

BACKGROUND PAPER FOR The Landscape Architects Technical Committee

**Joint Sunset Review Oversight Hearing, March 11, 2024
Senate Committee on Business, Professions, and Economic Development
and Assembly Committee on Business and Professions**

IDENTIFIED ISSUES, BACKGROUND AND RECOMMENDATIONS

BRIEF OVERVIEW OF THE LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

History and Function of the Landscape Architects Technical Committee (LATC or Committee)

California began regulating the practice of landscape architecture in 1953 by forming the Board of Landscape Architecture (BLA). The BLA became the Landscape Architects Technical Committee (LATC) under the California Architecture Board pursuant to Assembly Bill (AB) 1546, which became effective January 1, 1998.

The LATC's mission is to regulate the practice of landscape architecture through the enforcement of the Landscape Architects Practice Act (Act) to protect consumers, and the public health, safety, and welfare while safeguarding the environment. There are approximately 3,700 active landscape architect licensees. California has both a practice act, which precludes unlicensed individuals from practicing landscape architecture, and a title act, which restricts use of the title "landscape architect" to those licensed by the LATC.

Landscape architects offer an essential array of talent and expertise to develop and implement solutions for built and natural environments. Based on environmental, physical, social, and economic considerations, landscape architects produce overall guidelines, reports, master plans, conceptual plans, construction contract documents, and construction oversight for landscape projects that create a balance between the needs and wants of people and the limitations of the environment. The decisions and performance of landscape architects affect the health, safety, and welfare of the client, as well as the public and environment.

The five-member LATC exists as a committee within the California Architects Board (Board). As such, the Board and LATC share an Executive Officer and Assistant Executive Officer, but LATC has five separate staff. The LATC and Board provide regular updates at each other's meetings. LATC consists of five professional members, three appointed by the Governor, and one each by the Senate and Assembly. Members are appointed to a four-year term. The LATC does not have any statutorily mandated subcommittees.

Name and Background	Appointment Date	Term Expiration Date	Appointing Authority
<p>Pamela S. Brief, Committee Chair – Ms. Brief is a licensed landscape architect and President/Founder of Pamela Studios Inc. Pamela currently focuses on projects in the Southern California area. Her prior experience included award-winning domestic and international projects with POD, Emmet Wemple & Associates, The Jerde Partnership, and Walt Disney Imagineering. A member of the ASLA since 1996, Pamela is also a member of the American Institute of Architects-Los Angeles, Association of Women in Architecture, Commercial Real Estate Women Los Angeles and Friends of the Los Angeles River.</p>	10/20/20	06/01/24	Governor
<p>Patricia M. Trauth, Committee Vice Chair – Ms. Trauth is an Associate Principal for RICK Engineering and manages the landscape architecture business line throughout their ten offices in the west. Ms. Trauth was the President of the San Diego Chapter of American Society of Landscape Architects in 2014 and also served on the board of the South County Economic Development Council and remains an active member of California Women in Environmental Design. Trauth has taught landscape architecture at San Diego State University, the NewSchool of Architecture & Design, and Mesa Community College.</p>	06/01/15	06/01/26	Governor
<p>Andrew C. Bowden – Mr. Bowden has been a licensed landscape architect since 1979. He has worked at Land Concern, LTD since 1976, serving as Principal / Landscape Architect since 2000. He is a two-time past President of the Southern California Chapter of the American Society of Landscape Architects as well as a past Chapter Trustee, and was elevated to the status of Fellow of the Society in 2018. He is currently the Chair of the UCLA Landscape Architecture Program Guidance Committee as well as a member of the Board of Directors of the California Landscape Architectural Student Scholarship Fund.</p>	06/01/15	06/01/23	Governor
<p>Jon S. Wreschinsky – Mr. Wreschinsky has been a licensed landscape architect since 1990 and is currently employed as a facilities planner with San Diego Unified School District. He has extensive experience in public & private sector roles addressing planning & design issues throughout the United States and international community. He has been an Adjunct Professor at Cuyamaca College and the New School of Architecture and Design in San Diego, where he has taught courses on sustainable landscape design and construction, and community and ecology. Mr. Wreschinsky has been a member of the American Society of Landscape Architects (ASLA) since 1989, serving in many positions at the chapter, state, and national levels, including President of both the Northern California & San Diego Chapters, and President of the California Council of ASLA. Jon is currently serving on ASLA National’s Policy Committee.</p>	02/15/19	06/01/26	Senate

