

APELSCIDLA Board
TENTATIVE Agenda

February 9, 2022, 10:00 a.m.

Department of Professional & Occupational Regulation
9960 Mayland Drive
Richmond, Virginia 23233
804-367-8506

1. Call to Order
2. Emergency Evacuation
3. Announcements – Welcome Demetrios (Mitch) J. Melis, Agency Director
4. Approval of Agenda
5. Approval of Minutes
 - APELSCIDLA Board Meeting, December 16, 2021
 - Regulatory Review Committee Meeting, January 13, 2022
6. Public Comment
7. File Review
 - File Number 2021-02039 Daniel Harrison Holmes
CO (Allen) – Disciplinary
8. Landscape Architects
 - CLARB Update
 - i. Uniform Standard Membership Vote Checklist
 1. Letter of Credential
 2. Resolutions
 3. CLARB Uniform Licensure Standard for Architecture - Executive summary
 - a. Policy
 4. Model Law and Regulations - Executive Summary
 - a. Clean
 - b. Redlined with color-coded changes
 5. FAQs
 - ii. Uniform Application is Ready!
 - iii. Landscape Architects Technical Committee (LATC) regarding proposed Uniform Standard for Licensure and the California-specific analysis
9. Professional Engineers
 - NCEES Update

10. Land Surveyors

- NCEES Update

11. Architects

- AIA
 - i. AEC Spring Conference, March 17-18, 2022
- NCARB Update
 - i. NCARB Data by Jurisdiction Report – Virginia
- Incidental Engineering – email from Arthur Mabbett dated January 6, 2022

12. Certified Interior Designers

- CIDQ Update
 - i. Announcements and Candidate Improvements

13. Regulatory Update

- NOIRA Regulation – Fee Adjustment
- Regulatory Review Committee Update

14. Business Agreement Updates

15. CE Waiver Updates

16. Licensed and Certified Population

17. Financial Statements

18. Other Business

19. Conflict of Interest and Travel Vouchers

20. Adjourn

NEXT MEETING SCHEDULED FOR May 11, 2021

Agenda materials available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the Code of Virginia.

**Five minute public comment, per person, with the exception of any open disciplinary or application files.*

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8514 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

- **Call to Order**
- **Emergency Evacuation**
- **Announcements**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA



Minutes

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE
ARCHITECTS MEETING MINUTES

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on December 16, 2021 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Architects

Tim Colley
April Drake

Professional Engineers

James Kelly
Christopher Stone
Vinay Nair

Land Surveyors

Doyle Allen
Vickie Anglin
Mike Zmuda

Interior Designers

Caroline Alexander
Cameron Stiles

Landscape Architects

Frank Hancock, III

Citizen Members

Karen Reynes

Hypatia Alexandria, Mel Price, Ann Stokes, and Bonnie Davis were not present at the meeting.

Staff present for all or part of the meeting were:

Mary Broz-Vaughan, Director
Kathleen (Kate) R. Nosbisch, Executive Director
Amy Goobic, Executive Assistant
Michelle Couch, Lead Analyst, Complaint Analysis and Resolution
Ian Rose, Licensing Specialist, Post Adjudication and Licensing

Members of the audience:

Georg Dahl, Virginia Society of Professional Engineers (VSPE) STEM and Educational Outreach Lead for Tidewater/Hampton Roads Chapter
James T. McLeskey, Jr., Ph.D., Head of Engineering Programs, Randolph Macon College
Isaac Myers, student at Randolph Macon College
Justin Shimp, Shimp Engineering

Elizabeth Peay, Assistant Attorney General with the Office of the Attorney General, was not present with regrets.

Finding a quorum of the Board present, Mr. Stone, Vice Chair, called the meeting to order at 10:17 a.m.

Call to Order

Mr. Stone advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation**

Ms. Nosbisch welcomed Tom Payne, Deputy Director Licensing and Compliance. Ms. Nosbisch stated Ms. Alexandria, Ms. Price, Ms. Stokes, and Ms. Davis send their regrets. She welcomed back Ms. Goobic to cover for Ms. Davis.

**Announce-
ments**

Ms. Stiles moved to approve the agenda as presented. Mr. Zmuda seconded the motion which was unanimously approved by: Alexander, Allen, Anglin, Colley, Drake, Hancock, Kelly, Nair, Reynes, Stone, and Zmuda.

**Approval of
Agenda**

Ms. Anglin moved to approve the September 8, 2021, Board meeting minutes and the September 7, 2021 Land Surveyor Exam Committee meeting minutes. Mr. Kelly seconded the motion which was approved by: Alexander, Allen, Anglin, Colley, Drake, Hancock, Kelly, Nair, Reynes, Stone, and Zmuda.

**Approval of
Minutes**

Mr. Dahl with Virginia Society of Professional Engineers (VSPE) addressed the Board regarding the professional engineer reference form.

**Public
Comment
Period**

Dr. McLeskey stated concerns with the changes to the rules for obtaining an Engineer-in-Training designation (and subsequently a Professional Engineers License). His concerns center on the regulations for students earning non-ABET-accredited science degrees like the Randolph-Macon's Physics and Engineering Physics majors.

1. His primary concern centers on path ii): "Graduate from an engineering master's program accredited by the EAC/ABET".
2. His second concern is related to the first. In 18VAC10-20-210. Requirements for licensure as a professional engineer.
3. His third concern relates specifically to students who have entered college in the last 5-10 years.

Isaac Myers spoke about the professional engineer regulation changes from a student's perspective, including the disadvantages and the cost of additional schooling.

Regarding **File Number 2021-00094, Warren Almquist**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Almquist.

**File Number
2021-00094,**

Mr. Kelly moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-760.D (Count 1) and 18VAC10-20-770.B (Count 2). For these violations, Mr. Almquist agrees to pay the following monetary penalties: \$150.00 for the violation contained in Count 1; \$300.00 for the violation contained in Count 2; and \$150.00 in Board costs, for a total monetary penalty of \$600.00. In addition, for Counts 2, Mr. Almquist agrees to provide the Board a new business card and letterhead template showing that he is no longer using the business name "Almquist Architects". Further, Mr. Almquist agrees to complete at least four (4) virtual or on-line hours of continuing education pertaining to the Board's regulations and/or equivalent course approved by the Board and to provide proof of attendance and successful completion within six (6) months of the order date. Ms. Stiles seconded the motion which was unanimously approved by members: Alexander, Allen, Anglin, Colley, Drake, Hancock, Kelly, Nair, Reynes, Stone, and Zmuda.

**Warren
Almquist**

Mr. Nair recused himself from the meeting for discussion and deliberation of the file.

**Recusal of
Board Member**

Regarding **File Number 2021-00966, Jeffrey Keith**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Keith. Mr. Allen moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-790.4 (Count 1). For this violation, Mr. Keith agrees to pay the following monetary penalties: \$750.00 for the violation contained in Count 1 and \$150.00 in Board costs, for a total monetary penalty of \$900.00. Ms. Reynes seconded the motion which was approved by members: Alexander, Allen, Colley, Drake, Hancock, Kelly, Reynes, Stone, and Zmuda. Ms. Anglin opposed. As the presiding Board member, Mr. Nair was not present for the discussion or vote.

**File Number
2021-00966,
Jeffrey Keith**

Mr. Nair returned to the meeting.

**Return of
Board Member**

Mr. Allen and Mr. Stone recused themselves from the meeting for discussion and deliberation of the files. Chair of the meeting was passed from Mr. Stone to Mr. Kelly.

**Board Member
Departure
/Chair**

Mr. Shimp was present to address the Board.

**File Number
2021-00604,
Justin Shimp**

Mr. Zmuda moved that the meeting be recessed and the Board convene a closed meeting for the purpose of consultation with legal counsel regarding specific legal

Closed Meeting

matters requiring the provision of legal advice, as permitted by Virginia Code § 2.2-3711 (A)(8). The motion was made with respect to the agenda item concerning the File Number 2021-00604 Justin Shimp.

The following non-members will be in attendance for the closed meeting to reasonably aid in the consideration of this topic: Elizabeth Peay, Mary Broz-Vaughan, R. Tom Payne, Kate Nobsch, Amy Goobic, and Free Williams.

Ms. Anglin seconded the motion, which was unanimously approved: Alexander, Allen, Anglin, Colley, Drake, Hancock, Kelly, Nair, Reynes, Stone, and Zmuda.

Following its closed meeting, the Board immediately reconvened in open session. Ms. Nobsch read the following certification:

Reconvened Meeting

WHEREAS, the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA) convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, § 2.2-3712 requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member's knowledge: (i) only public business matters lawfully exempted from open meeting requirements by Virginia laws were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

The certification was affirmed as accurate by roll call: Alexander, Allen, Anglin, Colley, Drake, Hancock, Kelly, Nair, Reynes, Stone, and Zmuda.

Regarding **File Number 2021-00604, Justin Shimp**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Presiding Officer's recommendation. Ms. Anglin moved to decline the recommendation which cites the following violation of the Board's regulations: 18VAC10-20-730.C. (Count 1). Mr. Zmuda seconded the motion as no violation which was unanimously approved by members: Alexander, Anglin, Colley, Drake, Hancock, Kelly, Nair, Reynes, and Zmuda. As the presiding Board member, Mr. Stone, and, as the technical review board member, Mr. Allen were not present for the

discussion or vote.

Mr. Allen and Mr. Stone returned to the meeting. Chair of the meeting was passed from Mr. Kelly back to Mr. Stone.

**Return of
Board Member/
Chair**

Mr. Zmuda recused himself from the meeting for discussion and deliberation of the files.

**Recusal of
Board Member**

Regarding **File Number 2021-01167, Billy Joe Robbins**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Robbins. Ms. Anglin moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-760.D (Count 1). For this violation, Mr. Robbins agrees to pay the following monetary penalties: \$1,000.00 for the violation contained in Count 1 and \$150.00 in Board costs, for a total monetary penalty of \$1,150.00. Mr. Allen seconded the motion which was approved by members: Alexander, Allen, Colley, Drake, Hancock, Kelly, Reynes, and Stone. As the presiding Board member, Mr. Zmuda was not present for the discussion or vote.

**File Number
2021-1167, Billy
Joe Robbins**

Mr. Zmuda returned to the meeting.

**Return of
Board Member**

Ms. Nosbisch stated the email from the Virginia Department of Small Business and Supplier Diversity which included the language they posted on their website was provided for informational purposes.

**Virginia
Department of
Small Business
and Supplier
Diversity
Update**

Ms. Nosbisch stated she and Ms. Stokes virtually attended the CLARB Annual meeting September 22-24, 2021. The first PSI administration of the exam will be April 2022. There was also discussion at the Annual meeting regarding the recent security breach. They asked jurisdictions to consider if licensing requirements create friction/bias. CLARB would like all jurisdictions to use the Uniform Standard Application; however, references and disciplinary actions will not be part of the application. Attendees also watched the video *Two Sisters*.

**Landscape
Architect
Section Update**

The Board reviewed the Computer Based Testing agreement from NCEES dated November 15, 2021, to serve as a reoccurring contract for use of NCEES examinations. Mr. Allen moved to approve the signing of the Agreement as presented. Mr. Kelly seconded the motion which was unanimously approved by: Alexander, Allen, Anglin, Colley, Drake, Hancock, Kelly, Nair, Reynes, Stone,

**Professional
Engineer
Section Update**

and Zmuda.

The NCEES PE Architectural exam will transition to computer-based testing in October 2022. The PE Control Systems exam will transition to computer-based testing in October 2022; the test date is October 18, 2022. PE Naval Architecture and Marine Engineering exam will transition to computer-based testing in October 2022; the test date is October 17, 2022. The PE Metallurgical and Materials exam will transition to computer-based testing in October 2022; the test date is October 17, 2022. The PE 16-hour Structural exam will be the only exam offered in pencil-and-paper format and it will be offered at select locations beginning with the April 2022 administration.

Mr. Allen, voting delegate, Mr. Kelly, and Ms. Nosbisch virtually attended the NCEES Annual Business meeting on September 15, 2021. Ms. Nosbisch shared the following update from NCEES Chief Executive Officer, David Cox:

The last pencil and paper version of the Civil PE exam was in October; Computer Based Testing appointments for the civil exam are available beginning January 3, 2022; The civil conversion was accelerated and complete 18-months ahead of schedule. NCEES continues to prepare for the upcoming state legislative season and continues to collaborate with the Alliance for Responsible Professional Licensing (ARPL), of which NCEES is a founding member. NCEES 2022 zone meetings and annual meetings are being planned as in-person events.

The Land Surveyor Exam Committee met September 7, 2021 to address State Specific Exam Changes.

**Land Surveyor
Section Update**

Ms. Anglin was appointed to the NCEES Southern Zone Leadership Council. The Land Surveyors have agreed to discuss 18VAC10-20-380 and the need for closed traverse as the last items under other business. Mr. Allen has been appointed the Chairman of the Southern Zone Nominating Committee.

Ms. Anglin, Mr. Allen, Mr. Zmuda, and Ms. Nosbisch provided a presentation at the Virginia Association of Surveyors Convention September 17, 2021.

NCARB is seeking to double the number of black architects by 2030 with the ARE Scholarship for Black Candidates. On November 29, 2021, testers began using the NCARB enhanced calculator with the ARE software. December 8, 2021, NCARB and CIDQ published a joint report which contained A Comparison of Practice Analysis Defined Competency Requirements for the Architecture and Interior Design Professions and A Comparison of Examination Objectives of the

**Architect
Section Update**

Architecture Registration Examination (ARE) and NCIDQ Examination. The joint report can be found at: https://www.ncarb.org/sites/default/files/NCARB-CIDQ_Report.pdf

Ms. Stiles and Ms. Alexander attended the CIDQ Annual meeting virtually on November 12-13, 2021. Ms. Nobsch shared the following update from CIDQ Chief Executive Officer, Thom Banks. CIDQ has developed an NCIDQ Candidate Handbook as a comprehensive resource on everything one needs to know and understand while on their NCIDQ Certification journey. In Spring 2022, CIDQ will offer the option of Remote Proctoring for the IDFX and IDPX exams. The CIDQ Annual Report showed 35,394 total certificate holders; there were 3,308 fall exam registrants, 14,716 active certificate holders of which 1,408 are from Virginia.

**Certified
Interior
Designer
Section Update**

The Board recessed from 11:25 a.m. to 11:35 a.m.

Recess

Ms. Nobsch informed the Board the new regulations became effective December 1, 2021. Ms. Nobsch stated the proposed fee increase NOIRA is still in process. She provided a brief overview of the regulatory process.

**Regulatory
Update**

The Board reviewed the letter from Dr. McLeskley requesting changes to the new regulations for pathways as an engineer-in-training and professional engineer. Ms. Broz-Vaughan stated there are administrative way to address these regulations. She suggested a guidance document to interpret and clarify the regulations as well as initiating a fast track change. A discussion took place regarding the pathways to an engineer-in-training. The Board agreed to draft a guidance document to be presented at the next Board meeting on February 9, 2022. Ms. Anglin, Mr. Stone, Ms. Drake, Ms. Reynes, Ms. Alexander, and Mr. Hancock volunteered to form the Regulatory Review Committee. The Regulatory Review Committee will meet and provide an update at the next Board meeting on February 9, 2022.

Ms. Nobsch stated the Land Surveyors new regulations promulgated September 2, 2021 included the incorrect name of the surveyor photogrammetrist exam. The Registrar's office has been contacted and the correction will be made by an erratum to be effective December 20, 2021.

Ms. Nobsch reported was Ridge and Associates self reported disciplinary action and was issued a Business Agreement for Registration which is presented today for review. Ms. Anglin moved to approve the business agreement as presented. Mr. Kelly seconded the motion which was unanimously approved by: Alexander, Allen, Anglin, Colley, Drake, Hancock, Kelly, Nair, Reynes, Stone, and Zmuda.

