Baker has been an architect member of the Board since 2005. He was Board President from 2008 through 2009. Baker of San Diego has been President/CEO of NTD Architecture since 1997. Specializing in the design of educational and healthcare facilities, Baker has extensive experience with California state agencies, including the Office of Statewide Health Planning and Development, the Division of the State Architect, and the Department of Education. He serves on the Board's Professional Qualifications Committee. Baker also serves as Director, Region VI of NCARB.</p>	01/12/2010	06/30/13	Governor	Architect
<p><b>Jeffrey Heller, FAIA</b>  Mr. Heller has been an architect member of the Board since 2002. He was Board President from 2004 through 2007. Heller is the founder and president of Heller Manus Architects in San Francisco. He is past president of the American Institute of Architects San Francisco. He also serves as an advisor and consultant to several San Francisco City planning and design projects including the San Francisco City Planning Department for Urban Design Guidelines. Heller earned his bachelor's and master's degrees from the Massachusetts Institute of Technology. He chairs the Board's Professional Qualifications Committee.</p>	01/19/10	06/30/13	Governor	Architect
<p><b>Michael Merino AIA</b>  Mr. Merino has been an architect member of the Board since 2006. A resident of Orange, Merino has served as principal and chief executive officer of Michael Merino Architects since 1996. Prior to establishing his firm, Merino served as project architect for WLC Architects from 1986 to 1996 and project coordinator for FFJ Architects from 1982 to 1986. Merino is also a Commander in the Civil Engineer Corps, United States Navy Reserve, currently assigned to the United States Pacific Command, Engineer Directorate. He served in Operation Iraqi</p>	01/19/10	06/30/13	Governor	Architect

Freedom in 2003. He serves on the Board's Regulatory and Enforcement Committee.				
<b>Hraztlan Zeitlian, AIA, LEED</b> Mr. Zeitlian has been an architect member of the Board since 2008. Zeitlian is Principal and Design Leader of the Los Angeles Office of DLR Group WWCOT. Previously, he has worked for Leo A Daly, RTKL, Gensler and JohnsonFain. His work has garnered two American Architecture national Design Awards from the Chicago Athenaeum, as well as an AIA/Los Angeles Chapter Next LA Design Award. Zeitlian serves on the Board of the American Institute of Architects' Los Angeles Chapter as well as on the Board of the Southern California Development Forum. Zeitlian is a graduate of Columbia University and the Rhode Island School of Design.	12/22/10	06/30/14	Governor	Architect
<b>Iris Cochlan CPM,</b> Ms. Cochlan has been a public member of the Board since 2005, and served as the Board President in 2010. A resident of El Macero, Cochlan, is senior vice president with Eugene Burger Management Corporation (EBMC) and the regional manager for the Sacramento Central Valley. From 1979 to 2004, Cochlan was the chief executive officer and president of Cochlan/Associates Management Co., a real estate property management firm specializing in senior housing management. Cochlan serves on the Communications Committee, and is the Board's liaison to the Landscape Architects Technical Committee.	11/16/08	06/30/12	Governor	Public
<b>Fermin Villegas</b> Mr. Villegas is an Associate Attorney for Atkinson, Andelson, Loya, Ruud and Romo in Cerritos. Before becoming an attorney, Mr. Villegas worked as a teacher for the Los Angeles Unified School District and worked as an English teacher's assistant in Paris, France. While in law school, Mr. Villegas served as a Senior Symposium Editor on the UC Davis Law Review, served as Co-Chair of the La Raza Law Students Association, worked at the UC Davis Immigration Law Clinic, and was a certified legal intern for the Yolo County District Attorney.	2/23/11	6/30/14	Senate Rules Committee	Public

CAB currently licenses 24,117 licensees. The total revenues anticipated by CAB for FY 2010/11, is \$2,056,817 and for FY 2011/12, \$2,751,775. The total expenditures anticipated for CAB for FY 2010/11, is \$3,572,217, and for FY 2011/2012, \$3,642,345. CAB anticipates it would have approximately 2.9 months in reserve for FY 2010/11, and 0.6 months in reserve for FY 2011/12. CAB spends approximately 34% of its budget on its enforcement program, 42% on its examination program, 19% on its licensing program, and 6% on its administrative program.

Each of the 50 states, 3 U.S. territories, and the District of Columbia license architects.

CAB has a number of Committees with specified functions:

- The Executive Committee is charged with coordinating and leading the Board's public awareness program, organizational relationships, organizational development, and customer service efforts.

- The Professional Qualifications Committee is charged with ensuring professional qualifications of those practicing architects as well as reviewing the Board's national examination to ensure that it fairly and effectively tests the knowledge, skills, and abilities of importance to architectural practice in California.
- The Examination Committee is charged with providing general California Supplemental Examination (CSE) oversight while working with the Board's testing experts, examination vendors, and subject matter experts to provide valid, defensible, and efficient examinations; and addressing Board examination policy issues.
- The Regulatory and Enforcement Committee is charged with making recommendations on practice standards and enforcement issues, making recommendations regarding the establishment of regulatory standards of practice for architects, recommending and establishing policies and procedures designed to protect consumers by preventing violations and enforcing standards when violations occur, and informing the public and licensees of the Board's standards and enforcement programs.
- The Communications Committee is charged with overseeing all of the Board's communications and identifying strategies to effectively communicate to key audiences as well as serving as the editorial body for the Board's newsletter, *California Architects* and providing strategic input on enhancing the use of the Internet to communicate with the Board's stakeholders. This Committee oversees a variety of outreach programs, such as programs to communicate with students, faculty, and Deans.

In addition to the Board's committees, CAB states that participation in the National Council of Architectural Registration Boards (NCARB) is a vital function of the Board. NCARB is a membership association comprised of the architectural registration boards of the 50 states, the District of Columbia, and three U.S. territories (Guam, Puerto Rico, and the Virgin Islands). NCARB's core purpose is to facilitate reciprocity among the member jurisdictions. Its primary means of accomplishing that goal is by providing a national examination, the Architect Registration Examination (ARE).

According to CAB, it is able to benefit and achieve budget efficiency because it can obtain a national examination from NCARB rather than duplicating those efforts and reinventing the wheel for California candidates. NCARB also has other programs, such as the disciplinary database, which gives the Board access to important information about licensees potentially being disciplined in other states that can raise issues about their ability to practice safely in California. NCARB's Certificate program establishes national standards and verifies that they have been attained, allowing for reciprocity with other states which similarly increases the Board's efficiency. In addition, NCARB's structured internship program, Intern Development Program (IDP), which is utilized in 48 states, provides a uniform national standard that helps prepare interns for licensure and facilitates reciprocity.