<p>Susan M. Landry – Ms. Landry is a landscape architect specializing in public projects, working with constituents to develop innovative design solutions. She is the sole proprietor of Environmental Edges, a landscape architecture firm in Campbell that emphasizes wise and equitable use of resources, creating projects that foster healthy environments with creative design solutions representative of diverse interests and viewpoints. Ms. Landry was elected to the City Council in 2016 and is currently Mayor. In this role, she serves as the Chair of Santa Clara County’s Recycling and Waste Reduction Committee and is a member of Santa Clara County Water District’s Policy Advisory Committee.</p>	06/20/23	06/01/26	Assembly
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In November of 2023, the LATC appointed a two-person *Structure and Operations Subcommittee*. The purpose of this subcommittee is to review the legislative and historical aspects of the current arrangement between the LATC and the Board, to determine how current operations are aligned, and make any recommendations that might help going forward with the concept of either a merged board or recommendations on how LATC can operate more efficiently. The subcommittee has not yet met since its creation.

Fiscal, Fund, and Fee Analysis

The LATC is a self-supporting, special fund agency that obtains its revenues from licensing and renewal fees, which in turn support its licensing, examination, enforcement, and administration programs. According to the LATC, recent imposed costs have made it difficult to keep the budget in balance. Due to an increase in operational and staffing expenses, including costs related to LATC's business modernization efforts to update IT platforms, the LATC had to increase license and examination fees for the first time in 14 years. Fee increases went into effect on January 1, 2024, because of SB 816 (Roth, Chapter 723, Statutes of 2023). If a license expired January 1, 2024, or after, the licensee was subject to the new renewal fee of \$700. After January 1, 2024, new licenses are subject to the new original license fee of \$700.

Fund Condition						
(Dollars in thousands)	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25
Beginning Balance	\$1,467	\$1,301	\$1,277	\$958	\$653	\$652
Revenues and Transfers	\$803	\$829	\$761*	\$868	\$1,177	\$1,456
Total Revenue	\$2,270	\$2,130	\$2,038	\$1,826	\$1,830	\$2,108
Budget Authority	\$1,081	\$1,064	\$1,292	\$1,128	\$1,276	\$1,314
Expenditures	\$954	\$876	\$1,080	\$1,173	\$1,178	\$1,394
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid From General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance	\$1,316	\$1,254	\$958	\$653	\$652	\$714
Months in Reserve	18.0	13.9	9.5	6.7	5.6	6.2

*Includes EO transfer to GF (AB 84)

Per Business and Professions Code (BPC) § 128.5(b), the LATC's fund is limited to no more than 24 months in reserves. The reserve level for fiscal year (FY) 2022/23 is \$573,000 (5.6 months in reserve and estimated to be 6.2 for FY 2024/25). The estimated current spending level for FY 2023/24 is \$1,376,000.

Revenue is primarily generated by the biennial license renewal and examination fees. During the last four years, the LATC has spent an average of approximately 16% of its budget on the enforcement program, 16% on the examination program, 13% on the licensing program, 36% on administration, and 19% on DCA pro rata.

Licensing

LATC regulates approximately 3,700 active landscape architects. In 2019, when the LATC was last up for sunset review, it reported that the LATC had an active licensee population of approximately 3,600; however, the LATC has not been able to retain data for the last four years on its past licensing population. The LATC's performance target for processing applications and issuing licenses is 30 days from receipt of the application, and reports that it typically meets this goal when an application is complete and not deficient.

The following are prerequisites to applying for eligibility to take the licensing exams:

- Be at least 18 years of age
- Have a bachelors, masters, associate degree, or extension certificate in landscape architecture
OR an architecture degree from an accredited program
- Have six years of qualifying education and training experience in the practice of landscape architecture

To facilitate recordkeeping, the LATC receives support from the Council of Landscape Architectural Registration Boards (CLARB). CLARB introduced the Council Record as part of its application process in 2012, encompassing information on the candidate's education and certifications of experience. CLARB can transmit this comprehensive record to the LATC within one day, streamlining the application process. Licensed landscape architects are not required to obtain Continuing Education in order to renew their license.

An applicant for licensure can submit the application for the Landscape Architect Registration Examination (LARE) at any time. Upon meeting eligibility criteria, it may take several years for the candidate to successfully pass all sections of the test. Candidates may then proceed to submit applications for the California Supplemental Examination (CSE) and eventual licensure. There are no fixed deadlines for completing these examinations, but records of inactive candidates may be removed after five years.