**Business
Agreement
Updates**

There were no requests for waiver of continuing education.

**CE Waiver
Updates**

The licensee counts as of December 1, 2021:

APELSCIDLA Businesses	4,978
Architects	7,573
Professional Engineers	29,960
Land Surveyors	1,228
Land Surveyors B	68
Land Surveyor Photogrammetrists	104
Certified Interior Designers	471
Landscape Architects	933

**Licensed and
Certified
Population**

Ms. Nobsich stated the financial statements were provided for informational purposes.

**Financial
Statements**

Ms. Nobsich stated Board members will be receiving an email regarding Financial Disclosures Statement which is due no sooner than January 1, 2022 but no later than February 1, 2022.

Other Business

The Board received a letter from Gaines Group Architects regarding requirements for physical presence at a place of business. Mr. Stone stated the Regulatory Review Committee will be reviewing the architect letter at their meeting in January.

Chair of the meeting was passed from Mr. Stone to Ms. Anglin.

**Departure of
Board
Members/
Chair**

The Board recessed from 12:10 p.m. to 12:20 p.m.

Recess

Ms. Anglin, Mr. Allen, and Mr. Zmuda returned to the meeting at 12:35 p.m.

**Return of
Board
Members**

Discussion was held regarding if parcels over two acres follow the minimum standards in 18VAC10-20-380. It was noted it is stated in 18VAC10-20-380, it applies to properties of less than two acres. This item will be placed on the February 9, 2022 Board agenda.

**Board
Regulation
18VAC10-20-
380**

Conflict of Interest forms and Travel Vouchers were completed by all Board

Conflict of

members present.

**Interest Forms /
Travel
Vouchers**

There being no further business, the meeting was adjourned at 1:25 p.m.

Adjourn

Chris Stone, Vice Chair

Mary Broz-Vaughan, Secretary

DRAFT
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA
DRAFT AGENDA

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS MEETING MINUTES

The Regulatory Review Committee of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on January 13, 2022 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Architects

Land Surveyors

Mike Zmuda

Landscape Architects

Frank Hancock, III

Professional Engineers

Christopher Stone

Interior Designers

Caroline Alexander

Citizen Members

Karen Reynes

April Drake and Vickie Anglin were not present at the meeting.

Staff present for all or part of the meeting were:

Mary Bröz-Vaughan, Director
Tom Payne, Deputy Director
Kathleen (Kate) R. Nobsch, Executive Director
Bonnie Davis, Administrative Assistant

Members of the audience:

Georg Dahl, Virginia Society of Professional Engineers (VSPE) STEM and Educational Outreach Lead for Tidewater/Hampton Roads Chapter
James T. McLeskey, Jr., Ph.D., Head of Engineering Programs, Randolph Macon College

Elizabeth Peay, Assistant Attorney General with the Office of the Attorney General, was present.

Finding a quorum of the Board present, Mr. Stone, Vice Chair, called the meeting to order at 10:04 a.m.

Mr. Stone advised the Board of the emergency evacuation procedures.

Call to Order

Emergency Evacuation

Ms. Nosbisch welcomed Tom Payne, Deputy Director Licensing and Compliance. Ms. Nosbisch stated Ms. Drake and Ms. Anglin send their regrets. Mr. Zmuda was present to represent the land surveyors in Ms. Anglin's absence.

Announcements

Mr. Stone stated that item # 5 of the agenda will be tabled until the next meeting. Mr. Zmuda moved to approve the agenda as amended. Ms. Alexander seconded the motion which was unanimously approved by: Alexander, Hancock, Reynes, Stone, and Zmuda.

Approval of Agenda

Mr. Dahl with Virginia Society of Professional Engineers (VSPE) addressed the Board regarding the professional engineer reference form.

Public Comment Period

Dr. McLeskey stated concerns with the changes to the rules for obtaining an Engineer-in-Training designation (and subsequently a Professional Engineers License). His concerns center on the regulations for students earning non-ABET-accredited science degrees like the Randolph-Macon's Physics and Engineering Physics majors.

1. His primary concern centers: "Graduate from an engineering master's program accredited by the EAC/ABET"
2. His second concern is related to the first. In 18VAC10-20-210. Requirements for licensure as a professional engineer.
3. His third concern relates specifically to students who have entered college in the last 5-10 years.

Tabled until next meeting.

Letter from Gaines Group Architects regarding physical presence at place of business

The Committee reviewed the Engineer in Training regulations. The Committee concluded that regulations may have been accidentally repealed. The Committee suggestions will be presented to the Board at the next scheduled meeting on February 9, 2022.

Information from Mr. McLeskey regarding Engineer in Training regulations

Committee members were provided copies of the regulations effective January 1,

Review of

2016 and December 1, 2021. Ms. Nosbisch suggested that the Committee meet again immediately following the full Board meeting on February 9, 2022. She also suggested that the land surveyors meet after the Committee meeting to discuss 18VAC10-20-380.

Regulations

The Board recessed from 11:30 a.m. to 11:36 a.m.

Recess

There was no other business to discuss.

Other Business

Conflict of Interest forms and Travel Vouchers were completed by all Board members present.

**Conflict of
Interest Forms /
Travel
Vouchers**

There being no further business, the meeting was adjourned at 11:55 a.m.

Adjourn

Chris Stone, Vice Chair

Mary Broz-Vaughan, Secretary

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

➤ **Public Comment**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

➤ **File Review**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

➤ **Landscape Architects**

○ **CLARB Update**

➤ **Uniform Standard**

Membership Vote Checklist

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

CLARB

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

TO: Member Board Executives

FROM: Andrea Elkin
PMO Manager

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

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

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

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

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

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

DATE: _____

TO: CLARB Board of Directors

FROM: _____

(Member Board)

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

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

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

NAME

POSITION

NAME	POSITION
_____	_____
_____	_____
_____	_____
_____	_____

In addition, the following representatives will be in attendance:

Signed by: _____

Name

Title

CLARB

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

Submitted to: The CLARB Membership

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

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

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

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

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

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

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

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

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

CLARB

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

Submitted to: **The CLARB Membership**

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

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

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

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

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

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

CLARB

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

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

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

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

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

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

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

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

CLARB

Resolution #3

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

Submitted to:

The CLARB Membership

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

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

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

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

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

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

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

Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

CLARB

CLARB Board of Directors Supporting Statement for Resolutions #3

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

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

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

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

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

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

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

CLARB

Uniform Standard Executive Summary

Why the Need for Change?

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

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

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

What is in the Uniform Standard?

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

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

Documents for Your Board's Review and Consideration

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

CLARB

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

CLARB Uniform Licensure Standard for Landscape Architecture [2022]

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

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

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

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

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

CLARB

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

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

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

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

* * * * *

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

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

CLARB

Model Law and Regulations Changes Executive Summary

What are CLARB's Model Law and Regulations?

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

Why the Need for Change?

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

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

Model Law Changes

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

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

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

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

Model Regulations Changes

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

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

CLARB

Documents for Your Board's Review and Consideration

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

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

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

Model Law

Council of Landscape Architectural Registration Boards

Updated: December 2021
Last Approved: September 2017

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

CLARB

Introduction

What Landscape Architects Do

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

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

Why Landscape Architects Must Be Licensed

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

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

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

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

How the CLARB Model Law Promotes Public Protection

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

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

How CLARB Member Boards Benefit from the Model Law

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

The Model Law includes the following sections:

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

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

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

Article I - Title, Purpose, and Definitions

Section 101. Title of Act.

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

Section 102. Legislative Declaration.

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

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

Section 103. Statement of Purpose.

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

Section 104. Practice of Landscape Architecture.

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

Sections 102 and 103

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

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

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

Section 104

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

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

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

Section 105. Activities Not Subject to the Act.

This Act does not apply to:

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

Section 106. Definitions.

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

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

Section 105

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

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

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

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

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

Section 106

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

Throughout the document defined terms are capitalized.

Architectural services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 106(BB)

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

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

affecting public health, safety and welfare.

Article II - Board of Landscape Architecture

Section 201. Delegation of Authority.

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

Section 201

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

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official action
DRAFT AGENDA

Section 202

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

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

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

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

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

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

Section 202. Board Composition.

Landscape Architect Board Option

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

Composite Board Option

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

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

Section 203. Qualifications for Board Membership.

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

Section 203

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

This section identifies eligibility criteria to serve on the board.

All board members serve the public interest when undertaking and acting within the scope of board duties and responsibilities.

Section 204. Board Member Appointment and Oversight by Governor.

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

Section 204

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

Section 205. Terms.

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

Section 205

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

Section 206. Board Member Vacancies.

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

Section 206

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

Section 207. Removal of Board Member.

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

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

Section 207

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

Section 208. Organization of the Board.

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

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

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

Section 209. Executive Director and Employees of Board.

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

Section 210. Compensation of Board Members.

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

Section 211. Meetings of Board.

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

Section 211

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

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

Section 212. Regulations Governing Licensure and Practice.

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

Section 213. Powers and Duties Delegated to Board.

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

Section 212

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

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

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

Section 213

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

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

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

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

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

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

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

oath the Board is authorized by law to administer.

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

E. Recovery of Costs and Assessment of Fines.

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

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

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

- (iv) In any action for recovery of costs, the Board's final decision and order is conclusive proof of the validity of the order and

Section 213(E)

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

terms of payment.

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

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

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

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

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

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

Section 213(G)

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

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

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

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

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

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

Section 213(H)(ii)

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

Section 213(I)

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

Materials contained in this agenda are proposed and are not to be construed as official regulations of the Board of Landscape Architecture.

Section 214 Source of Data

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

Article III. - Licensing.

Section 301. Unlawful Practice.

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

Section 214

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

Section 301

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

Section 301(C) and (D)

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

Section 301(E)

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

Section 302

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

Section 302. Qualifications for Licensure.

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

B. Examinations and Examination Attempts

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

Section 303. Qualifications for Certificate of Authorization

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

Section 302(B)

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

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

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

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

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

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

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

- C. If the Board finds the Business Entity is in compliance with this section's requirements, it shall issue a Certificate of Authorization to such Business Entity designating the Business Entity as authorized to provide Landscape Architectural services.

- D. No Business Entity issued a Certificate of Authorization under this section is relieved of responsibility for the conduct or acts of its agents, employees or principals by reason of its compliance with this section, nor is any individual practicing Landscape Architecture relieved of responsibility and liability for services performed by reason of employment or relationship with such Business Entity. This section does not affect a Business Entity and its employees performing services solely for the benefit of the Business Entity, or a subsidiary or affiliated business entity. Nothing in this section exempts Business Entities from other applicable law.

Section 304. Qualifications for Practice under Disaster Declaration

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

Section 305. Requirement of Continuing Competence.

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

Section 306. Requirements for Licensure Renewal.

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

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

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

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

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

Section 304

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

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

Section 308. Inactive License.

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

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

Article IV Discipline.

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

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

Section 401

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

Architecture, including engaging in improper or fraudulent billing practices.

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

Section 401(A)(xvi)

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

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

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

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

(xviii) Having had any right, credential, or license to practice a profession in this or another Jurisdiction subjected to adverse action or denial of right to practice. In such case, a certified copy of the record of the adverse action or denial of right to practice is conclusive evidence of such disciplinary action or denial.

B. The Board may defer discipline or other action regarding any impaired Licensee who enters into a binding agreement, in a form satisfactory to the Board, under which Licensee agrees not to practice Landscape Architecture and to enter into, and comply with, a Board-approved treatment and monitoring program in accordance with Board regulations.

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

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

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

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

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

Section 402. Summary Suspension.

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

Section 402

This section authorizes the Board to suspend a license immediately without a hearing under identified circumstances that create imminent harm to the public. Such respondents are provided with a hearing within an identified period of time under administrative procedures.

Article V. - Mandatory Reporting.

Section 501. Requirement to Report.

Any Applicant, Licensee or Person with knowledge of conduct by any Person that may be grounds for disciplinary action under this Act or its regulations, or of any unlicensed practice under this Act, shall report such conduct to the Board.

Section 502. Reporting Other Licensed Professionals.

Any Applicant, Licensee or Person shall report to applicable licensing Boards conduct by a Licensee that is, or may be, grounds for disciplinary action under applicable law, if the conduct must by law be reported to such licensing boards.

Section 503. Reporting by Courts.

The administrator of any court with jurisdiction shall report to the Board any court judgment or other determination that an Applicant for licensure by the Board or a Licensee is mentally ill, mentally incompetent, guilty of a Felony, guilty of violating federal or Jurisdiction narcotics laws or controlled substances act, or guilty of crimes reasonably related to the practice of Landscape Architecture, or that appoints a guardian of Applicant or Licensee, or commits Applicant or Licensee under applicable law.

Section 504. Self-Reporting by Applicant for Licensure and Licensee.

An Applicant for licensure by the Board or a Licensee shall self-report to the Board any personal conduct or action that requires a report be filed under Article IV of this Act.

Section 505. Reporting Deadlines; Forms.

All reports required by this Act must be submitted to the Board no later than 30 days after the reportable conduct or action occurs. The Board may provide forms for reports required by Article VI of this Act and may require that reports be submitted on the forms. The Board may issue regulations to ensure prompt and accurate reporting as required by Article VI of this Act.

Section 506. Immunity for Reporters.

Any Person who in good faith submits a report required under Article VI of this Act, or who otherwise reports, provides information, or testifies in connection with alleged violations of this Act, is immune from liability or prosecution. Notwithstanding laws to the contrary, the identity of Persons submitting mandated reports is not disclosable, except as required in connection with an Adjudicatory Proceeding initiated by the Board or other proceeding in courts with jurisdiction.

Article VI Other.

Section 601. Severability.

If any provision of this Act is declared unconstitutional or illegal, or the applicability of this Act to any Person or circumstance is held invalid by a court with jurisdiction, the constitutionality or legality of the Act's other provisions and the Act's application to other persons and circumstances, is not affected, and those provisions remain in full force and effect, without the invalid provision or application.

Section 602. Effective Date.

This Act is effective on [date].

Model Regulations

Council of Landscape Architectural Registration Boards

Updated: [Month, Year]
Last Amended: September 2017

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

CLARB

CONTENTS

Preface

Introduction

SECTION SUBJECT

103.10 Purpose

104.10 Practice of Landscape Architecture

105.10 Activities Not Subject to the Act

106.10 Definitions

213.10 Powers and Duties Delegated to Board

213.11 Professional Practice

213.12 Fees for Services

213.13 Other Powers and Duties of the Board

213.14 Seals

214.10 Source of Data

302.10 Qualifications for Licensure

302.11 Approved Education Programs

302.12 Experience Supervision Requirements

302.13 Examinations

303.10 Qualifications for Certificate of Authorization

305.10 Requirements of Continuing Competence

305.11 Approved Providers of Continuing Education

306.10 Requirements for Licensure Renewal

307.10 Non-Renewal of Licensure; Requirements for Reinstatement of Expired License

310.10 License Statuses

501.10 Mandatory Reporting

701.10 Severability

PREFACE

Duly enacted statutes provide the basis for establishing a regulatory structure by legislatively creating and delegating authority to the regulatory board. Such statutes (practice act) establish the basis for and authority of the Board. The Board is also delegated with the authority to promulgate regulations/rules that are intended to provide specificity to the statutes using the expertise of the Board, generally populated with subject matter experts (licensees) and members of the public. (see *CLARB Model Law Article II, Sections 202, 203*)

For purposes of this document, the Council of Landscape Architectural Registration Board (CLARB) will use the term “regulations”. For the most part, rules and regulations are terms that can be used interchangeably. Duly promulgated regulations have the force of law and can be used as a basis for board action(s). This is why the process for proposing, discussing, seeking public comment and modifying proposed regulations must follow strict adherence to administrative procedures before becoming effective. Such administrative procedures can vary from jurisdiction to jurisdiction.