## **PRIOR SUNSET REVIEWS: CHANGES AND IMPROVEMENTS TO CAB**

CAB was last reviewed by the former Joint Legislative Sunset Review Committee (JLSRC) 7 years ago (2003-2004). During the previous sunset review, JLSRC raised 10 issues. The final recommendations from JLSRC contained a set of recommendations to address the issues. Below are actions which CAB took over the past seven years to address many of these issues. For those which

were not addressed and which may still be of concern to the Committee, they are addressed and more fully discussed under “Current Sunset Review Issues.”

In September, 2010, CAB submitted its required sunset report to this Committee. In this report, CAB described actions it has taken since the Board’s prior review to address the recommendations of JLSRC. According to the Board, the following are some of the more important programmatic and operational changes, enhancements and other important policy decisions or regulatory changes made by CAB:

- Converting its California Supplemental Examination (CSE) from the oral format to a computer based format  
A major improvement for the Board is the conversion of CSE, the California-specific tests candidates for licensure must take a computer-based multiple choice format. The new exam is much more accessible to candidates, as is be available 6 days a week year round at 13 different sites throughout California and ten sites out of state, rather than the previous oral format, which was offered 6 times per year alternating between the Bay Area and Orange County.
- Addition of Continuing Education Requirement on Disabled Access  
The Board only had a very limited period of time to establish the program for continuing education established in Senate Bill (SB) 1608 by Senator Ellen Corbett (Chapter 549, Statutes of 2008) but successfully met the requirement. The Board now requires licensees to complete five hours of continuing education on disabled access provisions each two year renewal period.
- Implementing a structured internship program  
While California’s licensure requirements will remain among the most flexible in the nation, the recently established structured internship is viewed by the Board as a valuable tool of assuring that interns gain broad experience in all relevant areas of practice and as a critical means of ensuring reciprocity so California architects have greater ability to practice in other states.
- Launching a first-of-its-kind careers Website, [www.architect.ca.gov](http://www.architect.ca.gov)  
The Board implemented the site which is designed to explain licensure requirements to students and the wide range of career possibilities in architecture.
- Conducting a major study of education and experience requirements for landscape architect.
- Legislative & Regulatory Improvements  
The Board implemented regulations to allow for: public information disclosure to ensure clear, consistent, and complete information is available for consumers; increased fines that can be assessed for violations of the Architects Practice Act; requirement for licensee response for information requested regarding complaints; clarifying what type of business can use the word “architect” in its name; codifying a national standard of specifying that exam scores for a division of the national exam are good for five years; sponsoring legislation to clarify that licensees and insurance companies report settlement, judgments and arbitration awards over \$5,000; sponsoring legislation to clarify how unlicensed individuals can collaborate with architects and; supporting and implementing legislation requiring California architects to complete mandatory continuing education courses on disabled access requirements as a condition of license renewal.

## CURRENT SUNSET REVIEW ISSUES FOR CAB

The following are unresolved issues pertaining to CAB, or those which were not previously addressed by CAB, and other areas of concern for the Committee to consider along with background information concerning the particular issue. There are also recommendations Committee staff have made regarding particular issues or problem areas which need to be addressed. The Board and other interested parties, including the professions, have been provided with this Background Paper and can respond to the issues presented and the recommendations of staff.

### **CAB ISSUE #1: (IS THE CURRENT FEE STRUCTURE APPROPRIATE FOR THE BOARD TO EFFECTIVELY REGULATE THE PROFESSION?)**

**The Board’s reserve fund has been steadily decreasing and is projected to be more than \$1.4 million in debt by 2012-13 and it is not clear whether the Board will be financially stable.**

**Background:** The Board is a special fund agency that generates its revenue from its fees. The maximum amount of fees charged by the Board is controlled by statute. The fee for license renewal is specified in the Board’s regulations and had not been increased since 1989, when the fees were increased to \$200 from \$100. Renewal fees are due on a biennial basis (in odd-numbered years), as outlined by Business and Professions Code, Section 5600 (a) “All licenses issued or renewed under this chapter shall expire at 12 midnight on the last day of the birth month of the license holder in each odd-numbered year following the issuance or renewal of the license.”

The last fee adjustment was made on July 1, 1999 when the eligibility review fee for the national exam was restructured from \$35 to \$100. In FY 2007-08, the Board’s fund had 12.6 months’ worth of operating revenue in reserve. That figure has fallen consistently, to 2.9 months for 2010-11, 0.6 months for 2011 12, and a projected -4.5 months for 2012-13.

ANALYSIS OF FUND CONDITION	FY 2007/08	FY 2008/09	FY 2009/10	FY 2010-11 (Projected) <sup>a</sup>	FY 2011-12 (Projected)	FY 2012-13 (Projected)
Total Reserves, July 1	2,839,000	3,083,000	2,329,000	2,372,000	893,000	201,000
Total Rev. & Transfers <sup>b</sup>	3,118,000	2,094,000	2,870,000	2,093,000	2,950,000	2,084,000
Total Resources	5,957,000	5,177,000	5,199,000	4,465,000	3,843,000	2,285,000
Total Expenditures	2,972,000	2,848,000	2,827,000	3,572,000	3,642,000	3,722,000
<b>Reserve, June 30</b>	<b>2,985,000</b>	<b>2,329,000</b>	<b>2,372,000</b>	<b>893,000</b>	<b>201,000</b>	<b>-1,437,000</b>
<b>MONTHS IN RESERVE</b>	<b>12.6</b>	<b>9.9</b>	<b>8.0</b>	<b>2.9</b>	<b>0.6</b>	<b>-4.5</b>

CAB had indicated that it was currently in the process of increasing the biennial and delinquent renewal, and original license fees in order to maintain its fund solvency.

CAB renews licenses on a bi-annual basis in set years, rather than as an ongoing process which appears to be impacting the Board's budget balancing. LATC collects renewal fees from licensees also on a twice-yearly basis, but based on the initial license application date and the applicant's birth month and year, which results in a much steadier and more predictable revenue level from year to year.

All boards and commissions under the Department of Consumer Affairs (DCA) are currently subject to a hiring freeze imposed by Governor Brown, following the action of his predecessor Governor Schwarzenegger. As such, staff shortages and limited resources are a problem many boards are experiencing. Additionally, Governor Brown's budget proposes borrowing money from other board's as loans to the General Fund to make up for a significant budget shortfall for FY 2011-12. While CAB may not immediately be impacted by this effort, streamlining its internal processes to prepare for further impact to its ability to effectively conduct business should be a goal.