During the past four years, the LATC reports that it has not denied any license based on an applicant's criminal history in which the conviction was substantially related to the practice of landscape architecture. Beginning January 1, 2022, the Board requires that all applicants submit fingerprints prior to the issuance of an initial license.

Licensee Population						
		FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Landscape Architect	Active ⁴	DNA	DNA	DNA	DNA	3714
	Out of State	DNA	DNA	DNA	DNA	552
	Out of Country	DNA	DNA	DNA	DNA	32
	Delinquent/Expired	DNA	DNA	DNA	DNA	519
	Retired Status <i>if applicable</i>	n/a	n/a	n/a	n/a	n/a
	Inactive	n/a	n/a	n/a	n/a	n/a
	Others	n/a	n/a	n/a	n/a	1912
Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.						

Enforcement

The LATC's Enforcement Unit adheres to the DCA's Consumer Protection Enforcement Initiative (CPEI), focusing on timely responses to consumers and the prompt initiation of disciplinary or enforcement actions against those violating the Practice Act.

LATC aims to assign all received complaints to staff for investigation within seven days, currently achieving an average assignment time of two days. Per CPEI standards, complaints are expected to be closed within an average of 270 days; however, LATC's performance shows averages of 92 days, 115 days, and 78 days for FYs 2019/20, 2020/21 and 2022/23, respectively.

According to the LATC, there have been no significant fluctuations in enforcement data trends since the last reporting period. The LATC received an average of 33 complaints annually, with 16 on average related to advertising and unlicensed activity. Staff maintains an average of seven pending complaints at each fiscal year-end. Enforcing a timely resolution, 64% of investigations are closed within 90 days, and 20% are closed within one year.

In the most recent reporting period, the LATC issued 10 citations, with an average fine assessment of \$950. These citations primarily targeted unlicensed individuals, posing challenges in locating them due to frequent address changes. To improve fine collection from these individuals, the LATC executed a contract with a collection agency in 2019, encompassing debt collection services. However, the contract expired in 2022, as it did not yield additional collections throughout its duration.

Addressing consumer protection concerns, the LATC implemented a new requirement effective January 1, 2022, mandating licensees to include their license number in all public advertisements related to landscape architectural services. This is in an effort to prevent consumers from inadvertently engaging with unlicensed individuals and reduce instances of unlicensed activity.

Public Information Policies

The LATC reports that it consistently updates its website to provide current information on upcoming LATC and subcommittee meetings, legislative changes, licensing details, forms, publications, and other pertinent information relevant to consumers, candidates, and licensees. Meeting notices are published on the website at least 10 days prior to a meeting and the related meeting packet seven days

in advance. Committee meeting minutes are posted on the website upon approval and are retained for a period of 100 years as per the LATC's retention schedule. Draft meeting minutes are available in the subsequent meeting packet for Committee approval. Additional meeting-related documents, such as meeting packets, are available for 25 years, aligning with the LATC's retention schedule.

The LATC actively seeks input from users to incorporate items on the website and takes specific measures to ensure that the website effectively addresses the needs of its constituents. Utilizing eSubscriber for e-news broadcasts and engaging with stakeholders through social media platforms like Twitter, Instagram, and LinkedIn, the LATC maintains open communication channels to keep licensees, industry, stakeholders, and interested parties informed.

The LATC webcasts its meetings when DCA resources are available. Despite the LATC's effort to facilitate a webcast at each of its meetings, varying technical capabilities of the meeting sites (schools of landscape architecture and public venues), as well as availability of DCA personnel to perform the video streaming, affect the ability to webcast. Lastly, webcast meetings are posted to the DCA YouTube account and are available online for an indefinite period. In response to the COVID-19 pandemic, LATC meetings transitioned to online videoconferences and the LATC reports it intends to continue to use the WebEx videoconference platform whenever possible.

The LATC publishes the following:

1. *Consumer Tips for Design Projects*. This summarizes the basic steps consumers can take to keep their projects on track.
2. *Consumer's Guide for Hiring a Landscape Architect*. This 2017 publication was revised in 2023 and is a comprehensive guide for consumers that includes information about the practice of a landscape architect, contract criteria, and how to file a complaint.
3. *Selecting a Landscape Architect* publications, which include:
 - a. *Selecting a Landscape Architect for Public Sector Projects*;
 - b. *Selecting a Landscape Architect for Residential Projects*; and
 - c. *Selecting a Landscape Architect for Private Development Projects*.