The CLARB Model Law authorizes the Board to promulgate regulations. While the CLARB Model Law represents a complete document, the Model Regulations are not intended to provide a complete set of regulations, but to provide guidance on where regulations are needed. The Model Regulations is a fluid document that will be subjected to regular review and, where necessary, change. Of course, CLARB Member Boards are encouraged to use this model as a resource when necessary to address or suggest proposed legislative language in both statutes and regulations.

INTRODUCTION

The purpose of adopting regulations is to safeguard the health, safety and welfare of the public by ensuring the proper performance of the duties of the Board and the regulation of its procedures, meetings, records, examinations and the conduct thereof. The adopted regulations may not be inconsistent with the constitution and laws of this jurisdiction. They must be approved by appropriate legislative authority of the jurisdiction. Regulations adopted by the Board shall be binding upon individuals licensed or recognized under the licensure act and on non-licensees found by the Board to be in violation of provisions of the licensure act and shall be applicable to firms that hold or should hold a Certificate of Authorization.

103.10 PURPOSE.

These regulations are promulgated by the Board of Landscape Architects under [cite statutes] for the purpose of protecting the public health, safety and welfare. These regulations contain the information necessary to become licensed as a Landscape Architect, or offer landscape architectural services as a Business Entity.

104.10 PRACTICE OF LANDSCAPE ARCHITECTURE.

The practice of Landscape Architecture is defined as any service where landscape architectural education, training, experience and the application of mathematical, physical and social science principles are applied in consultation, evaluation, planning, design (including, but not limited to, the preparation and filing of plans, drawings, specifications and other contract documents) and

administration of contracts relative to projects principally directed at the functional and aesthetic use and preservation of land.

Services included in the licensed scope of Landscape Architecture include, but are not limited to the following:

- Investigation, selection and allocation of land and water resources for appropriate uses;
- Formulation of feasibility studies, and graphic and written criteria to govern the planning, design and management of land and water resources;
- Preparation, review and analysis of land use master plans, subdivision plans and preliminary plats;
- Determining the location and siting of improvements, including buildings and other features, as well as the access and environs for those improvements;
- Design of land forms and land form elements, storm water drainage, soil conservation and erosion control methods, pedestrian and vehicular circulation systems and related construction details;
- Consultation, planning, designing or responsible supervision in connection with the development of land areas for preservation and enhancement;
- Design of non-habitable structures for aesthetic and functional purposes, such as pools, walls and structures for outdoor living spaces, for public and private use;
- Determination of proper land use as it pertains to natural features; ground cover, use, nomenclature and arrangement of plant material adapted to soils and climate; naturalistic and aesthetic values; settings and approaches to structures and other improvements; and the development of outdoor space in accordance with ideals of human use and enjoyment;
- Design with a priority to ensure equal access to all public goods and services through the use of barrier-free design in compliance with the Americans with Disabilities Act (ADA);
- Consideration of the health, safety and welfare of the public. Public welfare is defined through: environmental sustainability; contribution to economic sustainability and benefits; promotes public health and well-being; builds communities; encourages landscape awareness/stewardship; offers aesthetic and creative experiences; and enables people and communities to function more effectively.

105.10 ACTIVITIES NOT SUBJECT TO THE ACT.

Effective regulation is targeted to address the specific risks of harm to consumers and not to restrict competition or be a barrier to incentives for innovation in products and services.

The activities to engage in the practice of Landscape Architecture shall not be construed to prevent or to affect the right of any individual licensed in related design profession practicing within their licensed scope. In addition, nothing shall be construed to prevent or affect the right of any individual to engage in any occupation related to growing, marketing and the design of landscaping material.

106.10 DEFINITIONS.

The [CLARB Model Law Section 106 Definitions] provides definitions applicable to the [CLARB Model Regulations].

213.10 POWERS AND DUTIES DELEGATED TO BOARD.

Authority is delegated to the Board by the [Jurisdiction] legislature to effectively and efficiently regulate the profession of Landscape Architecture in the interest of public protection.

213.11 PROFESSIONAL PRACTICE.

Pursuant to [CLARB Model Law Section 213(C)(i)], the Board is authorized to establish and enforce minimum standards of practice and conduct for Landscape Architects and to provide Licensees and Clients with expectations regarding professional conduct.

A. Competence.

- (i) In engaging in the practice of Landscape Architecture, a Licensee shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by Landscape Architects of good standing, practicing in the same locality.
- (ii) In designing a project, a Landscape Architect shall abide by all applicable federal state, county, regional and municipal laws and regulations. While a Landscape Architect may rely on the advice of other professionals, (e.g., attorneys, engineers and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a Landscape Architect shall not knowingly design a project in violation of such laws and regulations.
- (iii) A Landscape Architect shall undertake to perform professional services only when he or she, together with those whom the Landscape Architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.
- (iv) No individual shall be permitted to engage in the practice of Landscape Architecture if, in the Board's judgment, such individual's professional competence is substantially impaired by physical or mental disabilities.

B. Conflict of Interest.

- (i) A Landscape Architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to by (such disclosure and agreement to be in writing) all interested parties.
- (ii) If a Landscape Architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with his or her performance of professional services, the Landscape Architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and, if the client or employer objects to such association or financial interest, the Landscape Architect will either terminate such association or interest or offer to give up the commission or employment.
- (iii) A Landscape Architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.
- (iv) When acting as the interpreter of construction contract documents and the judge of contract performance, a Landscape Architect shall render decisions impartially, favoring neither party to the contract.

C. Full Disclosure.

- (i) A Landscape Architect, making public statements on landscape architectural questions, shall disclose when he or she is being compensated for making such statements.
- (ii) A Landscape Architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.
- (iii) If, in the course of his or her work on a project, a Landscape Architect becomes aware of a decision taken by his or her employer or client, against such Landscape Architect's advice, which violates applicable federal, state, county, regional or municipal laws and regulations and which will, in the Landscape Architect's judgment, materially and adversely affect the health, safety or welfare of the public, the Landscape Architect shall:
 - i. report the decision to the applicable public official charged with the enforcement of the applicable laws and regulations;
 - ii. refuse to consent to the decision; and
 - iii. in circumstances where the Landscape Architect reasonably believes that other such decisions will be taken, notwithstanding his or her objections, terminate his or her services with respect to the project. In the case of a termination in accordance with this clause (3), the Landscape Architect shall have no liability to his or her client or employer on account of such termination.
- (iv) A Landscape Architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for a registration or renewal thereof.
- (v) A Landscape Architect shall not assist the application for a registration of an individual known by the Landscape Architect to be unqualified in respect to education, training, or experience .
- (vi) A Landscape Architect possessing knowledge of a violation of the provisions set forth in these rules by another Landscape Architect shall report such knowledge to the Board.

D. Compliance with Laws.

- (i) A Landscape Architect shall not, while engaging in the practice of Landscape Architecture, knowingly violate any state or federal criminal law.
- (ii) A Landscape Architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the Landscape Architect is interested.
- (iii) A Landscape Architect shall not solicit a contract from a governmental body on which a principal or officer of the licensee's organization serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of the appropriate public authority.
- (iv) A Landscape Architect shall not offer, directly or indirectly, to pay a commission or other consideration or to make a political contribution or other gift in order to secure work, except for payment made to an employment agency for its services.
- (v) A Landscape Architect shall comply with the registration laws and regulations governing his or her professional practice in any jurisdiction.
- (vi) Each Landscape Architect shall cooperate with the Board in its investigation of complaints or possible violations of the [Jurisdiction] Statutes or Regulations of the Board.

This cooperation shall include responding timely to written communications from the Board, providing any information or documents requested within 30 days of the date on which the communication was mailed, and appearing before the Board or its designee upon request.

(vii) Landscape Architect shall not violate any order of the Board.

E. Professional Conduct.

- (i) Each office in [Jurisdiction] maintained for the preparation of drawings, specifications, reports or other professional landscape architectural work shall have a licensed Landscape Architect resident and regularly employed in that office having direct supervision of such work.
- (ii) A Landscape Architect shall not sign or seal drawings, specifications, reports or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the Landscape Architect's consultants, registered under this or another professional registration of [Jurisdiction], the Landscape Architect may sign or seal that portion of the professional work if the Landscape Architect has reviewed such portion, has coordinated its preparation and intends to be responsible for its adequacy.
- (iii) A Landscape Architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the Landscape Architect is interested.
- (iv) A Landscape Architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.
- (v) In all professional reports, statements and testimony, each Landscape Architect shall be completely objective and truthful and include all relevant and pertinent information.
- (vi) Conviction of a felony or the revocation or suspension of a professional license by another jurisdiction, if for a cause the State of [Jurisdiction] would constitute a violation of [Jurisdiction] law or of these regulations, or both, shall constitute unprofessional conduct.

213.12 FEES FOR SERVICES.

[Insert schedule of fees, with cross-references to [CLARB Model Law Section 213(G)] permitting the Board to establish fees, or any fees set by statute. This list should identify all categories of fees, including those to be established from time to time by the Board, and it should require the Board to maintain and provide to all individuals upon request a current and complete list of its fees.]

213.13 OTHER POWERS AND DUTIES OF THE BOARD.

In addition to the statutes of [Jurisdiction], other powers and duties of the Board shall include, but are not limited to, the following:

- A. All members of the Board, including the chairperson, are entitled to vote and to make or to second motions. A majority vote of those present is required to pass a motion. The chairperson shall vote as a member of the Board.
- B. The latest edition of Roberts Rules of Order, Revised shall govern the normal proceedings of the Board. Exceptions include hearings that may be disciplinary in nature.

- C. All applications and requests for which the Board has prescribed a form must be presented on these forms.
- D. A roster of all Licensees and firms holding a Certificate of Authorization will be updated annually and shall be accessible to the public.

213.14 SEALS.

Each licensed Landscape Architect shall procure a Seal, which shall contain the name of the Landscape Architect; his or her license number and the state or territory; and the words LANDSCAPE ARCHITECT—[Jurisdiction]. The Seal may be a rubber stamp, an embossed Seal, or a computer-generated Seal. After the Licensee's Seal has been applied to the original or record copy, the Licensee shall place the Licensee's signature and date across the Seal. This Seal shall comply in all respects, including size and format, which the specimen shown below:

[INSERT SPECIMEN SEAL IMPRINT]

- A. The Seal shall be imprinted on all technical submissions, as follows: On each design and each drawing; on the cover and index pages identifying each set of specifications; and on the cover page (and index, if applicable) of all other technical submissions. The original signature of the individual named on the Seal shall appear across the face of each original Seal imprint.

The Seal appearing on any technical submission shall be prima facie evidence that said technical submission was prepared by or under the direct supervision of the individual named on said Seal.

- B. All technical submissions prepared by a licensed Landscape Architect shall contain the following legend wherever the Landscape Architect's Seal appears: "The professional services of the Landscape Architect are undertaken for and are performed in the interest of [name of person employing Landscape Architect]. No contractual obligation is assumed by the Landscape Architect for the benefit of any other person involved in the project."
- C. Any Licensee may use a digital signature if the signature meets all of the following requirements: (1) Is unique to the person using it; (2) is able to be verified; (3) is under the sole control of the person using it; and (4) is linked to an electronic document bearing the digital signature in such a manner that the signature is invalidated if any data in the document is altered.

214.10 SOURCE OF DATA.

The Board may rely on the expertise of, and documentation and verified data gathered and stored by CLARB and other not-for-profit organizations as determined by the Board. This data shall include but is not limited to: CLARB Council Record; professional exam scores; verified educational transcripts; verified employment references; professional references; licensure history; disciplinary history; and other information gathered by third parties sharing the Board's public-protection mission.

The Board shall recognize all applicable Open Records Laws in [Jurisdiction] for data as it shall pertain to Records of the Board.

302.10 QUALIFICATIONS FOR LICENSURE.

Pursuant to [CLARB Model Law Section 302] an applicant for licensure must substantiate each item listed in this referenced Section to the Board's satisfaction.

302.11 APPROVED EDUCATION PROGRAMS.

Select either option 1: Dynamic Incorporation.

In lieu of a degree in landscape architecture accredited by LAAB, LAAC, or their international equivalent, as established by [CLARB Model Law Section 302(A)(i)], an Applicant shall meet the "Alternative Education" standards for qualification for licensure set forth in the CLARB Uniform Licensure Standard.¹

Or option 2: Static Incorporation by Reference

In lieu of a degree in landscape architecture accredited by LAAB, LAAC, or their international equivalent, as established by [CLARB Model Law Section 302(A)(i)], an Applicant shall meet the "Alternative Education" standards for qualification for licensure set forth in the 2022 version of the CLARB Uniform Licensure Standard.

Or option 3: Direct Incorporation

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

- A. If an applicant holds a non-accredited degree or certificate in landscape architecture, then the applicant may be credited with one (1) year of experience for each year of schooling completed up to a maximum of four (4) years of credited experience, OR
- B. If an applicant holds any degree or certificate, then the applicant may be credited with six (6) months of experience for each one (1) year of schooling completed up to a maximum of two (2) years of credited experience.

R. 302.11 and R. 302.12

This section provides three options for Boards to choose from. Although CLARB recommends that Boards select option 1, CLARB understands not all Boards may be authorized to use dynamic incorporation (i.e., incorporating a periodically updated standard, with each new version of that standard being given the force of law automatically when an updated standard is published).

Option 2 will require Boards to adopt new regulations periodically as new versions of the CLARB uniform licensing standard are published. These new regulations would refer to the version of the CLARB Uniform Licensure Standard then in effect.

Option 3 would require Boards to adopt the content of the "Alternative Education" section of CLARB's Uniform Licensure Standard directly into regulations and update this periodically to reflect the text of the version currently in effect.

302.12 EXPERIENCE SUPERVISION REQUIREMENTS.

Select either option 1: Dynamic Incorporation

For purposes of [CLARB Model Law Section 302(A)(ii)], to be considered “experience in the regulated practice of landscape architecture,” an applicant must gain experience in the practice domains set forth in the CLARB Uniform Licensure Standard.

Or option 2: Static Incorporation by Reference

For purposes of [CLARB Model Law Section 302(A)(ii)], to be considered “experience in the regulated practice of landscape architecture,” an applicant must gain experience in the practice domains set forth in the 2022 version of the CLARB Uniform Licensure Standard.

Or option 3: Direct Incorporation

For purposes of [CLARB Model Law Section 302(A)(ii)], to be considered “experience in the regulated practice of landscape architecture,” an applicant must gain experience in the following practice domains to ensure competency necessary to protect the public and the environment:

1. Project and Construction Management: includes pre-project management, project management, bidding, construction, and maintenance;
2. Inventory and Analysis: includes site inventory, physical analysis, and contextual analysis;
3. Design: includes stakeholder process, master planning, and site design;
4. Grading, Drainage, and Construction Documentation: includes site preparation plans, general plans and details, specialty plans, and specifications.

For purposes of assigning credit for an applicant’s experience to satisfy the requirements under [CLARB Model Law Section 302(A)(ii) and CLARB Model Regulations 302.11], the Board shall evaluate an applicant’s experience according to the following standards:

- [INSERT EVALUATION CRITERION]²
- [INSERT EVALUATION CRITERION]
- [INSERT EVALUATION CRITERION]

² Each jurisdiction within the CLARB membership will determine how it will evaluate experience based on that jurisdiction’s unique circumstances and requirements.