***Staff Recommendation:*** *The Board should amend its license renewal fee collection process so that renewals occur in a manner similar to LATC, creating a steadier and more predictable fund level from year to year. Renewal and associated fees should be ongoing, rather than performed in stated years to better utilize staff resources while balancing revenue with expenditures.*

## **CAB ISSUE #2: (DOES CAB DEDICATE ENOUGH RESOURCES TO ENFORCEMENT?)**

**In 2004, the Joint Committee noted that the Board spent only 34% of its budget on its enforcement program and recommended that the Board spend more on enforcement to bring it more in line with other boards, which typically spend more than 60% on enforcement. The Board reported to the Committee this year that it still spends 34% of its budget on enforcement.**

**Background:** CAB is still spending 34% of its budget on enforcement activities. However, the Board cites many successes with its enforcement program, including being the first architect licensing body in the nation to create a guide for building officials, disciplinary guidelines, civil citations, a consumer's guide, a regular newsletter for its licensees and candidates, and a Website. The Board also notes that it has made good use of its streamlined citation authority, issuing an average of 37 per year for this Sunset Review reporting period, compared to an average of 15 per year for the previous reporting period.

<b>EXPENDITURES BY PROGRAM COMPONENT</b>	<b>FY 2006/07</b>	<b>FY 2007/08</b>	<b>FY 2008/09</b>	<b>FY 2009/10</b>	<b>Average % Spent by Program</b>
Enforcement	944,324	1,093,718	901,675	1,004,920-	34
Examination	1,210,001	1,258,331	1,296,975	1,079,188-	42
Licensing	578,668	569,156	496,306	618,727-	19
Administrative	200,852	113,237	195,780	168,675-	6
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A
<b>TOTALS</b>	<b>2,933,845</b>	<b>3,034,442</b>	<b>2,890,736</b>	<b>2,871,510</b>	

The Board's enforcement program addresses three main goal areas articulated in its mission statement: Establishing regulatory standards of practice for those licensed as architects; increasing public awareness of the Board's mission, activities, and services and; protecting consumers by preventing violations, and effectively enforcing laws, codes, and standards when violations occur. To achieve these goals, the Board has a Regulatory and Enforcement Committee (REC) which makes recommendations to the Board on initiatives and policies. The Board has assigned REC with many responsibilities, including :

- Monitoring methods of practice and proposed changes in laws that may impact architectural practice and assess their impact on the regulatory process.
- Reviewing the need to enact additional rules of professional conduct.
- Monitoring the impact of emerging technology on goals and objectives.
- Communicating with building officials regarding the statutory requirements for architects' stamps and signatures.
- Coordinating efforts with the National Council of Architectural Registration Boards (NCARB) on regulatory and enforcement issues.
- Actively enforcing laws and regulations pertaining to unlicensed activity.
- Monitoring impacts of new technology on enforcement procedures.
- Monitoring the enforcement of penalties and continue to explore creative ways to collect fines that are due.

The enforcement unit at CAB currently has a staff of five and one half. This includes an associate governmental program analyst (AGPA), who serves as the Enforcement Officer; two staff services analysts, who serve as the Enforcement Analysts; and two and one half office technicians, who serve

as the Enforcement Technicians. The Board also selects and contracts with licensed architect consultant(s) to assist in its enforcement program. The architect consultants respond to technical inquiries, conduct formal non-sworn investigations, evaluate and mediate complaints, provide guidance to DCA's Division of Investigation (DOI) in technical matters, educate building officials and consumers regarding the Act, and conduct training and information seminars. The architect consultants are selected through a competitive proposal process based on specific criteria. The Board presently has two architect consultants.

Over the past four fiscal years, approximately 34% of cases have been closed within 90 days and 69% of investigations have been closed within one year.

INVESTIGATIONS CLOSED WITHIN:	FY 2006/07	FY 2007/08	FY 2008/09	FY 2009/10	AVERAGE % CASES CLOSED
90 Days	85	100	129	115	34
180 Days	50	52	53	61	17
1 Year	59	79	34	58	18
2 Years	53	23	71	75	18
3 Years	14	11	26	46	8
Over 3 Years	36	10	11	8	5
Total Cases Closed	297	275	324	363	
AG CASES CLOSED WITHIN:	FY 2006/07	FY 2007/08	FY 2008/09	FY 2009/10	AVERAGE % CASES CLOSED
1 Year	1	4	4	0	50
2 Years	0	0	1	0	33
3 Years	0	0	2	0	0
4 Years	0	0	0	0	0
Over 4 Years	0	0	0	0	17
Total Cases Closed*	1	4	7	0	
Disciplinary Cases Pending*	4	1	6	9	

\*Includes Accusations, Statements of Issues, Citation Hearings, and Petitions for Reinstatement.

Throughout the past number of years, there have been significant problems related to lengthy disciplinary processes at DCA boards, particularly healing arts boards. As such, DCA implemented its Consumer Protection Enforcement Initiative (CPEI) to attempt to deal with some of the problems that limit the boards' abilities to investigate and act on these cases in a timely manner. These problems range from legal and procedural challenges to inadequate resources. Once fully implemented, DCA expects its boards and bureaus to reduce the average enforcement completion timeline from 36 months to between 12 and 18 months.

According to CAB, it established a systematic approach for prioritizing cases for formal investigation and discipline, as well as priorities for complaint processing since the last sunset reporting period. Priorities were set to best utilize available funds and staff to meet the Board's legislative mandate. Two specific areas from the Board's list of priorities are contract violations and settlement reports, both of which fit under "Routine" complaints in DCA's guidelines.

**Staff Recommendation:** *CAB should describe to the Committee any delays in enforcement and explain challenges its enforcement program faces.*

### **CAB ISSUE #3: (BOARD’S ROLE OVERSEEING ARCHITECTS WORKING IN NON-TRADITIONAL PRACTICE AREAS)**

**The Board states that it recognizes the need to closely track the trend of architects in non-traditional practice areas and assess the potential impact on consumers.**

**Background:** The Board states that there are increasing numbers of architects and graduates of architectural schools who are entering a variety of non-traditional, non-practice related fields, such as computer animation, furniture design and product design. These fields do not fall directly within the jurisdiction of the Board. However, if the services provided by an architect in such settings should crossover into practice-related services, then the architect’s license could be subject to discipline under the provisions of the Architects Practice Act.

The following forms of non-traditional practice fall within the Board’s jurisdiction. All the provisions of the Architects Practice Act apply to architects providing services in the following settings:

- Architect as interior designer in non-architectural firm.
- Architect as architectural designer in non-architectural firm.
- Architect serving as project and/or construction manager.
- Architect with a contractor’s license acting as designer/builder.
- Architect serving as client’s consulting (administrative or executive) architect in a design/build setting.
- Architect serving as “architect of record” in a traditional and/or “bridged” design/build team.
- Architect serving as “architect of record” in an Integrated Project Delivery (IPD) and/or Building Information Modeling (BIM) project delivery model.
- Architect serving in a non-profit or public agency capacity.