LATC makes these publications available online and distributes them to city and county building departments.

Workforce Development and Job Creation

In an effort to remove impediments to licensure, the LATC amended Title 16, California Code of Regulations (16 CCR) §§ 2611 and 2620, to expand the eligibility requirements for licensure. Effective in 2022, the regulatory change grants candidates two years of education credit for an accredited degree in civil engineering or architecture, one-year of credit for any bachelor's degree, and up to six years of training credit for qualifying landscape architectural experience. Prior to this regulatory change, candidates were required to hold a landscape architectural degree or certificate, or an accredited architecture degree to qualify for licensure.

Information Technology

The LATC is not using the BreEZe platform. The LATC was originally in the BreEZe Release 3 cohort, which was permanently suspended. The LATC contributed a total of \$54,162 to the BreEZe project, which it receives no benefit from and is not anticipating any reimbursement for costs expended. The LATC is in the process of transitioning to a new licensing and enforcement platform (Connect). The first release occurred on May 23, 2023, and included automation of the Eligibility Application, California Supplemental Exam Application, and Initial License Application. The second release will include automation of the Certification of Experience and Reciprocity Applications. During the transition, the LATC is using a workaround system.

Additional Information about the LATC

For more detailed information about the responsibilities, operations, and functions of the LATC, the LATC's 2023 Sunset Review Report is posted at https://www.latc.ca.gov/docs/publications/2023_sunset.pdf.

PRIOR SUNSET REVIEW: CHANGES AND IMPROVEMENTS

LATC was last reviewed by the Legislature through sunset review in 2018-2019. During the previous sunset review, four issues were raised. In December 2023, LATC submitted its required sunset report to the Senate Committee on Business, Professions, and Economic Development and Assembly Committee on Business and Professions (Committees). In this report, LATC described actions it has taken since its prior review to address the recommendations made. The following are some of the more important programmatic and operational changes, enhancements and other important policy decisions or regulatory changes made. For those which were not addressed and which may still be of concern to LATC, they are addressed and more fully discussed under “Current Sunset Review Issues.”

- LATC adopted language that would allow the EO to approve settlement agreements for revocation or surrender of a license, thus aligning the EO duties and the Committee's practices with the Board.
- LATC updated its "written contact requirement" provisions of the law in an effort to better protect consumers by providing enhanced transparency for contracted parties, thereby reducing the number of disputes related to project description disagreements, unauthorized changes made to the project during the design process, and/or the ownership and use of instruments of service.

CURRENT SUNSET REVIEW ISSUES

The following are unresolved issues pertaining to LATC or areas of concern that should be considered, along with background information for each issue. There are also recommendations Committee staff have made regarding particular issues or problem areas LATC needs to address. LATC and other interested parties have been provided with this Background Paper and LATC will respond to the issues presented and the recommendations of staff.

ISSUE #1: (LICENSING DATA.) What is the status of LATC’s licensing population, in terms of numbers, growth trends if any, and additional data sets that could be helpful in evaluating the regulated individuals in this industry?

Background: The LATC 2023 Sunset Review Report did not include license population data for the entire reporting period. Proper evaluation of the industry cannot be conducted without reviewing trends and forecasting, such as fund projections, may not be as reliable without this data.

It would be helpful for the Committees to understand how the LATC understands the status of its license population. Additionally, it would be helpful for the Committees to understand how the LATC predicts future revenue and fund health, especially considering the LATC recently increased license fees to address a fund imbalance. Knowing the size of the licensee population will assist the Committees in evaluating LATC policy concerns and whether the LATC is operating an efficient and effective regulatory program.

Staff Recommendation: *The LATC should provide relevant data sets to the Committees. The LATC should also provide information regarding the barriers to obtaining licensing data and when the LATC anticipates those barriers to be addressed.*

ISSUE #2: (RENEWAL TIMEFRAME.) Should a licensee whose license is expired for five years be required to meet the same application requirements of a new applicant?

Background: BPC § 5680.2 provides that a license that is not renewed within five years of its expiration date may not be renewed, and that the holder of the expired license may apply for and obtain a new license if no fact justifies revocation or suspension of a valid license, the person pays the required fees and takes and passes the current California Supplemental Examination.

The Board would like to clarify that a person whose license has been expired for more than five years must comply with the requirements for issuance of a new license.