302.13 EXAMINATIONS.

Applicants shall substantiate successful completion of CLARB's examinations where the examination administration and grading were conducted in accordance with CLARB's standards in effect at the time. CLARB examination administration requirements will be enforced as listed, but not limited to:

- A. examinations are offered on dates set by CLARB;
- B. locations at which the examinations are given are designated by CLARB;
- C. language of the examination will be English;
- D. results will be released in accordance with established CLARB policy;
- E. there shall be no post-administration access to, or review of, examination questions;
- F. re-examination limits shall be imposed by CLARB as necessary for the integrity of each exam;
- G. any applicant's examination results may be rejected by the Board and permission to retake an examination may be withheld by the Board upon a report by the testing administrator of any possible violation by the applicant of the provisions of any candidate testing agreement regarding examination irregularities.

303.10 QUALIFICATIONS FOR CERTIFICATE OF AUTHORIZATION.

Pursuant to [CLARB Model Law Section 303] an applicant for a Certificate of Authorization must substantiate each item in this referenced Section to the Board's satisfaction.

305.10 REQUIREMENTS OF CONTINUING COMPETENCE.

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of Landscape Architects. Every Licensee shall meet the continuing professional competency requirements of these regulations for professional development as a condition for licensure renewal.

- A. Each Licensee shall have completed 12 (twelve) Continuing Education Contact Hours during the one-year period immediately preceding the renewal date established by the Board;
- B. Continuing Education Contact Hours shall be related to the practice of Landscape Architecture and address subjects in the protection of public Health/Safety/Welfare (HSW).
- C. Other activities may be accepted for Continuing Education credit upon approval by the Board;
- D. If Licensee is licensed to practice Landscape Architecture in another jurisdiction in which the Licensee resides, the Licensee may meet the Continuing Education requirements of the jurisdiction in which the Licensee resides. If such jurisdiction requires no Continuing Education, the Licensee shall meet the Continuing Education requirements of [Jurisdiction];
- E. Each dual Licensee shall earn at least 8 of the required Continuing Education credits for each renewal period in each profession;
- F. Excess Continuing Education Contact Hours may not be credited to a future calendar year;
- G. Each Licensee shall provide proof of satisfying the Continuing Education requirements as required by the Board. If the Licensee fails to furnish the information as required by the Board, the License shall not be renewed. If the Board does not approve of submitted Continuing Education, Licensee shall have a period of 120 days after notification to provide further information or additional Continuing Education.

305.11 APPROVED PROVIDERS OF CONTINUING EDUCATION.

The following providers of Continuing Education programs have been approved by the Board and courses provided by approved providers are acceptable for meeting the mandatory Continuing Education requirements for licensure renewal:

- Landscape Architects Continuing Education System (LA CES)
- American Society of Landscape Architects (ASLA)
- Council of Landscape Architect Registration Boards (CLARB)
- [Jurisdiction] Board name
- National Society of Professional Engineers (NSPE)
- American Institute of Architects (AIA)
- Agencies of the state or federal government offering training programs in landscape architecture
- Accredited colleges and universities offering training programs in landscape architecture

306.10 REQUIREMENTS FOR LICENSURE RENEWAL.

- A. Each Licensee shall renew the License by [DATE] each year. A written or electronic notice shall be issued by the Board to each Licensee no later than 30 days before this renewal date. An expired License shall be terminated if not renewed by the renewal date. A late fee may be charged for renewals up to 60 days past this renewal date. A reinstatement will be necessary for licenses 120 days past the renewal date.
- B. Each Business Entity shall renew its Certificate of Authorization by [DATE] each year. A written or electronic notice shall be issued by the Board to each Licensee not later than 30 days before this renewal date. An expired Certificate of Authorization shall be terminated if not renewed by the renewal date. A late fee may be charged for renewals up to 60 days past the renewal date. A reinstatement will be necessary for Certificates of Authorization 120 days past the renewal date.
- C. A Licensee or Business Entity shall not practice Landscape Architecture after the expiration date until the License or Certificate of Authorization has been renewed or reinstated.

307.10 NON RENEWAL OF LICENSURE; REQUIREMENTS FOR REINSTATEMENT OF EXPIRED LICENSE.

An individual may reinstate a terminated License from inactive, temporary or emeritus status, or a terminated status by obtaining all delinquent required Continuing Education. Upon completion of a reinstatement application and proof that the individual has complied with the requirements for obtaining Continuing Education, the individual shall meet the Board's other requirements for reinstatement before reinstatement shall be granted.

Reinstatement of a Certificate of Authorization shall occur upon completion of a reinstatement application and requirements stated therein.

310.10 LICENSE STATUSES.

A. The following License statuses shall apply:

- (i) Active status shall require successful renewal every 2 (two) years with the appropriate fee and verification of continuing competency requirements.
- (ii) Inactive status shall require successful renewal every 2 (two) years with the appropriate fee. No continuing competency verification is required. The individual shall have no pending disciplinary action before the Board. The individual shall not practice Landscape Architecture in [Jurisdiction].
- (iii) Temporary status shall require a Disaster Declaration by the governor or other appropriate authority of [Jurisdiction]. Services by a Landscape Architecture must be provided within the scope of their License, on prior written notice to the Board and only provided for the duration of the declared emergency. [CLARB Model Law Section 304]
- (iv) Emeritus status shall require the individual to be at least 60 years of age. The individual shall submit a one-time application, with no fee and no verification of continuing competency required. The individual shall have no disciplinary action before the Board. Any individual who chooses this license status may use that individual's professional title in conjunction with the word "emeritus". The individual shall not practice Landscape Architecture in [Jurisdiction].

501.10 MANDATORY REPORTING.

Any Applicant, Licensee or Person with knowledge of conduct by any Person that may be grounds for disciplinary action under this Act or its regulations, or of any unlicensed practice under this Act, shall report such conduct to the Board on a form provided by the Board.

The form shall include but not be limited to information regarding the explanation of complaint, contact information of person making complaint, contact information of person who is the subject of complaint and other information as necessary for investigative purposes.

701.10 SEVERABILITY.

If any provision or application of these regulations is found to be invalid for any reason, such invalidity shall not affect other provisions or applications of these regulations which can be given effect without the invalid provision or application, and therefore, the provisions of these regulations are declared to be severable.

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

Model Law

Council of Landscape Architectural Registration Boards

Updated: [Month, Year] December 2021

Last Amended/Approved: September 2017



DRAFT

Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position

DRAFT AGENDA

DRAFT AGENDA

CLARB

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

Introduction

What Landscape Architects Do

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

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

Why Landscape Architects Must Be Licensed

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

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

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

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

How the CLARB Model Law Promotes Public Protection

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

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

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

How CLARB Member Boards Benefit from the Model Law

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

The Model Law includes the following sections:

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

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

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

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

Article I - Title, Purpose, and Definitions

Section 101. Title of Act.

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

Section 102. Legislative Declaration.

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

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

Section 103. Statement of Purpose.

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

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

Sections 102 and 103

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

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

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

Section 104

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

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

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

Section 104. Practice of Landscape Architecture.

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

Section 105. Activities Not Subject to the Act.

This Act does not apply to:

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

Section 106. Definitions.

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

- A. **Adjudicatory Proceeding or Hearing** — formal processes of an administrative determination in which the Board adjudicates allegations of violations of law and, if appropriate, renders sanctions, all in accord with applicable procedural and substantive standards to protect rights.
- B. **Applicant** — a Person who submits an application to the Board for licensure to practice Landscape Architecture in [State Jurisdiction] under this Act.
- C. **Approved Educational Program** — an educational program for Landscape Architects as established by this Act or any other landscape architectural curriculum which has been evaluated and

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

Section 105

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

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

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

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

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

found to be of an equivalent standard, may be reviewed and accepted approved by the Board.

D. **Approved Program of Continuing Education** — an educational program offered by an Approved Provider of Continuing Education.

E. **Approved Provider of Continuing Education** — any professional association or society, university, college, corporation, or other entity approved by the Board to provide educational programs designed to ensure continued Competence in the practice of Landscape Architecture.

F. **Board** — the legislatively created Board granted the authority to enforce the [State Jurisdiction] Landscape Architects Practice Act.

G. **Business Entity** — any firm, partnership, sole proprietorship, association, limited liability company, or corporation organized by and registered in [State Jurisdiction] to provide or offer Landscape Architectural services.

H. **Certificate of Authorization** — a certificate issued by the Board to a Business Entity permitting it to offer or provide Landscape Architectural services.

I. **CLARB** — the Council of Landscape Architectural Registration Boards.

CLARB Uniform Licensure Standard — the current version of the CLARB Uniform Licensure Standard for Landscape Architecture adopted by the CLARB Member Boards, or a successor policy document published by CLARB and adopted by its Member Boards that sets forth standardized licensure requirements for landscape architecture.

J.K. **Client** — a Person, group, or corporation that enters into an agreement with a licensed Landscape Architect or Business Entity to obtain Landscape Architectural services.

K.L. **Competence** — applying knowledge and using affective, cognitive, and psychomotor skills required by Landscape Architects to deliver safe Landscape Architectural care in accord with accepted practice standards.

L.M. **Consultation** — providing advice to or receiving advice from

Section 106

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

Throughout the document defined terms are capitalized.

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

another professional, or both, related to the practice of Landscape Architecture, to assist a Licensee.

M.N. Continuing Education — training designed to ensure continued Competence in the practice of Landscape Architecture.

N.O. Continuing Education Contact Hour — a 50-minute clock-hour of instruction, not including breaks or meals.

O.P. Conviction — conviction of a crime by a court with jurisdiction, including a finding or verdict of guilt—regardless of whether adjudication of guilt is withheld, not entered on admission of guilt, or involves deferred conviction, deferred prosecution, deferred sentence, a no consent plea, a plea of *nolo contendere*, or a guilty plea.

P.Q. Examination — an examination for Landscape Architects developed and administered by CLARB or as may be approved by the Board.

Q.R. Felony — a criminal act defined by [State Jurisdiction] laws, the laws of any other State Jurisdiction, province, or federal law.

R.S. Good Standing — a License not restricted in any manner and that grants Licensee full practice privileges.

S.T. Inactive License — an inactive category of licensure affirmatively elected by a Licensee in Good Standing who is not engaged in the active practice of Landscape Architecture, to maintain such License in a nonpractice status.

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

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

T.

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

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

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

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

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

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

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

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

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

CC.State — any State, commonwealth, the District of Columbia, or other insular U.S. territories of the United States, and Canadian provinces.

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

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

Section 106 (B3)

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

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

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

supervisor is directly involved in all practice-related judgments affecting public health, safety and welfare.

(ii)

Article II - Board of Landscape Architecture

Section 201. Delegation of Authority.

Enforcing this Act is the Board of Landscape Architecture's ("the Board") responsibility. Under this State Jurisdiction's active oversight and Supervision, the Board has all duties, powers, and authority granted by, or necessary to enforce, this Act, and other duties, powers, and authority it is granted by law.

Section 201

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

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

Section 202. Board Composition.

Landscape Architect Board Option

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

Composite Board Option

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

Section 202

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

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

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

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

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

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

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

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

Section 203. Qualifications for Board Membership.

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

Section 203

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

This section identifies eligibility criteria to serve on the board.

All board members serve the public interest when undertaking and acting within the scope of board duties and responsibilities.

Section 204. Board Member Appointment and Oversight by Governor.

The Governor shall appoint members of the Board in accordance with

Section 204

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

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

Article II of this Act and the [StateJurisdiction] constitution. In addition, the Governor can remove Board members with or without cause.

Section 205. Terms.

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

Section 205

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

Section 206. Board Member Vacancies.

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

Section 206

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

Section 207. Removal of Board Member.

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

- A. Board member's refusal or inability to perform required duties efficiently, responsibly, and professionally.
- B. Misuse of a Board-member position to obtain, or attempt to

Section 207

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

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

obtain, any financial or material gain, or any advantage personally or for another, through the office.

- C. A final adjudication (by a court or other body with jurisdiction) that the Board member violated laws governing the practice of Landscape Architecture.
- D. Conviction of a crime other than a minor traffic offense.

Section 208. Organization of the Board.

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

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

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

Section 209. Executive Director and Employees of Board.

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

Section 210. Compensation of Board Members.

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

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

Section 211. Meetings of Board.

- A. Frequency. The Board shall meet at least once every three months to transact its business, and at such additional times as the Board's Chairperson or two-thirds (2/3) of the Board's voting members determine.
- B. Location. The Board shall determine the location and format for each meeting and provide notice to the public as required by [citation to open meetings laws].
- C. Remote Participation. The Board, consistent with [State Jurisdiction] law and related regulations, may provide for remote participation in Board meetings by members not present at the meeting location.
- D. Notice. Notice of all Board meetings will be given in the manner prescribed by [State Jurisdiction]'s applicable open-meetings laws.
- E. Quorum. A majority of Board members is a quorum for convening and conducting a Board meeting and all Board actions will be by a majority of a quorum, unless more are required under this Act or Board regulation.
- F. Access by Public. All Board meetings must be conducted in accordance with [State Jurisdiction]'s open-meeting law.
- G. Record of Meetings of the Board. A record of all Board meetings must be maintained in accordance with [State Jurisdiction]'s open-records law.

Section 212. Regulations Governing Licensure and Practice.

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

Section 213. Powers and Duties Delegated to Board.

- A. Under active [State Jurisdiction] oversight and Supervision, the Board shall regulate the practice of Landscape Architecture in [State Jurisdiction] and is responsible for conducting all of its activities in connection therewith. The powers and duties of this Section 213 are in addition to other powers and duties delegated to the Board under this Act. Once licensed by the Board,

Section 211

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

Section 212

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

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

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

Section 213

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

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

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

Licensees cannot divest the Board of jurisdiction by changing their licensure status or relinquishing licensure. Moreover, persons never licensed by the Board who engage in the unlawful practice of Landscape Architecture in [State Jurisdiction] are subject to the Board's jurisdiction.

B. Licensure. The Board is authorized to issue licenses to, and renew licenses for:

- (i) Persons qualified to engage in the practice of Landscape Architecture under this Act.
- (ii) Businesses qualified to engage in the practice of Landscape Architecture under this Act.

C. Standards. The Board is authorized to establish and enforce:

- (i) Minimum standards of practice and conduct for Landscape Architects.
- (ii) Standards for recognizing and approving programs for Landscape Architect education and training.
- (iii) Standards, educational program criteria, or other mechanisms to ensure the continuing competence of Landscape Architects.

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

- (i) The conduct or Competence of licensed Landscape Architects practicing in [State Jurisdiction], and the suspension, revocation, other restriction of, or action against, any License issued by the Board.
- (ii) The assessment and collection of fines, costs, and attorneys' fees:
 - a. Against Persons licensed by the Board (irrespective of their licensure status, whether active, inactive, expired, lapsed, surrendered or disciplined) relative to acts, omissions, complaints, and investigations that occurred during the licensure period.
 - b. Against Persons who engage in the unlawful practice of Landscape Architecture as defined under this Act.

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

- (iii) With probable cause that an Applicant or Licensee has engaged in conduct prohibited under this Act or its regulations, the Board may issue an order directing Applicant or Licensee to submit to a mental or physical examination or chemical dependency evaluation. Every Applicant or Licensee is deemed to consent to undergo mental, physical, or chemical- dependency examinations, when ordered by the Board to do so in writing, and to waive all objections to the admissibility of the examiner's or evaluator's testimony or reports on the grounds that such testimony or reports constitute a privileged or confidential communication.
- (iv) The Board may investigate and inspect any Licensee, ~~whether Licensee is a Person or a Business Entity,~~ at all reasonable hours to determine a violation of the laws or regulations governing the practice of Landscape Architecture.