While not all of these specific practices have been explored by the Legislature, the issue of the regulation the interior design profession in coordination with the architecture profession has been considered. In 2008, this Committee considered SB 1312 (Yee), which would have eliminated CAB and instead established the California Architects and Registered Interior Designers Board (CARIDB), creating a registration and regulation program for registered interior designers. At the time, CAB opposed the bill. Proponents of SB 1312, primarily comprised of interior designers throughout the state and nation, argued that because interior designers must rely on the review of their work by other “registered design professionals,” consumer costs would increase for professional services related to design projects. There was concern that regulating these professionals under a practice act was not necessary given a lack of demonstrable harm to the public from not being licensed.

Similarly, the reach of the board should continue in areas where regulation of the work of registered architects is limited to areas where that regulation protects the public.

**Staff Recommendation:** *CAB should continue to track changes in the profession and provide input to this Committee as needed about necessary updates in statute and scope of practice definitions as they arise. CAB should only regulate the work of registered architects in non-traditional, non-*

*practice-related areas in the limited instances where the work crosses over into practice-related service until specific licensure guidelines for those classifications are established. CAB should only regulate activities within the current scope of its jurisdiction.*

**CAB ISSUE #4. (SHOULD THE BOARD BE GRANTED PERMANENT STATUTORY AUTHORITY TO IMPLEMENT ITS INTERN DEVELOPMENT PROGRAM (IDP)?)**

**The Board's authority to implement an intern development expires on July 1, 2012. The program is successful and the Board continues to make enhancements to the work experience requirement that benefits licensees and the consumer.**

**Background:** In 2004, the Board adopted a structured internship requirement as a prerequisite for licensure as a means of exposing interns to a full range of the necessary areas of practice. Candidates who are eligible to take the Architect Registration Examination (ARE), which is administered by the National Council of Architectural Registration Boards (NCARB), are required to complete NCARB's Intern Development Program (IDP). This national internship program is currently required by 48 states. As such, it is one of the three common licensure requirements throughout the United States: education (generally a five year professional degree from a program accredited by the National Architectural Accrediting Board); examination (ARE, and in California, the California Supplemental Examination); and IDP.

IDP participants score up to 11 % better on the national licensing examination. The program, a mandatory requirement for reciprocal licensure in other states, requires internship activity in 16 areas of practice, including:

- Programming
- Site and Environmental Analysis
- Schematic Design
- Engineering Systems Coordination
- Building Cost Analysis
- Code Research
- Design Development
- Construction Documents
- Specifications and Materials Research
- Document Checking and Coordination
- Bidding and Contract Negotiation
- Construction Phase – Office
- Construction Phase – Observation
- Project Management
- Office Management
- Professional and Community Service

Interns are required to acquire 5,600 hours to satisfy the IDP training requirement. Utilizing IDP as a model allows for more uniform standards in preparing interns for licensure. To complement IDP, the Board developed its Comprehensive Intern Development Program (CIDP) which aims to ensure that interns' experience is effective and verified. According to the Board's CIDP Handbook, the program is designed to encourage better communication between the intern and supervisor while enhancing accountability. CIDP requires interns to gain practical experience performing specific key functions in the practice of architecture and submit evidence-based documentation of that experience through work samples and written narratives that are discussed by interns and their supervisors. CIDP maintains reciprocity for architects from other states by exempting them from CIDP if they are already licensed in another jurisdiction.

The Board acknowledges a number of improvements to IDP program which have helped make it more successful in this state as well, including: online availability so interns can more easily coordinate their work; allowance for credit gained from part time work; opportunities for interns to more easily determine where they can gain experience and supplemental education activities; more regular and frequent reporting to improve the interaction between supervisor and intern and; new IDP Supervisor Guidelines that will improve the professional relationship and training.

The Board is also in the process of measuring the effectiveness of its CIDP and need for this supplemental requirement to continue, particularly in light of more evidence-based systems like CIDP that might eventually be adopted by NCARB.

**Staff Recommendation:** *The program is working well and the Board's efforts to shape its future have been successful, and are continuing. The Board should have permanent authority to implement an intern development program and as such, the July 1, 2012 sunset date on this authority should be repealed.*

#### **CAB ISSUE #5 : (NEW FORMAT FOR CSE)**

**CSE was previously administered orally but will now be administered via computer centers.**

**Background:** CAB administers the California Supplemental Examination (CSE) to ensure that architectural licensure candidates have the necessary architectural knowledge and skills to respond to the conditions found in California. In order to be eligible for CSE, candidates must have passed all seven divisions of the nationally-administered Architect Registration Examination (ARE) and verified at least eight years of education and/or work experience (as evaluated by the Board). The examination was previously administered orally but the Board has transitioned to a multiple-choice format.

After its last sunset review, CAB conducted an objective study of CSE and possible format options based on JLSRC recommendation. Upon completion of the study, the Board's consultant recommended that CSE transition from an oral format to a written, multiple-choice format. The Board approved to transition CSE to this new format, which was launched in February 2011. The new exam aims to be much more accessible to candidates, as it is available 6 days a week year round at 13 different sites throughout California, rather than the previous oral format, which was offered 6 times per year alternating between the Bay Area and Orange County. In addition, for out-of-state candidates, there are 10 additional exam sites across the United States.

In its current Sunset Report, CAB states that transitioning to a written format will increase defensibility, expand the Board's capacity to serve candidates, and preserve its scarce resources. In early 2010, the Board secured written examination development services with DCA's Office of Professional Examination Services.

**Staff Recommendation:** *The Board should update the committee on the status of the new examination format.*

#### **CAB ISSUE #6 : (DISPARITY IN CALIFORNIA APPLICANTS' PASSAGE RATES ON THE ARCHITECT REGISTRATION EXAM (ARE))**

**California’s pass rates for ARE have been consistently lower than the national average, sometimes significantly lower.**

**Background:** The Architect Registration Exam, developed jointly by NCARB and the Committee of Canadian Architectural Councils, is the national professional licensure examination for architects. ARE examines candidates for their knowledge, skills, and ability to provide the various services required in the entry-level practice of architecture. ARE concentrates on the professional services that affect the public health, safety, and welfare with a stated intent to “evaluate a candidate's competence to protect the public by providing the architectural services of pre-design, site design, building design, building systems, and construction documents and services as these relate to the social, cultural, natural and physical forces, and other related external constraints”. ARE has been developed to ensure that its content relates as closely as possible to the actual tasks an entry-level architect encounters in practice.