Staff Recommendation: *The LATC should submit proposed changes to the Committees. The LATC should also discuss any new requirements above existing law that would need to be met and explain the consumer protection benefit that would be realized by this proposal.*

ISSUE #3: (PLAN APPROVAL.) LATC reports that local building officials are still not accepting licensed landscape architect plans for approval. This has long been an issue facing the profession, despite landscape architects being licensed individuals.

Background: On September 7, 2010, a legal opinion was issued to the LATC from their DCA legal counsel at the time regarding whether a local government agency had the authority to refuse to accept plans and specifications prepared and stamped by a landscape architect that is within the scope of practice of a landscape architect. The legal opinion determined that the landscape architect may not be lawfully prohibited from preparing plans and specifications that fall within the scope of practice of a landscape architect pursuant to BPC § 460.

Since the legal opinion was issued, the LATC has continued to receive inquiries as to whether local jurisdictions can refuse to accept plans, specifications, and other instruments of service prepared, and stamped, by a licensed landscape architect within the scope of practice of their profession. It would be helpful for the Committees to understand whether data exists about the rationale for denials. For example, is it simply about the individual who stamps plans or are there other factors and reasons for this trend? It would be helpful for the Committees to understand how frequently this occurs and whether licensee surveys have been undertaken in order to gain awareness about the frequency of these denials. It would be helpful for the Committees to understand whether statutory barriers exist, for example provisions in the building code, or whether specific local ordinances specify that licensed landscape architect plans cannot be accepted. It would be helpful for the Committees to understand what outreach LATC staff does to local governments on behalf of licensees to ensure officials are appropriately accepting qualified plans.

Staff Recommendation: *The LATC should advise the Committees on the size and scope of the problem of licensee plans not being approved and the reason for denial. The LATC should advise the Committees of efforts it has undertaken to resolve issues. The LATC should provide recommendations for any necessary statutory changes.*

ISSUE #4: (TECHNICAL CHANGES MAY IMPROVE EFFECTIVENESS OF THE ACT AND LATC OPERATIONS.) There are amendments to the Act that are technical in nature but may improve LATC operations and the enforcement of the Act.

Background: There may be a number of non-substantive or technical statutory changes or updates, which may improve LATC operations. For example, the LATC noted in its 2023 Sunset Review Report, that in order to maximize use of the Board’s online system for license application and renewal, it would be beneficial to require those individuals who have an email address to maintain the email address they have on file with the Board. The LATC also noted several places where language could be updated to reflect gender-neutral references. In addition, because of numerous statutory changes and implementation delays, code sections can become confusing, contain provisions that are no longer applicable, make references to outdated report requirements, and cross-reference code sections that are no longer relevant. The LATC’s sunset review is an appropriate time to review, recommend, and make necessary statutory changes.

Staff Recommendation: *The Committees may wish to amend the Act to include technical clarifications.*

**CONTINUED REGULATION OF THE PROFESSION BY THE
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

ISSUE #5: (CONTINUED REGULATION BY LATC.) Should the LATC continue as a standalone entity with separate staff and a separate fund or should CAB, which manages LATC functions, operationalize all of its existing regulatory work without the additional layer of a technical committee?

Background: As a result of a legislative reorganization, LATC was established on January 1, 1998, to replace the former Board of Landscape Architects and was placed under the purview of the CAB. While its purpose is to act in an advisory capacity to CAB on examination and other matters pertaining to the regulation of the practice of landscape architecture in California, LATC does incur programmatic costs. While LATC and CAB share an Executive Officer and Assistant Executive Officer, LATC has five separate staff and CAB operations likely supplement LATC operations. There are costs related to any government agency functions, including a statutorily-designated committee with statutorily-mandated responsibilities. LATC has historically faced cost pressures and recently raised fees on licensees due to ongoing rising expenditures and program costs. Now, CAB is also facing shortfalls and will need to increase revenue to continue effective operations. It would be helpful for the Committees to understand whether CAB's composition should more appropriately reflect the multidisciplinary regulatory role it plays and, rather than continuing LATC as its own entity, landscape architect representation should be added to CAB in lieu of a committee. Strong consideration should be given to evaluate consolidation efforts and discussions about whether LATC's organizational structure makes sense, including fiscal sense, moving forward.

Staff Recommendation: *LATC and CAB should provide additional information related to program-wide considerations and whether efficiencies will be realized through formal regulation by one entity. LATC and CAB should inform the committees about existing overlap in operations today and how a multidisciplinary board structure, maintaining licensure for landscape architects through the Act, could improve effectiveness.*