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

- (v) The Board can subpoena persons and documents in connection with its complaint investigations before commencing, and during, any formal Adjudicatory Proceeding to take depositions and testimony as in civil cases in ~~[State Jurisdiction]~~ courts. Any Board member, Hearing officer, or administrative law judge has power to administer oaths to witnesses at any Hearing the Board conducts, and any other oath the Board is authorized by law to administer.
- (vi) The Board may conduct its authorized investigations, inquiries, or Hearings before any Board member(s). The findings and orders of such member(s) are deemed to be the findings and orders of the Board when approved and confirmed as set forth in Section 211(~~Ee~~) of Article II of this Act.
- (vii) The Board may report any violation of this Act or its regulations that implicates criminal law to the Attorney General or State's Attorney who shall without delay institute appropriate proceedings and investigations in the proper court for prosecution as required by law. ~~This does not require the Board to so report the potential application of criminal law if the Board reasonably believes the public interest is adequately served by a suitable written notice or warning. Any~~

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

decision by the Board to issue a written notice or warning must be made in consultation with legal counsel, the State's Attorney or other appropriate law enforcement entity.

- (viii) The Board may seek declaratory, injunctive, and other appropriate remedies from a court with jurisdiction.

F.E. Recovery of Costs and Assessment of Fines.

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

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

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

Section 213(E)

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

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

and order is conclusive proof of the validity of the order and terms of payment.

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

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

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

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

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

- i) Applications.

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

Section 213(G)

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

- ii) Examination administration.
- iii) Renewals.
- iv) Board publications.
- v) Data maintained by the Board, which may include mailing lists, Licensee lists, or other information requested under applicable open-records laws.
- vi) Copies of audiotapes, videotapes, computer discs, or other media used for recording sounds, images or information.
- vii) Temporary, duplicate or replacement licenses or certificates.
- viii) Notices of meetings.
- ix) Returned checks.
- x) Other fees deemed necessary by the Board.

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

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

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

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

Section 213(H)(ii)

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

Section 213(I)

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

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

Section 214 Source of Data

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

Article III. - Licensing.

Section 301. Unlawful Practice.

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

Section 214

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

Section 301

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

Section 301(C) and (D)

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

Section 301(E)

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

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

hold themselves out as licensed Landscape Architects or refer to themselves by any title, designation, words, abbreviations, or other description stating or implying they are engaged in, or licensed to engage in, the practice of Landscape Architecture.

DRAFT
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA
DRAFT AGENDA

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

Section 302. Qualifications for Licensure.

A. **Qualification for initial** Licensure: To obtain **an initial** License to practice Landscape Architecture **in this State Jurisdiction**, an Applicant must **complete an application in a form determined by the Board and satisfy the following requirements—substantiate each item below to the Board’s satisfaction:**

(i) **Education:** Either (1) **hold a degree in landscape architecture accredited by the Landscape Architectural Accreditation Board (LAAB), Canadian Society of Landscape Architects Accreditation Council (LAAC), or their international equivalent, as determined by the Board; or (2) satisfy the alternative education requirements as determined by the Board; and** **Submission of a completed and signed application in the form determined by the Board.**

(ii) **Possession of good moral character as determined by the Board****Experience:** **Have completed two (2) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field, as may be defined or otherwise determined by the Board****the regulated practice of requirements determined by the board a licensed landscape architect. If an applicant completes only one year under the direct supervision of a licensed landscape architect, then the second year of experience must be completed under the direct supervision of a licensed professional in a related field as determined by the Board. and**

(iii) **Payment of all fees specified by the Board****Examination. P**

(iii)(iv) **Documentation of United States citizenship or other recognized/permitted immigration status as required under [State] law or, in the absence of [State] law, applicable federal law****Reciprocity:** **In lieu of providing evidence that the Applicant has completed the education, experience, and Examination requirements specified in provisions (A) through (C) of this Section 302, provide evidence acceptable to the Board that the Applicant is licensed and in Good Standing to practice Landscape Architecture under the laws of another State Jurisdiction.**

Completion of an Approved Education Program.
Completion of experience under Supervision requirements established
Successful completion of the licensure Examination, as administered

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

Section 302

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

Section 302(A)(B)

This section recognizes the important need for reasonable mobility and portability of programs in times of increased scrutiny of regulatory systems and requirements.

The CLARB Certificate program can be used to provide most of the required information for Initial Licensure or reciprocal licensure. Licensure eligibility criteria have been vetted through this program, thus alleviating the need to undertake duplicate assessments. Program requirements are designed to meet the licensure eligibility criteria required by most member boards.

Section 302(BC)

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

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

~~the Council of Landscape Architectural Registration Boards (CLARB) standards at that time.~~

~~Licensure Transfer / Licensure by Endorsement—To obtain a License to practice Landscape Architecture, an Applicant licensed in another jurisdiction must substantiate each item below to the Board's satisfaction.~~

~~Submission of a completed and signed application in the form determined by the Board.
Possession of good moral character as determined by the Board, and
Payment of all fees specified by the Board.
Documentation of United States citizenship or other recognized/permitted immigration status as required under [State] law or, in the absence of [State] law, applicable federal law.
Possession—when initially licensed as a Landscape Architect—of all qualifications necessary to have been eligible for licensure in this State at that time.
Demonstration that Applicant's professional licenses, in any State, are in Good Standing, or demonstration of Applicant's CLARB Certification.~~

N.B. Examinations and Examination Attempts

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

Section 303. Qualifications for Certificate of Authorization

- A. Business Entities organized to practice Landscape Architecture must obtain a Certificate of Authorization before doing business in [State Jurisdiction]. No Business Entity may provide Landscape Architectural services, hold itself out to the public as providing Landscape Architectural services, or use a name including the terms *Landscape Architect*, *professional Landscape Architect*, or *registered Landscape Architect*, or confusingly similar terms, unless the Business Entity first obtains a Certificate of Authorization from the Board. To obtain a Certificate of Authorization a Business Entity must meet the following criteria:
 - (i) At least one Principal is designated as in Responsible Charge for the activities and decisions relating to the practice of Landscape Architecture, is licensed to practice Landscape Architecture by the Board, and is a regular employee of, and active participant in, the Business Entity.

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

- (ii) Each Person engaged in the practice of Landscape Architecture is licensed to practice Landscape Architecture by the Board.
- (iii) Each separate office or place of business established in this **State Jurisdiction** by the Business Entity has a licensed Landscape Architect regularly supervising and responsible for the work done and activities conducted there.

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

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

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

- C. If the Board finds the Business Entity is in compliance with this section's requirements, it shall issue a Certificate of Authorization to such Business Entity designating the Business Entity as authorized to provide Landscape Architectural services.

- ~~D.~~ No Business Entity issued a Certificate of Authorization under this section is relieved of responsibility for the conduct or acts of its agents, employees or principals by reason of its compliance with this section, nor is any individual practicing Landscape Architecture relieved of responsibility and liability for services performed by reason of employment or relationship with such Business Entity. This section does not affect a Business Entity and its employees performing services solely for the benefit of the Business Entity, or a subsidiary or affiliated business entity. Nothing in this section exempts Business Entities from other applicable law.

E.D.

Section 304. Qualifications for Practice under Disaster Declaration

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

Section 304

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

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

Section 305. Requirement of Continuing Competence.

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

Section 306. Requirements for Licensure Renewal.

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

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

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

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

- i) When no more than 120 days have passed since the

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

License expiration date, an Applicant for License reinstatement shall submit to the Board:

- (1) A written petition for License reinstatement addressed to the Board.
- (2) A completed and signed application for License reinstatement.
- (3) Documentation of successful completion of all applicable licensure-renewal requirements.
- (4) A written and signed attestation by **the** Applicant that **the** Applicant has not practiced Landscape Architecture at any time during the period of License expiration.
- (5) All applicable fees, including a late fee determined by the Board that does not exceed three times the Board's initial licensure application fee.

- ii) When more than 120 days have passed since the License expiration date, an Applicant for License reinstatement shall meet the requirements set forth in this Section 307(A)(i) and Section 302 of Article III of this Act. However, any application under this Section 307 is deemed an application for License reinstatement.

B. The Board may impose additional reasonable License-reinstatement requirements necessary to fulfill its public-protection mission.

C. The Board may also consider relevant extenuating circumstances submitted with any petition and application for License reinstatement in which Applicant demonstrates hardship, so long as the Board maintains its public-protection mission in considering the petition and application.

Section 30810. Inactive License.

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

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

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

Article IV Discipline.

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

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

Section 401

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

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

- b) In any statement regarding the **PersonLandscape Architect's** skills or value of any service/treatment provided, or to be provided.
- c) Using any false, fraudulent, or deceptive statement in connection with the practice of Landscape Architecture including, but not limited to, false or misleading advertising.
- (x) Licensee Fraud related to the practice of Landscape Architecture, including engaging in improper or fraudulent billing practices.
- (xi) Engaging in, or aiding and abetting any Person engaging in, the practice of Landscape Architecture without a License, or falsely using the title Landscape Architect, or a confusingly similar title.
- (xii) Failing to conform to accepted minimum standards of practice or failing to maintain a Landscape Architectural Business Entity at accepted minimum standards.
- (xiii) Attempting to use the License of another.
- (xiv) Failing to pay costs assessed in connection with a Board Adjudicatory Proceeding, or failing to comply with any stipulation or agreement involving probation or settlement of such Proceeding, or any order entered by the Board in such Proceeding.

~~(xvi)~~(xv) Conduct that violates the security of any Examination or Examination materials including, but not limited to:

- (a) Removing from the Examination setting any Examination material without appropriate authorization.
- (b) Unauthorized reproduction by any means of any portion of the **actual** Examination.
- (c) Aiding by any means the unauthorized reproduction of any portion of the **actual** Examination.
- (d) Paying, or using professional or paid examination-takers, for the purpose of reconstructing any portion of the Examination.

Section 401(A)(xvi)

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

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

- (e) Obtaining Examination questions or other Examination material, except by appropriate authorization before, during, or after an Examination administration.
- (f) Using or purporting to use any Examination question or material that was improperly removed, or taken from, any Examination.
- (g) Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered Examination.
- (h) Communicating in any manner with any other examinee during the administration of an Examination.
- (i) Copying answers from any other examinee or permitting one's answers to be copied by any other examinee.
- (j) Examinee's possession during the administration of any Examination any books, equipment, notes, written or printed materials, or data of any kind, other than the Examination materials provided, or otherwise authorized to be in the examinee's possession during any Examination.
- (k) Impersonating any examinee or having any Person take any Examination on the examinee's behalf.
- (xvii) Failure of a Licensee or Applicant to report to the Board any information required under Article VI of this Act.
- (xviii) Having had any right, credential, or license to practice a profession in this or another State Jurisdiction subjected to adverse action or denial of right to practice. In such case, a certified copy of the record of the adverse action or denial of right to practice is conclusive evidence of such disciplinary action or denial.

B. The Board may defer discipline or other action regarding any impaired Licensee who enters into a binding agreement, in a form satisfactory to the Board, under which Licensee agrees not to practice Landscape Architecture and to enter into, and comply with, a Board-approved treatment and monitoring program in accordance with Board regulations.

This Section 310401 (B) does not apply to any Licensee convicted of, or who pleads guilty or *nolo contendere* to, a Felony, or to Licensee Convictions in another State Jurisdiction

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

or federal court relating to controlled substances or sexual misconduct.

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

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

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

Section 402. Summary Suspension.

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

Section 402

This section authorizes the Board to suspend a license immediately without a hearing under identified circumstances that create imminent harm to the public. Such respondents are provided with a hearing within an identified period of time under administrative procedures.

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

after the notice is issued.

Article V. - Mandatory Reporting.

Section 501. Requirement to Report.

Any Applicant, Licensee or Person with knowledge of conduct by any Person that may be grounds for disciplinary action under this Act or its regulations, or of any unlicensed practice under this Act, shall report such conduct to the Board.

Section 5024. Reporting Other Licensed Professionals.

Any Applicant, Licensee or Person shall report to applicable licensing Boards conduct by a Licensee that is, or may be, grounds for disciplinary action under applicable law, if the conduct must by law be reported to such licensing boards.

Section 5035. Reporting by Courts.

The administrator of any court with jurisdiction shall report to the Board any court judgment or other determination that an Applicant for licensure by the Board or a Licensee is mentally ill, mentally incompetent, guilty of a Felony, guilty of violating federal or **State Jurisdiction** narcotics laws or controlled substances act, or guilty of crimes reasonably related to the practice of Landscape Architecture, or that appoints a guardian of Applicant or Licensee, or commits Applicant or Licensee under applicable law.

Section 5046. Self-Reporting by Applicant for Licensure and Licensee.

An Applicant for licensure by the Board or a Licensee shall self-report to the Board any personal conduct or action that requires a report be filed under Article IV of this Act.

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

Section 5057. Reporting Deadlines; Forms.

All reports required by this Act must be submitted to the Board no later than 30 days after the reportable conduct or action occurs. The Board may provide forms for reports required by Article VI of this Act and may require that reports be submitted on the forms. The Board may issue regulations to ensure prompt and accurate reporting as required by Article VI of this Act.

Section 5068. Immunity for Reporters.

Any Person who in good faith submits a report required under Article VI of this Act, or who otherwise reports, provides information, or testifies in connection with alleged violations of this Act, is immune from liability or prosecution. Notwithstanding laws to the contrary, the identity of Persons submitting mandated reports is not disclosable, except as required in connection with an Adjudicatory Proceeding initiated by the Board or other proceeding in courts with jurisdiction.

Article VI Other.

Section 6701. Severability.

If any provision of this Act is declared unconstitutional or illegal, or the applicability of this Act to any Person or circumstance is held invalid by a court with jurisdiction, the constitutionality or legality of the Act's other provisions and the Act's application to other persons and circumstances, is not affected, and those provisions remain in full force and effect, without the invalid provision or application.

Section 6702. Effective Date.

This Act is effective on [date].

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

Model Regulations

Council of Landscape Architectural Registration Boards

Updated: ~~Month, Year~~ December 2021

Last Amended/Approved: September 2017

CLARB

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

CONTENTS

Preface

Introduction

SECTION	SUBJECT
---------	---------

103.10	Purpose
--------	---------

104.10	Practice of Landscape Architecture
--------	------------------------------------

105.10	Activities Not Subject to the Act
--------	-----------------------------------

106.10	Definitions
--------	-------------

213.10	Powers and Duties Delegated to Board
--------	--------------------------------------

213.11	Professional Practice
--------	-----------------------

213.12	Fees for Services
--------	-------------------

213.13	Other Powers and Duties of the Board
--------	--------------------------------------

213.14	Seals
--------	-------

214.10	Source of Data
--------	----------------

302.10	Qualifications for Licensure
--------	------------------------------

302.11	Approved Education Programs
--------	-----------------------------

302.12	Experience Supervision Requirements
--------	-------------------------------------

302.13	Examinations
--------	--------------

303.10	Qualifications for Certificate of Authorization
--------	---

305.10	Requirements of Continuing Competence
--------	---------------------------------------

305.11	Approved Providers of Continuing Education
--------	--

306.10	Requirements for Licensure Renewal
--------	------------------------------------

307.10	Non-Renewal of Licensure; Requirements for Reinstatement of Expired License
--------	---

310.10	License Statuses
--------	------------------

501.10	Mandatory Reporting
--------	---------------------

701.10	Severability
--------	--------------

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

PREFACE

Duly enacted statutes provide the basis for establishing a regulatory structure by legislatively creating and delegating authority to the regulatory board. Such statutes (practice act) establish the basis for and authority of the Board. The Board is also delegated with the authority to promulgate regulations/rules that are intended to provide specificity to the statutes using the expertise of the Board, generally populated with subject matter experts (licensees) and members of the public. (see *CLARB Model Law Article II, Sections 202, 203-212*)

For purposes of this document, the Council of Landscape Architectural Registration Board (CLARB) will use the term “regulations”. For the most part, rules and regulations are terms that can be used interchangeably. Duly promulgated regulations have the force of law and can be used as a basis for board action(s). This is why the process for proposing, discussing, seeking public comment and modifying proposed regulations must follow strict adherence to administrative procedures before becoming effective. Such administrative procedures can vary from jurisdiction to jurisdiction.