The pass rate for California examinees is lower than the national rate for every category of ARE but one. CAB notes that when evaluating or comparing the pass rates of various jurisdictions, a number of variables must be considered like the fact that there is no required sequence a candidate has to take the seven divisions of ARE and candidates taking any given division can have a wide range of practical experience. CAB also states that many jurisdictions require an accredited professional degree in architecture, while California allows various educational equivalents for ARE eligibility. CAB notes that updates and changes to an examination can also impact pass rates, which are significantly influenced by the volume of candidates.

**Staff Recommendation:** *The Board should explain to the committee what factors it sees leading to the lower passage rates for California test takers, and what can be done to improve the passage rates of California candidates.*

### **CAB ISSUE #7: (CONTINUING EDUCATION)**

**Architects are now required to complete five hours of mandatory continuing education courses on disabled access requirements as a condition of license renewal. CAB cites continuing education as one reason for need for a fee increase yet seems to be interested in establishing comprehensive continuing education requirements.**

**Background:** There are no set standards or general provisions for continuing education for the boards and bureaus within the DCA and the professions which they license and regulate under the Business and Professions Code. The vast majority of the health related boards and bureaus have continuing education requirements which are related to the renewal of the license. Until the passage of SB 1608 in 2008, none of the design and construction related boards such as Architecture, Engineering, Geology or Contracting had continuing education requirements. However there are continuing education requirements for licensees under the Structural Pest Control Board; primarily because of the potential dangers accompanying the application of pesticides and poisonous or lethal gases. In addition, there are continuing education requirements for licensees of the Board of Accountancy. Furthermore, there are no set standards for verifying or certifying that the licensee has completed the continuing education requirement. In some cases licensees verify or submit proof to the licensing agency that they have completed the required courses, and in other cases, the continuing education provider verifies the education to the agency. Some statutes may also require a board to approve

continuing education providers or even to audit providers.

In the fall of 1998, the Board conducted five customer focus group meetings to gather broad-based input for the annual update of the Board's strategic plan. During the focus group meetings, some questions were raised about the post-licensure competency of architects. As a result, the Board created the Task Force on Post-Licensure Competency to study this issue, to consider the Board's role in ensuring licensees' continued competency, and to investigate possible solutions, including the possibility of mandatory continuing education for all California-licensed architects.

In March 2000, the Board contracted with Professional Management and Evaluation Services, Inc., to conduct a scientifically-defensible statewide study of the post-licensure competency and professional development of California architects in order to provide CAB with valid and reliable data upon which to make future policy decisions about these issues.

The survey was sent to California-licensed architects; allied design professionals (engineers and landscape architects); California general building contractors; regulators (building officials, plan checkers, and planners); end-users (clients and developers); and forensic, insurance, and legal professionals. Numerous scientific analyses were conducted to determine that the data were reliable.

Among other things, the survey determined that taking numerous factors into consideration, the hypothesis of a post-licensure competency problem among California architects is not supported by the empirical data.

In the survey, about three-quarters of the architects who responded reported that they participated in continuing education, while the remaining quarter said they did not. For those who participated in continuing education, over a third gave their primary reason for doing so as to further professional development (to keep current with changes.) Slightly fewer said it was to keep current with changes affecting professional practice or to meet American Institute of Architects (AIA) requirements. For those who said they did not participate in continuing education, almost one in three indicated as their reason that they were not a member of AIA.

Nearly two-thirds of architects responding indicated that they were either satisfied or very satisfied with currently available continuing education. Of the others, less than 10% were very dissatisfied.

The survey's recommendations to the Board included the following:

- It does not appear that the need for a strong, immediate intervention by the Board on post-licensure proficiency is required at this time.
- It does not appear that there is any basis for Board action to implement mandatory continuing education to address architect proficiency.

Based upon the survey, the Board made the following determinations:

- a) Overall, California architects do not have serious or significant post-licensure competency problems.
- b) At the present time, a broad-based, mandatory continuing education program is not warranted.
- c) The Board will continue to review the need for targeted actions to correct or improve identified areas of potential competency problems as they relate to public health, safety, and welfare.

In 1997, JLSRC considered the issue of continuing education in its review of CAB. At that time, JLSRC noted:

The Board has historically opposed mandatory continuing education as a condition for licensure. The Board does not feel that the government requiring continuing education is effective, cost-efficient, or beneficial to the public. However, the Board recommends that all licensees avail themselves of opportunities to enhance their professional skills and notes that the American Institute of Architects (AIA) requires its membership to participate in continuing education as a condition of membership.

The Board may require as a condition of probation remedial education for those architects found to be guilty of incompetence or negligence. The Board does not, however, have a program to assure the continuing competency of licensed architects.

In its 2003 review of CAB, JLSRC commented on the results of the Board's 2001 comprehensive study on the proficiency of practicing architects to assess the degree to which competency problems existed within the practice of architecture in California. Given that the results indicated there was not a competency problem sufficient to warrant a mandatory continuing education requirement, JLSRC noted that it should be "cautious about establishing a more extensive continuing education program for architects."

During the discussions on SB 1608 in 2008, the Board and American Institute of Architects, California Council (AIACC) both expressed clear interest in establishing a broad-based comprehensive continuing education requirement for architects rather than the narrower, subject-specific requirement for disability access continuing education that was contained in that measure. This position differed from the Board's own statements after completion of the survey in 2001.

In 2009, the Board then issued a formal letter of support for AB 623 (Emmerson), which aimed to revise the continuing education requirements in SB 1608 and create a more comprehensive continuing education approach. CAB stated at the time that it was supportive of ongoing learning and wished to pursue a comprehensive continuing education program, arguing, "The complexity of the practice of architecture has increased exponentially, as new technologies, construction methods and materials, regulations and codes, and market issues add to the dynamic context in which architects practice. Given architects' impact on the public, it is crucial that they be current on health, safety and welfare practice issues. The public deserves no less." A Legislative Counsel legal opinion stated CAB has

authority under the Act to adopt continuing education requirements for the renewal of an architect's license; however, that an action is typically only taken with statutory directive or authorization.

A mandatory continuing education requirement generates unspecified costs to licensees and generates corresponding revenues to continuing education providers. Boards also incur costs in establishing continuing education standards and tracking licensee compliance. The Board's own survey revealed that 75% of architects already voluntarily take part in continuing education in order to stay up to date on their practice. While continuing education seems intuitively to be highly beneficial to licensees and the consumer public, there is no empirical evidence that demonstrates a clear connection between a continuing education mandate and improved practitioner competence for architects. Even the Board's 2010 Strategic Plan, reiterates, "At the present time, a broad-based, mandatory continuing education program is not warranted."