The CLARB Model Law authorizes the Board to promulgate regulations. While the CLARB Model Law represents a complete document, the Model Regulations are not intended to provide a complete set of regulations, but to provide guidance on where regulations are needed. The Model **Regulations** is a fluid document that will be subjected to regular review and, where necessary, change. Of course, CLARB Member Boards are encouraged to use this model as a resource when necessary to address or suggest proposed legislative language in both statutes and regulations.

INTRODUCTION

The purpose of adopting regulations is to safeguard the health, safety and welfare of the public by ensuring the proper performance of the duties of the Board and the regulation of its procedures, meetings, records, examinations and the conduct thereof. The adopted regulations may not be inconsistent with the constitution and laws of this jurisdiction. They must be approved by appropriate legislative authority of the jurisdiction. Regulations adopted by the Board shall be binding upon individuals licensed or recognized under the licensure act and on non-licensees found by the Board to be in violation of provisions of the licensure act and shall be applicable to firms that hold or should hold a Certificate of Authorization.

103.10 PURPOSE.

These regulations are promulgated by the Board of Landscape Architects under [cite statutes] for the purpose of protecting the public health, safety and welfare. These regulations contain the information necessary to become licensed as a Landscape Architect, or offer landscape architectural services as a Business Entity.

104.10 PRACTICE OF LANDSCAPE ARCHITECTURE.

The practice of Landscape Architecture is defined as any service where landscape architectural education, training, experience and the application of mathematical, physical and social science principles are applied in consultation, evaluation, planning, design (including, but not limited to, the

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

preparation and filing of plans, drawings, specifications and other contract documents) and administration of contracts relative to projects principally directed at the functional and aesthetic use and preservation of land.

Services included in the licensed scope of Landscape Architecture include, but are not limited to the following:

- Investigation, selection and allocation of land and water resources for appropriate uses;
- Formulation of feasibility studies, and graphic and written criteria to govern the planning, design and management of land and water resources;
- Preparation, review and analysis of land use master plans, subdivision plans and preliminary plats;
- Determining the location and siting of improvements, including buildings and other features, as well as the access and environs for those improvements;
- Design of land forms and land form elements, storm water drainage, soil conservation and erosion control methods, pedestrian and vehicular circulation systems and related construction details;
- Consultation, planning, designing or responsible supervision in connection with the development of land areas for preservation and enhancement;
- Design of non-habitable structures for aesthetic and functional purposes, such as pools, walls and structures for outdoor living spaces, for public and private use;
- Determination of proper land use as it pertains to natural features; ground cover, use, nomenclature and arrangement of plant material adapted to soils and climate; naturalistic and aesthetic values; settings and approaches to structures and other improvements; and the development of outdoor space in accordance with ideals of human use and enjoyment;
- Design with a priority to ensure equal access to all public goods and services through the use of barrier-free design in compliance with the Americans with Disabilities Act (ADA);
- Consideration of the health, safety and welfare of the public. Public welfare is defined through: environmental sustainability; contribution to economic sustainability and benefits; promotes public health and well-being; builds communities; encourages landscape awareness/stewardship; offers aesthetic and creative experiences; and enables people and communities to function more effectively.

105.10 ACTIVITIES NOT SUBJECT TO THE ACT.

Effective regulation is targeted to address the specific risks of harm to consumers and not to restrict competition or be a barrier to incentives for innovation in products and services.

The activities to engage in the practice of Landscape Architecture shall not be construed to prevent or to affect the right of any individual licensed in related design profession practicing within their licensed scope. In addition, nothing shall be construed to prevent or affect the right of any individual to engage in any occupation related to growing, marketing and the design of landscaping material.

106.10 DEFINITIONS.

The [CLARB Model Law Section 106 Definitions] provides definitions applicable to the [CLARB Model

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

Regulations].

213.10 POWERS AND DUTIES DELEGATED TO BOARD.

Authority is delegated to the Board by the [JurisdictionSTATE] legislature to effectively and efficiently regulate the profession of Landscape Architecture in the interest of public protection.

213.11 PROFESSIONAL PRACTICE.

Pursuant to [CLARB Model Law Section 213(C)(i)], the Board is authorized to establish and enforce minimum standards of practice and conduct for Landscape Architects and to provide Licensees and Clients with expectations regarding professional conduct.

A. Competence.

- (i) In engaging in the practice of Landscape Architecture, a Licensee shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by Landscape Architects of good standing, practicing in the same locality.
- (ii) In designing a project, a Landscape Architect shall abide by all applicable federal state, county, regional and municipal laws and regulations. While a Landscape Architect may rely on the advice of other professionals, (e.g., attorneys, engineers and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a Landscape Architect shall not knowingly design a project in violation of such laws and regulations.
- (iii) A Landscape Architect shall undertake to perform professional services only when he or she, together with those whom the Landscape Architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.
- (iv) No individual shall be permitted to engage in the practice of Landscape Architecture if, in the Board's judgment, such individual's professional competence is substantially impaired by physical or mental disabilities.

B. Conflict of Interest.

- (i) A Landscape Architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to by (such disclosure and agreement to be in writing) all interested parties.
- (ii) If a Landscape Architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with his or her performance of professional services, the Landscape Architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and, if the client or employer objects to such association or financial interest, the Landscape Architect will either terminate such association or interest or offer to give up the commission or employment.
- (iii) A Landscape Architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

- (iv) When acting as the interpreter of construction contract documents and the judge of contract performance, a Landscape Architect shall render decisions impartially, favoring neither party to the contract.

C. Full Disclosure.

- (i) A Landscape Architect, making public statements on landscape architectural questions, shall disclose when he or she is being compensated for making such statements.
- (ii) A Landscape Architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.
- ~~(iv)~~(iii) If, in the course of his or her work on a project, a Landscape Architect becomes aware of a decision taken by his or her employer or client, against such Landscape Architect's advice, which violates applicable federal, state, county, regional or municipal laws and regulations and which will, in the Landscape Architect's judgment, materially and adversely affect the health, safety or welfare of the public, the Landscape Architect shall:
- i. report the decision to the applicable public official charged with the enforcement of the applicable laws and regulations;
 - ii. refuse to consent to the decision; and
 - iii. in circumstances where the Landscape Architect reasonably believes that other such decisions will be taken, notwithstanding his or her objections, terminate his or her services with respect to the project. In the case of a termination in accordance with this clause (3), the Landscape Architect shall have no liability to his or her client or employer on account of such termination.
- ~~(v)~~(iv) A Landscape Architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for a registration or renewal thereof.
- ~~(vi)~~(v) A Landscape Architect shall not assist the application for a registration of an individual known by the Landscape Architect to be unqualified in respect to education, training, ~~or~~ experience ~~or character~~.
- ~~(vii)~~(vi) A Landscape Architect possessing knowledge of a violation of the provisions set forth in these rules by another Landscape Architect shall report such knowledge to the Board.

D. Compliance with Laws.

- (i) A Landscape Architect shall not, while engaging in the practice of Landscape Architecture, knowingly violate any state or federal criminal law.
- (ii) A Landscape Architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the Landscape Architect is interested.
- (iii) A Landscape Architect shall not solicit a contract from a governmental body on which a principal or officer of the licensee's organization serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of the appropriate public authority.

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

(iv) A Landscape Architect shall not offer, directly or indirectly, to pay a commission or other consideration or to make a political contribution or other gift in order to secure work, except for payment made to an employment agency for its services.

(v) A Landscape Architect shall comply with the registration laws and regulations governing his or her professional practice in any jurisdiction.

(vi) Each Landscape Architect shall cooperate with the Board in its investigation of complaints or possible violations of the [Jurisdiction STATE] Statutes or Regulations of the Board.

This cooperation shall include responding timely to written communications from the Board, providing any information or documents requested within 30 days of the date on which the communication was mailed, and appearing before the Board or its designee upon request.

(vii) Landscape Architect shall not violate any order of the Board.

E. Professional Conduct.

(i) Each office in [Jurisdiction STATE] maintained for the preparation of drawings, specifications, reports or other professional landscape architectural work shall have a licensed Landscape Architect resident and regularly employed in that office having direct supervision of such work.

(ii) A Landscape Architect shall not sign or seal drawings, specifications, reports or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the Landscape Architect's consultants, registered under this or another professional registration of [Jurisdiction STATE], the Landscape Architect may sign or seal that portion of the professional work if the Landscape Architect has reviewed such portion, has coordinated its preparation and intends to be responsible for its adequacy.

(iii) A Landscape Architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the Landscape Architect is interested.

(iv) A Landscape Architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

(v) In all professional reports, statements and testimony, each Landscape Architect shall be completely objective and truthful and include all relevant and pertinent information.

(vi) Conviction of a felony or the revocation or suspension of a professional license by another jurisdiction, if for a cause the State of [STATE Jurisdiction] would constitute a violation of [STATE Jurisdiction] law or of these regulations, or both, shall constitute unprofessional conduct.

213.12 FEES FOR SERVICES.

[Insert schedule of fees, with cross-references to [CLARB Model Law Section 213(G)] permitting the Board to establish fees, or any fees set by statute. This list should identify all categories of fees, including those to be established from time to time by the Board, and it should require the Board to maintain and provide to all individuals upon request a current and complete list of its fees.]

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

213.13 OTHER POWERS AND DUTIES OF THE BOARD.

In addition to the Statutes of [Jurisdiction STATE], other powers and duties of the Board shall include, but are not limited to, the following:

- A. All members of the Board, including the chairperson, are entitled to vote and to make or to second motions. A majority vote of those present is required to pass a motion. The chairperson shall vote as a member of the Board.
- B. The latest edition of Roberts Rules of Order, Revised shall govern the normal proceedings of the Board. Exceptions include hearings that may be disciplinary in nature.
- C. All applications and requests for which the Board has prescribed a form must be presented on these forms.
- D. A roster of all Licensees and firms holding a Certificate of Authorization will be updated annually and shall be accessible to the public.

213.14 SEALS.

Each licensed Landscape Architect shall procure a Seal, which shall contain the name of the Landscape Architect; his or her license number and the state or territory; and the words LANDSCAPE ARCHITECT—[Jurisdiction NAME OF STATE]. The Seal may be a rubber stamp, an embossed Seal, or a computer-generated Seal. After the Licensee's Seal has been applied to the original or record copy, the Licensee shall place the Licensee's signature and date across the Seal. This Seal shall comply in all respects, including size and format, which the specimen shown below:

[INSERT SPECIMEN SEAL IMPRINT]

- A. The Seal shall be imprinted on all technical submissions, as follows: On each design and each drawing; on the cover and index pages identifying each set of specifications; and on the cover page (and index, if applicable) of all other technical submissions. The original signature of the individual named on the Seal shall appear across the face of each original Seal imprint.

The Seal appearing on any technical submission shall be prima facie evidence that said technical submission was prepared by or under the direct supervision of the individual named on said Seal.

- B. All technical submissions prepared by a licensed Landscape Architect shall contain the following legend wherever the Landscape Architect's Seal appears: "The professional services of the Landscape Architect are undertaken for and are performed in the interest of [name of person employing Landscape Architect]. No contractual obligation is assumed by the Landscape Architect for the benefit of any other person involved in the project."
- C. Any Licensee may use a digital signature if the signature meets all of the following requirements: (1) Is unique to the person using it; (2) is able to be verified; (3) is under the sole control of the person using it; and (4) is linked to an electronic document bearing the digital signature in such a manner that the signature is invalidated if any data in the document is altered.

214.10 SOURCE OF DATA.

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

The Board may rely on the expertise of, and documentation and verified data gathered and stored by CLARB and other not-for-profit organizations as determined by the Board. This data shall include but is not limited to: CLARB Council Record; professional exam scores; verified educational transcripts; verified employment references; professional references; licensure history; disciplinary history; and other information gathered by third parties sharing the Board's public-protection mission.

The Board shall recognize all applicable Open Records Laws in [JurisdictionSTATE] for data as it shall pertain to Records of the Board.

302.10 QUALIFICATIONS FOR LICENSURE.

Pursuant to [CLARB Model Law Section 302] an applicant for licensure must substantiate each item listed in this referenced Section to the Board's satisfaction.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

302.12302.11 APPROVED EDUCATION PROGRAMS.

An Approved Education Program means a first professional degree in Landscape Architecture from a program which has been accredited by the Landscape Architectural Accreditation Board (LAAB) or the Canadian Society of Landscape Architects Accreditation Council (CSLAAC). In lieu of this degree, satisfaction of 5 (five) years of combined education and experience credit may be substituted as follows:

R. 302.11 and R. 302.12

This section provides three options for Boards to choose from. Although CLARB recommends that Boards select option 1, CLARB understands not all Boards may be authorized to use dynamic incorporation (i.e., incorporating a periodically updated standard, with each new version of that standard being given the force of law automatically when an updated standard is published).

Option 2 will require Boards to adopt new regulations periodically as new versions of the CLARB uniform licensing standard are published. These new regulations would refer to the version of the CLARB Uniform Licensure Standard then in effect.

Option 3 would require Boards to adopt the content of the "Alternative Education" section of CLARB's Uniform Licensure Standard directly into regulations and update this periodically to reflect the text of the version currently in effect.

Education Equivalency	Maximum Education Credit	Additional Experience Credit Needed
Non-accredited B.L.A. or M.L.A.	4 years	1 year under the direct supervision of a Landscape Architect
NAAB-accredited B.Arch. or M. Arch.	4 years	1 year under the direct supervision of a Landscape Architect
ABET-accredited degree in Civil Engineering	4 years	1 year under the direct supervision of a Landscape Architect

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

Any Bachelor's degree	2 years	3 years under the direct supervision of a Landscape Architect
-----------------------	---------	---

Other landscape architectural curriculum which has not been accredited by LAAB but has been evaluated and found to be of an equivalent standard, may be reviewed and accepted by the Board.

Select either option 1: Dynamic Incorporation.

In lieu of a degree in landscape architecture accredited by LAAB, LAAC, or their international equivalent, as established by [CLARB Model Law Section 302(A)(i)], an Applicant shall meet the "Alternative Education" standards for qualification for licensure set forth in the CLARB Uniform Licensure Standard.'

Or option 2: Static Incorporation by Reference

In lieu of a degree in landscape architecture accredited by LAAB, LAAC, or their international equivalent, as established by [CLARB Model Law Section 302(A)(i)], an Applicant shall meet the "Alternative Education" standards for qualification for licensure set forth in the 2022 version of the CLARB Uniform Licensure Standard.

Or option 3: Direct Incorporation

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

- A. If an applicant holds a non-accredited degree or certificate in landscape architecture, then the applicant may be credited with one (1) year of experience for each year of schooling completed up to a maximum of four (4) years of credited experience. OR
- B. If an applicant holds any degree or certificate, then the applicant may be credited with six (6) months of experience for each one (1) year of schooling completed up to a maximum of two (2) years of credited experience.

~~302.13~~ EXPERIENCE SUPERVISION REQUIREMENTS.

302.12

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

The work experience required of each applicant shall should expose the applicant to all phases of work integral to the practice of Landscape Architecture, and shall be performed under the direct supervision of a Licensee. Landscape architectural work experience shall fall within the definition of "the practice of Landscape Architecture" under [CLARB Model Law Section 104] and amendments thereto.

Experience supervision shall be verified by references which are those individuals who should have personal knowledge of an applicant and who can issue judgments concerning an applicant's experience, ability, character or reputation. Relatives may not be used as references. No current Board member shall be used as a reference. Replies received from references regarding the qualifications of an applicant shall be placed in files that are considered nonpublic records. The source and character of the information will not be divulged except in special cases when required by law.

Select either option 1: Dynamic Incorporation

For purposes of [CLARB Model Law Section 302(A)(iii)], to be considered "experience in the regulated practice of landscape architecture," an applicant must gain experience in the practice domains set forth in the CLARB Uniform Licensure Standard.

Or option 2: Static Incorporation by Reference

For purposes of [CLARB Model Law Section 302(A)(ii)], to be considered "experience in the regulated practice of landscape architecture," an applicant must gain experience in the practice domains set forth in the 2022 version of the CLARB Uniform Licensure Standard.

Or option 3: Direct Incorporation

For purposes of [CLARB Model Law Section 302(A)(ii)], to be considered "experience in the regulated practice of landscape architecture," an applicant must gain experience in the following practice domains to ensure competency necessary to protect the public and the environment:

1. **Project and Construction Management:** includes pre-project management, project management, bidding, construction, and maintenance.
2. **Inventory and Analysis:** includes site inventory, physical analysis, and contextual analysis.
3. **Design:** includes stakeholder process, master planning, and site design.
4. **Grading, Drainage, and Construction Documentation:** includes site preparation plans, general plans and details, specialty plans, and specifications.

For purposes of assigning credit for an aApplicant's experience to satisfy the requirements under [CLARB Model Law Section 302(A)(ii) and CLARB Model Regulations 302.11], the Board shall evaluate an Applicant's experience according to the following standards:

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
- **Blue = Resolution #3 to promote DEI, align with principles, and clean up**

- [INSERT EVALUATION CRITERION]
- [INSERT EVALUATION CRITERION]
- [INSERT EVALUATION CRITERION]

302.14302.13 EXAMINATIONS.

Applicants shall substantiate successful completion of CLARB's examinations where the examination administration and grading were conducted in accordance with CLARB's standards in effect at the time. CLARB examination administration requirements will be enforced as listed, but not limited to:

- examinations are offered on dates set by CLARB;
- locations at which the examinations are given are designated by CLARB;
- language of the examination will be English;
- results will be released in accordance with established CLARB policy;
- there shall be no post-administration access to, or review of, examination questions;
- re-examination limits shall be imposed by CLARB as necessary for the integrity of each exam;
- any applicant's examination results may be rejected by the Board and permission to retake an examination may be withheld by the Board upon a report by the testing administrator of any possible violation by the applicant of the provisions of any candidate testing agreement regarding examination irregularities.

303.10 QUALIFICATIONS FOR CERTIFICATE OF AUTHORIZATION.

Pursuant to [CLARB Model Law Section 303] an applicant for a Certificate of Authorization must substantiate each item in this referenced Section to the Board's satisfaction.

305.10 REQUIREMENTS OF CONTINUING COMPETENCE.

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of Landscape Architects. Every Licensee shall meet the continuing professional competency requirements of these regulations for professional development as a condition for licensure renewal.

- Each Licensee shall have completed 12 (twelve) Continuing Education Contact Hours during the one-year period immediately preceding the renewal date established by the Board;
- Continuing Education Contact Hours shall be related to the practice of Landscape Architecture and address subjects in the protection of public Health/Safety/Welfare (HSW).
- Other activities may be accepted for Continuing Education credit upon approval by the Board;
- If Licensee is licensed to practice Landscape Architecture in another jurisdiction in which the Licensee resides, the Licensee may meet the Continuing Education requirements of the jurisdiction in which the Licensee resides. If such jurisdiction requires no Continuing Education, the Licensee shall meet the Continuing Education requirements of [STATE Jurisdiction];

Each jurisdiction within the CLARB membership will determine how it will evaluate experience based on that jurisdiction's unique circumstances and requirements.

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

- E. Each dual Licensee shall earn at least {8} of the required Continuing Education credits for each renewal period in each profession;
- F. Excess Continuing Education Contact Hours may not be credited to a future calendar year;
- G. Each Licensee shall provide proof of satisfying the Continuing Education requirements as required by the Board. If the Licensee fails to furnish the information as required by the Board, the License shall not be renewed. If the Board does not approve of submitted Continuing Education, Licensee shall have a period of 120 days after notification to provide further information or additional Continuing Education.

305.11 APPROVED PROVIDERS OF CONTINUING EDUCATION.

The following providers of Continuing Education programs have been approved by the Board and courses provided by approved providers are acceptable for meeting the mandatory Continuing Education requirements for licensure renewal:

- Landscape Architects Continuing Education System (LA CES)
- American Society of Landscape Architects (ASLA)
- Council of Landscape Architect Registration Boards (CLARB)
- [State Jurisdiction/Provincial] Board name
- National Society of Professional Engineers (NSPE)
- American Institute of Architects (AIA)
- Agencies of the state or federal government offering training programs in landscape architecture
- Accredited colleges and universities offering training programs in landscape architecture

306.10 REQUIREMENTS FOR LICENSURE RENEWAL.

- A. Each Licensee shall renew the License by [DATE] each year. A written or electronic notice shall be issued by the Board to each Licensee no later than 30 days before this renewal date. An expired License shall be terminated if not renewed by the renewal date. A late fee may be charged for renewals up to 60 days past this renewal date. A reinstatement will be necessary for licenses 120 days past the renewal date.
- B. Each Business Entity shall renew its Certificate of Authorization by [DATE] each year. A written or electronic notice shall be issued by the Board to each Licensee not later than 30 days before this renewal date. An expired Certificate of Authorization shall be terminated if not renewed by the renewal date. A late fee may be charged for renewals up to 60 days past the renewal date. A reinstatement will be necessary for Certificates of Authorization 120 days past the renewal date.
- C. A Licensee or Business Entity shall not practice Landscape Architecture after the expiration date until the License or Certificate of Authorization has been renewed or reinstated.

307.10 NON RENEWAL OF LICENSURE; REQUIREMENTS FOR REINSTATEMENT OF EXPIRED LICENSE.

An individual may reinstate a terminated License from inactive, temporary or emeritus status, or a terminated status by obtaining all delinquent required Continuing Education. Upon completion of a

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

reinstatement application and proof that the individual has complied with the requirements for obtaining Continuing Education, the individual shall meet the Board's other requirements for reinstatement before reinstatement shall be granted.

Reinstatement of a Certificate of Authorization shall occur upon completion of a reinstatement application and requirements stated therein.

310.10 LICENSE STATUSES.

A. The following License statuses shall apply:

- (i) Active status shall require successful renewal every 2 (two) years with the appropriate fee and verification of continuing competency requirements.
- (ii) Inactive status shall require successful renewal every 2 (two) years with the appropriate fee. No continuing competency verification is required. The individual shall have no pending disciplinary action before the Board. The individual shall not practice Landscape Architecture in [State Jurisdiction].
- (iii) Temporary status shall require a Disaster Declaration by the governor or other appropriate authority of [State Jurisdiction]. Services by a Landscape Architecture must be provided within the scope of their License, on prior written notice to the Board and only provided for the duration of the declared emergency. [CLARB Model Law Section 304]
- (iv) Emeritus status shall require the individual to be at least 60 years of age. The individual shall submit a one-time application, with no fee and no verification of continuing competency required. The individual shall have no disciplinary action before the Board. Any individual who chooses this license status may use that individual's professional title in conjunction with the word "emeritus". The individual shall not practice Landscape Architecture in [State Jurisdiction].

501.10 MANDATORY REPORTING.

Any Applicant, Licensee or Person with knowledge of conduct by any Person that may be grounds for disciplinary action under this Act or its regulations, or of any unlicensed practice under this Act, shall report such conduct to the Board on a form provided by the Board.

The form shall include but not be limited to information regarding the explanation of complaint, contact information of person making complaint, contact information of person who is the subject of complaint and other information as necessary for investigative purposes.

701.10 SEVERABILITY.

If any provision or application of these regulations is found to be invalid for any reason, such invalidity shall not affect other provisions or applications of these regulations which can be given effect without the invalid provision or application, and therefore, the provisions of these regulations are declared to be severable.

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

CLARB

Uniform Licensure Standard for Landscape Architecture

FAQs for Members

What is CLARB's uniform standard?

CLARB's uniform standard, developed through its Rethink Regulation program, is a set of recommended uniform standards for licensure that landscape architectural licensure boards can adopt and implement to create common, consistent licensure requirements across jurisdictions. By utilizing this uniform standard, which incorporates requirements for education, experience and examination, licensure boards can reduce confusion and barriers to entry for candidates while creating consistency and defensibility, and encouraging mobility.

The Uniform Licensure Standard for Landscape Architecture Summary:

Education	Experience	Exam
LAAB/LAAC-accredited LA degree	2 Years	Pass the LARE
Education through practical experience only*	8 years	Pass the LARE

The Uniform Licensure Standard for Landscape Architecture Details:

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

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

CLARB

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

- A. If an applicant holds a non-accredited degree or certificate in landscape architecture, then the applicant may be credited with one (1) year of experience for each year of schooling completed up to a maximum of four (4) years of credited experience, **OR**
- B. If an applicant holds any degree or certificate, then the applicant may be credited with six (6) months of experience for each one (1) year of schooling completed up to a maximum of two (2) years of credited experience.

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

- A. To be considered “experience in the regulated practice of landscape architecture,” an applicant must gain experience in the following practice domains as determined by the Landscape Architecture Job Task Analysis¹ to ensure competency necessary to protect the public and the environment:²
 - 1. Project and Construction Management: includes pre-project management, project management, bidding, construction, and maintenance;
 - 2. Inventory and Analysis: includes site inventory, physical analysis, and contextual analysis;
 - 3. Design: includes stakeholder process, master planning, and site design;
 - 4. Grading, Drainage, and Construction Documentation: includes site preparation plans, general plans and details, specialty plans, and specifications.
- B. All applicant’s experience in the regulated practice of landscape architecture should be performed under the supervision of a licensed landscape architect or a licensed professional in a related field.

¹ The Job Tasks Analysis is conducted every 5-7 years.

² Notwithstanding the standards set forth here, each jurisdiction within the CLARB membership will determine how it will evaluate experience based on its unique circumstances and requirements.

CLARB

Background/Development Questions:

Why is CLARB developing a uniform standard?

CLARB's Uniform Standard promotes and supports **defensible**, **consistent**, and **equitable** requirements for landscape architectural licensure.

Defensible requirements are **based on data, not from legislators** aligning the profession to others.

- Using data researched by the profession for the profession, CLARB members can confidently "own" the requirements and defend them when needed.
- Defensible inputs came from CLARB member information, CLARB Council Record holders and CELA member surveys, ASLA's Licensure Committee's recommendations, and comparisons to related design professions.
- The data, that the uniform standard is based on, includes jurisdictional education requirements, experience requirements, complaint and discipline data, and competency research.

With 80% of CLARB's member boards already having a clear alternative education path or the ability of the board to consider a combination of experience and education toward licensure requirements, it is expected the majority of members will not have difficulty with this transition.

Consistent requirements ensure there will be **no difference** in licensure requirements for initial or reciprocal applicants **across jurisdictions**.

- Eliminates confusion and discrepancy for candidates selecting which jurisdiction to become initially licensed in and being restricted in where they can get licensed.
- Removes "license shopping" option, allowing candidates to apply for licensure where they actually want to work or where they live.
- Reduces barriers to entry and creates a more mobile profession.

Equitable requirements across jurisdictions that provide boards with a **shared sense of responsibility and ownership over requirements**.

- Uniform standards, both initial and reciprocal, allow CLARB members to control how the future of this profession's regulation is designed.
- CLARB members directly interpret and implement the requirements in their jurisdictions. Why let legislators and lawmakers unfamiliar with the profession determine the standards for licensure?
- The uniform standard provides equitable pathways to licensure (and access to the profession)
- These are *your* uniform standards. Boards are encouraged to determine if the changes necessary to implement the standard are statutory or regulatory. CLARB's team is a resource to walk through your implementation of your uniform standards with you.

With major external factors driving change, if we do not work together to design the future of regulation- change will happen **to us**.

CLARB

How was CLARB's uniform standard developed?

Since 2017, CLARB has been working to rethink regulation by working with the membership and stakeholders to evaluate our licensing systems and processes and identify what may need to be done differently to best achieve our goal of public protection while eliminating unnecessary friction from the licensure process. A uniform standard was identified as the best approach for eliminating the confusion and lack of consistency and defensibility among licensure requirements.

The 2019 policy work group established the fundamental elements (validated by stakeholder research) that a defensible uniform standard should include:

- Inclusive Education Pathways
- Justifiable Experience Requirements
- Accessible Licensure Examination

Additionally, guiding principles were established to focus our work on tangible outcomes that build the case for the uniform standard.

- Achieve consistent licensure requirements across jurisdictions
- Improve the landscape architecture mobility model
- Provide for increased equity to promote diversity
- Increase defensibility of licensure requirements
- Ensures the health, safety and welfare of the public and the environment

In 2020 and 2021, CLARB's uniform standard was developed through research into years of experience and education (and alternative educational paths) required across CLARB's member boards, along with member feedback, comparisons in requirements of related design disciplines, and recommendations and inputs from ASLA and CELA.

Research included:

- [Recommendations](#) from ASLA on alternative educational paths / Inputs from CELA
- Requirements for related design disciplines (architecture and engineering)
- Correlations related to current member requirements
- Correlations related to years of experience (and education type) and demonstration of competency
- Input from the profession on when they felt competent to practice independently
- Feedback from member boards on uniform standard scenarios, experience requirements and model approaches

[View more detailed information about the background of the Uniform Standard project and the research CLARB conducted.](#)

[View the timeline of CLARB's rethink regulation program and uniform standard development here.](#)

CLARB

Who has provided input in the development of the uniform standard?

CLARB sought input from members, stakeholders and others in the regulatory or landscape architecture community throughout this process since 2017. More recently, the work group members who developed the uniform standard recommendation include:

- Chuck Smith, CLARB President-Elect, former North Carolina member board member
- Jon Milstead, CLARB Director-at-Large, Mississippi member board member
- Paul Kissinger, Florida member board member
- Carisa McMullen, Kansas member board member
- Shannon Himes, Ohio member board executive
- Tara Culham, British Columbia member board executive
- Elizabeth Hebron, ASLA National
- EJ Bolduc, ASLA Licensure Committee
- Galen Newman, CELA President
- David Myers, CELA President-Elect
- Maurice Brown, NCARB Council Relations AVP for Advocacy and External Engagement
- Joel Levy, NCARB Customer Relations Specialist

What are members voting on in April 2022?

Members will be voting on three resolutions in April 2022:

1. [Adoption of the CLARB Uniform Licensure Standard](#)
2. [Revisions to the CLARB Model Law and Regulations to align with the Uniform Licensure Standard](#)
3. [Revisions to the CLARB Model Law and Regulations to promote diversity, equity, and inclusion \(DEI\) in licensure standards and to align with CLARB's DEI principles.](#)

How does my Board vote?

In order to vote on the resolution, your Board must credential a board or staff member to vote on behalf of your board. Return your [Letter of Credential](#) to [Andrea Elkin](#) by April 19, 2022. **Your credentialed member must attend the Mid-Year Update on April 20, 2022, at 3 p.m. ET.** Your credentialed member will vote on behalf of your jurisdiction following a roll call.

Why are we proposing changes to the Model Law and Model Regulations?

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

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

CLARB

What exactly is changing in the Model Law and Model Regulations and how is it different than the current versions?

Model Law Changes

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

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

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

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

Model Regulations Changes

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

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

The Uniform Standard allows for alternative pathways to licensure, including through experience only. How can we explain that this is not "watering down" the requirements for licensure?