**Staff Recommendation:** *The Board should explain its contradictory statements and public positions on the issue of comprehensive continuing education for architects. The Board itself initiated a review of the profession, found no empirical data to support comprehensive continuing education, states in its current Strategic Plan a lack of need for comprehensive continuing education, yet supported recent legislation to create comprehensive continuing education. The Board also cites the negative impact that even a limited continuing education requirement, as outlined in SB 1608, has on staff and budget resources.*

## **CONTINUED REGULATION OF THE PROFESSION BY THE**

### **CURRENT CAB**

#### **CAB ISSUE # 8 . (CONSUMER SATISFACTION WITH CAB IS LOW.)**

**A Consumer Satisfaction Survey performed by CAB over the past four years, shows that on average, only about 23% of consumers were satisfied with the overall service provided by the CAB during the complaint process.**

**Background:** The data from the complaint satisfaction survey comes from just 45 surveys returned over four year; 264 surveys were mailed during this time, for a return rate of about 17%. The only question with which a majority of consumers were consistently satisfied with was knowing where to file a complaint and whom to contact. CAB contends that 58% of those who were dissatisfied overall were seeking assistance for issues outside the Board's jurisdiction, such as cost reimbursements of their monies paid to the licensee or unlicensed individual, or business ethics. The Board does explain the Board's jurisdictional reach in the FAQ section of its Website.

CONSUMER SATISFACTION SURVEY RESULTS*				
QUESTIONS	Percent Satisfied by Calendar Year			
	2006	2007	2008	2009
# Surveys Mailed: 264 # Surveys Returned: 45				
1. Were you satisfied with knowing where to file a complaint and whom to contact?	50	85	86	71
2. When you initially contacted the Board, were you satisfied with the way you were treated and how your complaint was handled?	0	61	67	43
3. Were you satisfied with the information and advice you received on the handling of your complaint and any further action the Board would take?	0	39	53	58
4. Were you satisfied with the way the Board kept you informed about the status of your complaint?	0	30	42	28
5. Were you satisfied with the time it took to process your complaint and to investigate, settle, or prosecute your case?	0	23	37	58
6. Were you satisfied with the final outcome of your case?	0	15	23	58
7. Were you satisfied with the overall service provided by the Board?	0	15	37	58
* Boards under review may conduct a consumer satisfaction survey to determine the public's views on certain case handling parameters. A sample list of questions have been provided. You may use more or fewer questions. Boards may take a random sampling of closed complaints and disciplinary actions for a <u>four year period</u> . Consumers who filed complaints should be asked to review the questions and respond to a 5-point grading scale (i.e., 5, 4, 3 =satisfied to 1, 2 =dissatisfied). The percent of satisfaction for each of the past four years would be provided in the appropriate columns.				

Consumers are still dissatisfied with the time it takes to resolve a complaint and the lax information CAB provides to the consumer about the status of their cases as they move through the process. Although CAB states that its enforcement staff already maintains regular contact with complainants to keep them informed, and that they now provide more frequent updates regarding the status of pending complaints, CAB may need to improve the timeliness of it provides regarding the status of consumer complaints, as the percentage of respondents satisfied with staying informed about the status of their complaint dropped to 28% in 2009.

CAB did see increases in a few of the complaint survey categories, with satisfaction regarding information and advice received on handling of the complaint, satisfaction with the time it took to process the case, and satisfaction with the final outcome of cases all rising to 58% in 2009.

***Recommendation:*** *CAB should explain to the Committee why it believes consumer satisfaction regarding the service of CAB is still so low and what other efforts CAB could take to improve its general service to the consumer. Does CAB believe that mediation could be used in certain circumstances to help resolve complaints from the general public regarding architects?*

## **CAB ISSUE # 9. (CONTINUED REGULATION BY CAB)**

**Should the licensing and regulation of architects be continued and be regulated by the current Board membership?**

**Background:** CAB has shown over the years a strong commitment to improve the Board's overall efficiency and effectiveness and has worked cooperatively with the Legislature and this Committee to bring about necessary changes. Because of the nature of the design profession, there are numerous

opportunities to prevent minor problems from becoming disasters, like the total failure of a building that CAB works to prevent. The Board cites its enforcement program as an example of proactive efforts, cooperatively working with building departments through its Building Official Contact Program. The Board works closely with professional groups to ensure that architects understand changes in laws, codes, and standards and also reaches out to schools and related professions and organizations via a proactive liaison program. CAB should be continued with a four-year extension of its sunset date so that the Committee may review once again if the issues and recommendations in this Background Paper and others of the Committee have been addressed.

**Staff Recommendation:** *Recommend that the architecture profession continue to be regulated by the current CAB members in order to protect the interests of the public and be reviewed once again in four years.*

**LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC)**

California began regulating the practice of landscape architecture in 1953 with the formation of the Board of Landscape Architects (BLA). In 1997, BLA was allowed to Sunset after review by this Committee and CAB was recommended as the appropriate oversight agency for landscape architects, due to the similarities between the two professions and the existing infrastructure of CAB’s regulatory programs. In April 1997, the groups reached consensus and CAB unanimously supported legislation to establish LATC under its jurisdiction. LATC was statutorily established, with the purpose of acting in an advisory capacity to CAB on examination and other matters pertaining to the regulation of the practice of landscape architecture in California. This structure allows LATC and CAB to perform all of the licensing and enforcement functions required of a state regulatory body.

LATC is responsible for the examination, licensure, and enforcement programs concerning landscape architects in the state of California. LATC currently licenses more than 3,500 of the over 15,000 licensed landscape architects in the United States. California has both a practice act, which precludes unlicensed individuals from practicing landscape architecture, and a title act, which restricts the use of the title “landscape architect” to those who have been licensed by LATC.

LATC consists of five members who must be licensed to practice landscape architecture in the State of California. Three members are gubernatorial appointees, while the Speaker of the Assembly and the Senate Rules Committee each appoint one member. Members are appointed to four-year terms, and no member may serve more than two consecutive terms. LATC members are paid \$100 per day for each meeting day and are reimbursed for travel expenses. The Landscape Architects Practice Act (LATC Act) stipulates that LATC shall meet at least once a quarter and may meet more often if deemed necessary.

Name	Date Appointed	Term Expiration Date	Appointing Authority
<p><b>Stephanie Landreganwas</b>                      Ms. Landregan is Director of the Landscape Architecture Program at UCLA Extension. Ms. Landregan is active in the American Society of Landscape Architects (ASLA), and is Vice President of Government Affairs. She graduated from the University of Kentucky in Arts and is a graduate of the UCLA Extension Certificate Program in landscape architecture.</p>	12/10/10	06/01/14	Speaker
<p><b>Christine Anderson</b>                      In her own private practice, Ms. Anderson is currently providing landscape design, master planning services and private consulting for a diverse range of projects, including open spaces, parks and playgrounds, interpretive trails, sports facilities, master planned communities, redevelopment streetscapes, commercial centers and municipal, and private office developments. She has extensive experience in all phases of design and construction, including managing the complexities of public/private partnership developments and community facilitation. Ms. Anderson is past president, secretary and board member of the Sierra Chapter of the American Society of Landscape Architects; chair of the Elk Grove Community Services District Waterfowl Advisory Committee; and currently provides many volunteer hours to local organizations that require landscape architectural and design services.</p>	05/30/08	06/01/11	Governor

<p><b>Andrew Bowden</b> Mr. Bowden is a landscape architect in the landscape architectural firm of Land Concern located in Santa Ana, California. He received his license in 1979 and has practiced landscape architecture for over thirty years, specializing in master planned residential communities and recreation planning. He has been active in the American Society of Landscape Architects and is currently the Trustee of the Southern California Chapter. He has served as the 2006 President of the California Council of American Society of Landscape Architects, and has also served as Chairman of the Board of Directors for the California Landscape Architectural Student Scholarship Fund of which he is still a Board Member. Mr. Bowden also serves on the Board of Directors of the Southern California Chapter of the 50+ Housing Council of the Building Industry Association of Southern California of which he is the Immediate Past President.</p>	12/19/2007	06/01/10 Currently Serving one-year grace period	Governor
<p><b>David. A. Taylor</b> Mr. Taylor is a landscape architect with McCullough Landscape Architecture, Inc. in San Diego. He is a Past President of the San Diego Chapter of the American Society of Landscape Architects (ASLA), Past President of the California Council of the American Society of Landscape Architects (CC/ASLA), and is a member of ASLA's Government Affairs Advisory Committee at the national level. David has previously served as committee member on the City Heights Redevelopment Project Area Committee, and the City Heights Area Planning Committee, and has taught an introductory course in landscape architecture at The New School of Architecture and Design in San Diego.</p>	7/1/2010	06/01/14	Senate Rules Committee
<p><b>Vacant</b></p>			Governor

To foster a collaborative relationship between CAB and LATC, a Board member is appointed as a liaison to LATC. This liaison represents the Board at LATC meetings and offers insight into the Board's perspective on shared issues. In turn, LATC members regularly attend Board meetings and LATC works closely with CAB's Regulatory and Enforcement Committee (REC).

The total revenue anticipated by LATC for FY 2010/11, is \$755,470 and for FY 2011/12, \$752,970. The total expenditures anticipated for LATC for FY 2010/11, are \$620,978, and for FY 2011/2012, \$698,098. LATC anticipates it would have approximately 14.0 months in reserve for FY 2010/11, and 11.2 months in reserve for FY 2011/12. LATC spends approximately 30% of its budget on its enforcement program, 47% on its examination program, 20% on its licensing program, and 3% on its administrative program.

LATC, as a special fund agency, is supported entirely by application and licensing fees. LATC's main source of revenue is derived from renewal fees. These fees support the license, examination, enforcement, and administration programs, which include processing and issuing licenses, maintaining LATC records, printing and distributing publications, mediating consumer complaints, enforcing statutes, disciplinary actions, personnel, and general operating expenses.

As of September 2009, LATC contracts with the Council of Landscape Architectural Registration Boards (CLARB) to administer all five sections of the Landscape Architect Registration Examination (LARE) and to administer and establish the fees for red line reviews for the graphic sections. CLARB establishes the examination fees, which are not to exceed the actual costs of administering the exam.

The maximum amount of fees charged by LATC is set in statute. As of February 2008, CSE for landscape architects has been administered as a computer-based exam. The 2003 Joint Sunset Review Committee recommended that LATC make an effort to assure that applicants pay the full cost to LATC for providing the examinations, rather than subsidizing these costs with licensing fees. LATC

determined that an increase to CSE fee was necessary in order to enable recovery of costs directly associated with the administration and annual development of CSE. LATC decided to implement a tiered fee increase, which increased CSE from \$55 to \$225 effective August 1, 2008. The second increase went into effect, July 1, 2009, raising CSE fee to \$275. Also effective July 1, 2009, the fee for an original license issued on or after July 2009, was increased from \$300 to \$400, and the fee for a biennial renewal for licenses expiring on or after July 1, 2009 was increased from \$300 to \$400. The fees for an original and renewal license had not been increased since 1991. Renewal fees are due on a bi-annual basis based on initial license application date and the applicant's birth month and year.

Currently, LATC is not considering any fee increases.

## **PRIOR SUNSET REVIEW: CHANGES AND IMPROVEMENTS TO LATC**

From 1983 to 1994, there were at least four attempts to eliminate the licensing of landscape architects and the former BLA. Each of these measures failed. In 1994, this Committee reviewed whether BLA should be eliminated or merged with the Architects Board. A measure was introduced, SB 2038 (McCorquodale) which would have eliminated BLA. However, it was decided to wait until the board went through the Sunset Review process before making any changes to the regulatory agency.

In 1996, the Sunset Review Committee and DCA reviewed BLA and it was recommended that the Board not be continued as a separate agency and all of its powers, duties and function be turned over to DCA as a bureau. In 1997, a bill that transferred all of the duties and functions of BLA to CAB and created LATC passed into law (AB 1546 CPGE&ED Committee, Chapter 475, Statutes of 1997). LATC has the responsibility of assisting CAB in all aspects of licensing and in the discipline of landscape architects.

In 2004, LATC was reviewed by the former JLSRC seven years ago (2003-2004). During the previous sunset review, JLSRC made seven recommendations to LATC but recommended that it be continued, indicating that it has proven to be an effective structure for regulation of the profession.

In 2004, the California Performance Review (CPR), conducted during Governor Schwarzenegger's second year in office, recommendation was to eliminate CAB and LATC because they are not needed to conduct licensing and regulatory activities of professional disciplines and to transfer their functions to the new Division of Licensing under the Department of Commerce and Consumer Protection. Both the Legislative Analyst Office and the CPR Commission rejected this proposal. The Governor's Reorganization Plan to convert CAB to a bureau and eliminate LATC was rejected by the Legislature.

Below are actions which LATC took over the past seven years in response to the issues raised by JLSRC. For those which were not addressed and which may still be of concern to the Committee, they are addressed and more fully discussed under "Current Sunset Review Issues."

On October 1, 2010, LATC submitted its required sunset report to this Committee. In this report, LATC described efforts it has taken since LATC's prior review to address the recommendations of JLSRC. According to the Committee, the following are some of the more important programmatic and operational changes, enhancements and other important policy decisions or regulatory changes made by LATC:

- Occupational analysis conducted to identify critical job activities performed by landscape architects licensed in California as part of LATC's comprehensive review of the practice of landscape architecture and to serve as a basis for the examination program.
- Report and recommendations produced on California's eligibility requirements and access to landscape architecture licensure in California.
- Steps taken to increase awareness of LATC and the profession it regulates through outreach efforts to public agencies, firms/businesses, associations, landscape architectural schools and inviting landscape architecture faculty to attend and participate at LATC meetings.
- Strengthening of enforcement program by adding an additional 0.4 position.
- Clarifying the exempt area of practice for consumers and practitioners in order to ensure the public's safety and promote efficient enforcement of statutes through legislative changes.
- Creation of a candidate education/experience tracking system based on the recommendations of the Education Subcommittee.
- Streamlined examination processing and reducing costs by contracting with CLARB to administer all five sections of the Landscape Architects Registration Examination (LARE).
- Redeveloped the format of the California Supplemental Exam (CSE) from a take-home written exam to a computer-based, multiple choice exam.
- Reviewed and approved the University of California Extension Certificate Programs according to LATC's requirements for an approved Extension Certificate Program.
- Held annual strategic planning sessions.
- Updated publications to reflect changes in licensure requirements and landscape architecture laws.
- Created email subscription lists for landscape architect candidates, licensees, professionals, faculty and the public.
- Created an online consumer satisfaction survey to analyze trends and improve services.

## **CURRENT SUNSET REVIEW ISSUES FOR LATC**

The following are unresolved issues pertaining to LATC, or those which were not previously addressed by LATC, and other areas of concern for the Committee to consider along with background information concerning the particular issue. There are also recommendations Committee staff have made regarding particular issues or problem areas which need to be addressed. The Board and other interested parties, including the professions, have been provided with this Background Paper and can respond to the issues presented and the recommendations of staff.

### **LATC ISSUE #1: (INCREASE IN NUMBER OF COMPLAINTS)**

**From FY 2006/07-2008/09, there was an average of about 30 complaints filed per year. In FY2009/10, that number jumped to 86. It is not clear what accounts for the large increase in complaints received by LATC.**

**Background:** The dramatic rise in complaints in FY 2009/10 appears to come mainly from “other” sources of complaints, those from a source not categorized as Public, a Licensee or Professional Group, or a Governmental Agency. The “other” category accounted for 18 complaints in 2006/07, 11 in 2007/2008, 1 in 2008/09, and 58 in 2009/10. The type of complaint with the greatest increase was unlicensed activity, from 26 complaints in 2008/09 to 74 complaints in 2009/10. Complaints regarding competence/negligence rose from 3 to 11 in that same period.

ENFORCEMENT DATA	FY 2006/07	FY 2007/08	FY 2008/09	FY 2009/10
Inquiries*	Total: 33	Total: 26	Total: 30	Total: 86
Complaints Received (Source)	Total: 33	Total: 26	Total: 30	Total: 86
Public	13	8	9	16
Licensee/Professional Groups	2	2	10	11
Governmental Agencies	0	5	10	1
Other	18	11	1	58
Complaints Filed (By Type)	Total: 33	Total: 26	Total: 30	Total: 86
Competence/Negligence	1	2	3	11
Unprofessional Conduct	7	2	0	1
Fraud	0	0	0	0
Health & Safety	0	0	0	0
Unlicensed Activity	22	22	26	74
Personal Conduct	0	0	0	0
Other	3	0	1	0
Complaints Closed	Total: 19	Total: 29	Total: 26	Total: 45

**Staff Recommendation:** *LATC should explain what accounted for the large increase in complaints filed in FY 2009/10. LATC should also address the nature of the source of complaints listed as “other.”*

**LATC ISSUE #2 : (DISPARITY IN CALIFORNIA APPLICANTS’ PASSAGE RATES ON THE LANDSCAPE ARCHITECT RECORD EXAM (LARE))**  
**California’s pass rates for LARE have been consistently lower than the national average, sometimes significantly lower.**

**Background:** LARE is a practice based examination founded on education enhanced by experience. A candidate’s performance on LARE is not based on education alone. It involves a combination of factors above and beyond the granting of a degree. As such, it should be noted that when evaluating or comparing the pass rates of various jurisdictions, a number of variables must be considered (i.e., there is no required sequence in which to take sections of LARE and thus, candidates taking any given section can have a wide range of practical experience; many jurisdictions require a minimum of three years of monitored practical experience for LARE eligibility; many jurisdictions require an accredited professional degree in landscape architecture, while California allows various educational equivalents for LARE eligibility; updates/changes to an examination can impact pass rates; pass rates are significantly influenced by volume of candidates; etc.).

There are many factors that affect LARE pass rates. California candidates frequently comprise over 15% of the national total of examinees for any given section of LARE. The average pass rates for

California candidates are slightly lower than the national numbers. Per the 2003 JSRC report, LATC has developed a tracking chart that will demonstrate the variances in experience/training of LARE candidates. These results will be used to analyze California's pass rates.

The following table illustrates the number of California candidates taking each LARE in Fiscal Year 2009/10, compared to the total number of national candidates taking each LARE section and the pass rates.

**LARE Pass Rates Fiscal Year 2009/2010**

September 2009/ March 2010					
Section A Project and Construction Administration	149	74.97%	959	76.91%	1.94%
Section B Inventory, Analysis, and Program Development	164	62.55%	958	76.41%	13.86%
Section D Design and Construction Documentation	191	48.98%	1108	61.09%	12.11%
December 2009/ June 2010					
Section C Site Design	157	60%	1088	59%	-1%
Section E Grading, Drainage and Stormwater Management	221	34%	1532	34%	0%

***Staff Recommendation:*** *LATC should explain to the committee what factors it sees leading to the lower passage rates for California test takers, and what can be done to improve the passage rates.*

**CONTINUED REGULATION OF THE PROFESSION**

**BY THE CURRENT LATC**

**LATC ISSUE # 3. (CONTINUED REGULATION BY LATC)**

**Should the licensing and regulation of landscape architects be continued and be regulated by the current CAB membership through the Committee?**

**Background:** LATC has shown over the years a strong commitment to improve the Committee's overall efficiency and effectiveness and has worked cooperatively with the Legislature and this Committee to bring about necessary changes. It is a regulatory program that has been found to be efficient and effective when previously reviewed during Sunset Review and by DCA. One of the benefits of ongoing regulation of the profession is direct participation of landscape architects in decisions regarding oversight of their profession. LATC should be continued with a four-year

extension of its sunset date so that the Committee may review once again if the issues and recommendations in this Background Paper and others of the Committee have been addressed.

**Staff Recommendation:** *Recommend that the landscape architecture profession continue to be regulated by the current CAB membership through the Committee in order to protect the interests of the public and be reviewed once again in four years.*