While the Uniform Standard may not align exactly with the requirements in your jurisdiction, in our research of requirements across the United States and Canada, we found that all but two jurisdictions allow for some sort of alternative pathway, either in regulation/statute or through enabling authority to consider other pathways. Specifically, 52% of CLARB's member boards allow for an experience-only pathway already. By adopting the Uniform Standard, CLARB member boards are taking a proactive approach to providing candidates with consistent, defensible licensure requirements that support mobility and diversity of the profession.

Implementation Questions:

How will the uniform standard impact my board and candidates?

The Uniform Standard promotes and supports defensible, consistent, and equitable requirements for landscape architectural licensure. Over time, we hope that the Uniform Standard will reduce confusion around getting licensed and the "licensure hopping" that candidates do, as well as increase defensibility or requirements to legislators, mobility for landscape architects and opportunities to increase diversity within the profession.

CLARB

In the short term, your jurisdiction will need to review your licensure requirements and possibly make changes to your statutes, regulations, or processes to align with the Uniform Standard. CLARB is here to help any jurisdictions that may need additional support to make these changes.

How will the uniform standard be implemented?

We realize that each jurisdiction has unique needs and may implement the Uniform Standard differently. CLARB's intent is that the requirements for landscape architecture licensure are consistent across jurisdictions. How each jurisdiction achieves this may be different.

To account for different ways of implementing the Uniform Standard, member boards will see three different approaches listed in the proposed [Model Regulations](#): Dynamic Incorporation, Static Incorporation by Reference, and Direct Incorporation. CLARB is here to help if you need additional support with figuring out the best approach for your jurisdiction.

When will my board be expected to implement the uniform standard if the Uniform Standard passes?

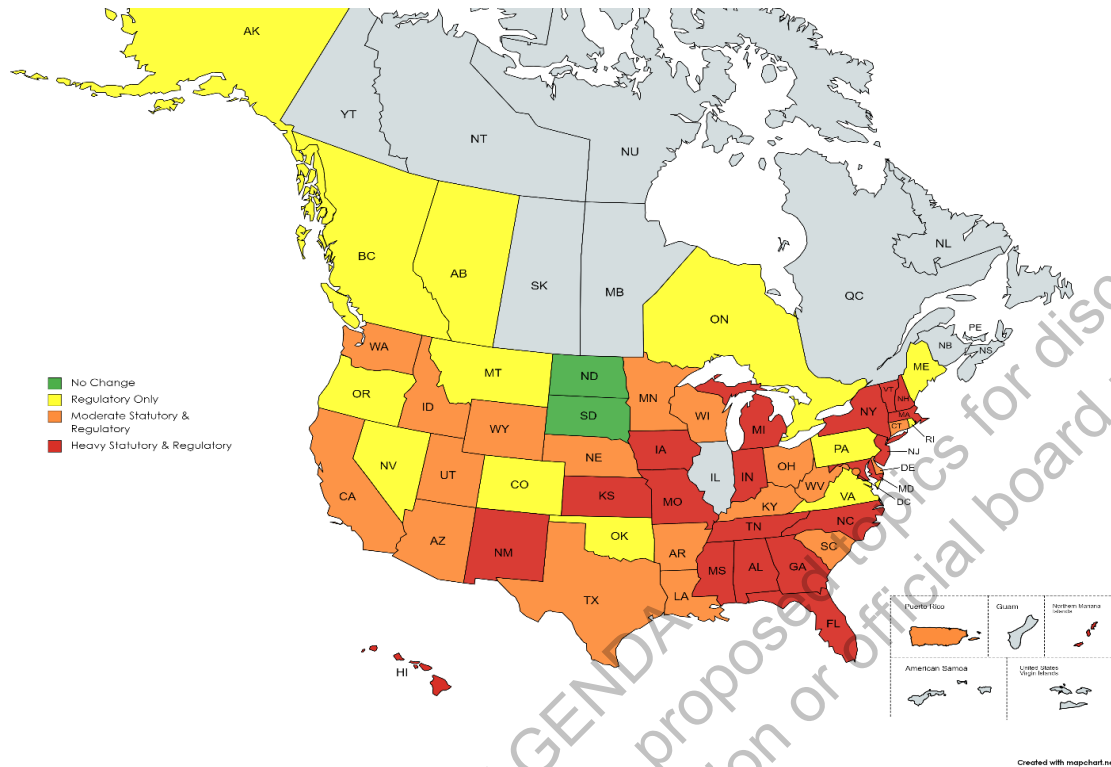
Approval of the Uniform Licensure Standard for Landscape Architecture creates a "best practice" or model standard for member boards to work toward. CLARB does not have a timeline requirement for boards to implement the Uniform Standard. CLARB will continue to work with boards and the necessary stakeholders to help implement the Uniform Standard in your jurisdiction at the time that is right for your board. We realize this is a marathon and not a sprint and will take time to get implementation in all our member boards.

Where do jurisdictions align with the Uniform Standard?

CLARB worked with Venable to analysis jurisdictional requirements against the Uniform Standard. The Venable analysis looked at three options for implementing the different aspects of the Uniform Standard: no change, regulatory change, or statutory and regulatory change. In order to provide consistency in the analysis, Venable used a conservative approach to their review of jurisdictional requirements.

This analysis allows CLARB to see what jurisdictions are going to require heavy statutory changes that will require additional time and resources due to needing approvals from the legislature and governor. An "effort map" was created to visualize the types of changes required. Jurisdictions with heavy statutory changes are in orange and red as statutory changes are a more robust process than regulatory changes.

CLARB



What if my board can't implement the uniform standard?

Approval of the Uniform Licensure Standard for Landscape Architecture just creates a “best practice” or model standard for member boards to work toward. While we want all members to strive for the implementing the Uniform Standard, we realize this will take time. CLARB will continue to work with boards and other necessary stakeholders to help implement the Uniform Standard in your jurisdiction at the time that is right for your board.

Opening up our statutes and/or regulations can open us up for other changes, why would we want to take that risk?

While it may seem like a risky move, making proactive, positive change can be seen as a win by legislators which is a good position to be in. With executive orders and sunset reviews your jurisdiction's statutes are likely coming under review anyway. It is best to be prepared and have a plan on updating your statutes vs leaving it up to the legislature or governor's office. The Uniform Standard is a good story to tell—you're making change to create consistency with other jurisdictions, increase access and mobility of the profession, and aligning with requirements that are based on data and research. This can be seen as a licensure reform “win” by the policy makers in your jurisdiction. CLARB will continue to work with boards and the necessary stakeholders to help implement the Uniform Standard in your jurisdiction at the time that is right for your board.

How can we justify to legislators reducing the number of years of experience required to get licensed without endangering the public?

The Uniform Standard was developed after thorough research, including looking at current licensure requirements and disciplinary data across the United States and Canada, candidate data at the time of

CLARB

licensure and surveying the profession. Across the data, two years of experience was sufficient for competent landscape architects to protect the health, safety, and wellbeing of the public. The Uniform Standard takes into account all the data and provides consistent paths to licensure across jurisdictions. Obtaining consistency in requirements (especially for the alternative paths) will reduce time and confusion to getting licensed and improve mobility. Administratively, it reduces barriers by not differentiating initial and reciprocal licenses.

How can we justify to legislators increasing the number of years of experience required to get licensed without creating more barriers to practice?

The Uniform Standard was developed after thorough research, including looking at current licensure requirements and disciplinary data across the United States and Canada, candidate data at the time of licensure and surveying the profession. Across the data, two years of experience was sufficient for competent landscape architects to protect the health, safety, and wellbeing of the public. While some candidates are competent with less experience, the research indicated that two years of experience is ideal for most candidates to be competent to practice at the time of licensure. Additionally, by the time candidates finish their education and exam requirements, they usually have at least two years of experience, so the requirement is not an impact to their time to licensure. By aligning with the Uniform Standard and obtaining consistency in requirements (especially for the alternative paths), your jurisdiction will reduce time and confusion to getting licensed and improve mobility. Administratively, it reduces barriers by not differentiating initial and reciprocal licenses.

General Questions:

Who should I contact if I have questions?

Any member of the Board (listed below), as well as CLARB staff, are available if you have questions.

CLARB Board Officers:

[Chuck Smith](#), President

[Cary Baird](#), Past President

[Carisa McMullen](#), President-Elect

[Joel Kurokawa](#), Treasurer

CLARB Staff:

[Veronica Meadows](#), Chief Strategy Officer

[Zach Druga](#), State Government Affairs and Advocacy Manager

[Andrea Elkin](#), PMO Manager

[Matt Miller](#), CEO

Click [here](#) if you are having trouble viewing this message.

CLARB

Council of Landscape Architectural
Registration Boards

The Uniform Application is Ready!

CLARB will begin transmitting the Uniform Application starting on **Tuesday, January 18**. As a reminder, here are the changes you will see:

Self-Reported Registration Details (new)

- To align with the requirements of all licensure/registration boards, the Council Record has a new section called “Self-Reported Registration.” This is where Council Record holders will input details related to disciplinary history and lapse or withdrawal of license information. This information is not verified by CLARB.

Additional Candidate Information (new)

- To help facilitate mobility for military licensees, we are now asking for “Military Status” which will be included in transmittals.
- Each Council Record transmittal will include a unique identifier, currently known as the “candidate ID.”

Education

- New options for education evaluation that allow for a clearer understanding of the type of degree that has been completed and what type of credit should be applied.

Employment

- New options for supervisor licensure status, evaluation categories, and professional and technical competencies.

Professional References (transition)

- Starting September 30, 2022, references will no longer be sent to licensure boards with a transmitted Council Record. Until then, if references are available, you will find an addendum report available when downloading the transmittal which will provide you with any verified references listed in the applicant’s Council Record.

If you have any questions regarding the Uniform Application or its changes either prior to or after receiving



Landscape Architects Technical Committee



Gavin Newsom,
Governor

December 27, 2021

Mr. Chuck Smith, President
Council of Landscape Architectural Registration Boards
1900 Reston Metro Plaza, Suite 600 Reston, Virginia 20190

RE: CLARB Uniform Standards

Dear Mr. Smith:

I am writing you on behalf of the Landscape Architects Technical Committee (LATC) regarding the Council of Landscape Architectural Registration Boards' (CLARB) proposed Uniform Standard for Licensure and the California-specific analysis provided by CLARB staff on November 9, 2021.

In my previous letter addressed to the CLARB Executive Board, dated September 17, 2021, I outlined several discrepancies between California's current licensure requirements and CLARB's proposed Uniform Standard for Licensure (Standard). Most notably, CLARB's proposed 8-year experience-only pathway will be more restrictive than California's recently enacted 6-year experience-only pathway. We also feel that "alternative pathway" under the proposed Standard is ill-defined and does not address a number of issues requiring further discussion prior to adoption, including standardization of alternative education pathways with emphasis on landscape architecture associate degrees and non-accredited four-year degree programs. I also expressed concerns regarding CLARB's uniform procedures that recommend allowing candidates with an accredited degree to sit for all sections of the Landscape Architect Registration Examination (LARE) prior to obtaining practical experience, a procedure California strongly opposes.

CLARB's subsequent legal analysis suggests additional areas where the proposed Standard does not align with current California law and encourages the LATC to amend California statutes and regulations to implement the following changes:

- Accept degrees accredited by LAAC or an international equivalent,
- Require two additional years of training experience, 8 years total, for alternative pathway and experience-only applicants,
- Conform California's education and training experience credit allowances with CLARB's proposed 8-year scale, and
- Allow full reciprocal licensure without an additional examination.

This list of suggested changes does not align with the recently amended California Code of Regulations (CCR) section 2620 establishing a 6-year experience-only pathway to licensure and to grant additional experience credits for accredited civil engineering degrees, four-year degrees, and training experience under the supervision of a licensed landscape contractor. Recent changes to CCR section 2620 also increase both the amount of credit granted for accredited degrees in

architecture from one to two years, and the maximum amount of credit allowed for working as, or under the supervision of a licensed architect or civil engineer from one to three years. Under the proposed Standard, California would actually be required to eliminate most of the alternative pathway credits it now accepts.

The LATC takes seriously the need to expand opportunities for professional licensure including expansion of education and training/practice experience pathways to taking the LARE, and to reducing unnecessary barriers to landscape architecture licensure in California. Alternatively, extending the proposed alternative pathway requirements from 6 years to 8 years, as CLARB suggests, would add an unnecessary barrier to licensure in California. The LATC feels it will be difficult-at-best to justify these statutory and regulatory changes. Furthermore, the LATC strongly opposes allowing full reciprocal licensure without completion of the California Supplemental Examination (CSE). This supplemental exam is based on a defensible occupational analysis of the practice of landscape architecture in the State of California and covers subject matter deemed critical to the protection of the public health, safety, and welfare not covered in the LARE. In accordance with Business and Professions Code section 5651, all California licensure applicants must pass the CSE prior to licensure to ensure entry level competency.

I am available to discuss these matters further at the appropriate time and thank you for your time and understanding.

Respectfully,



JON S. WRESCHINSKY
Chair

cc: Matthew M. Miller, CLARB Chief Executive Officer
CLARB Member Board Executives

➤ Professional Engineers

- NCEES Update

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

- **Land Surveyors**
 - **NCEES Update**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

➤ **Architects**

- **AIA**

- **AEC Spring Conference**
March 17-18, 2022

- **NCARB Update**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

A Guide to this Report:

Three years are included for each chart to account for 2020 being substantially different from "normal" historical patterns.

The first page has line charts representing month by month figures for your jurisdiction, *giving you a sense of the overall trends*. The darkest blue line is current year, the medium blue is 2020 and the lightest line is 2019. The quantity for the most recent month is labeled in each.

The second page has the same data, represented as a table so that you can see the exact values for each month in each year for reference. If no data shows for a given month, there were no instances of the activity in that period for your jurisdiction.

Exam Candidates

The total number of licensure candidates who have open eligibilities for testing in your jurisdiction

NCARB Record Holders

The total number of NCARB record holders who have a current, verified license on file for your jurisdiction

Exams Taken

The total number of exam divisions administered to candidates testing in your jurisdiction. Both test center and online proctored exams are included. Any invalidated exams are excluded.

Candidates Completing Core Requirements

The total number of candidates who have now completed both the experience and examination requirements for licensure. Candidates appear in the month of the second program completion, e.g. if a candidate completed the AXP in April of 2019 and the ARE in June of 2020, they would appear in June of 2021 only.

Initial Transmittals

The total number of initial licensure request transmittals sent to your jurisdiction in the given month. Any cancelled transmittals are excluded.

Reciprocal Transmittals

The total number of reciprocal licensure request transmittals sent to your jurisdiction in the given month. Any cancelled transmittals are excluded.

New NCARB Records Opened

The total number of NCARB records opened in the given month if the record holder is either testing in your jurisdiction, has a verified license in your jurisdiction or resides in your jurisdiction.

NCARB Records Renewed

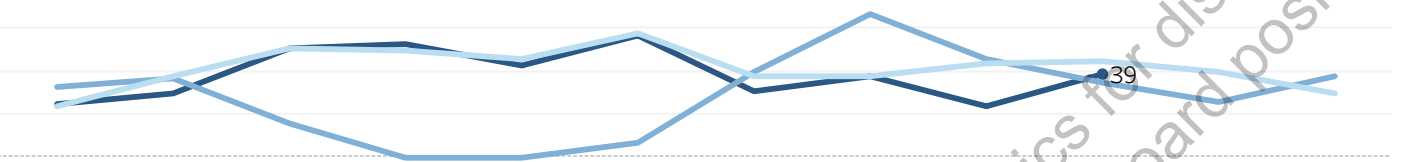
The total number of NCARB records renewed in the given month if the record holder is either testing in your jurisdiction, has a verified license in your jurisdiction or resides in your jurisdiction.

December 2021 NCARB Data for Virginia

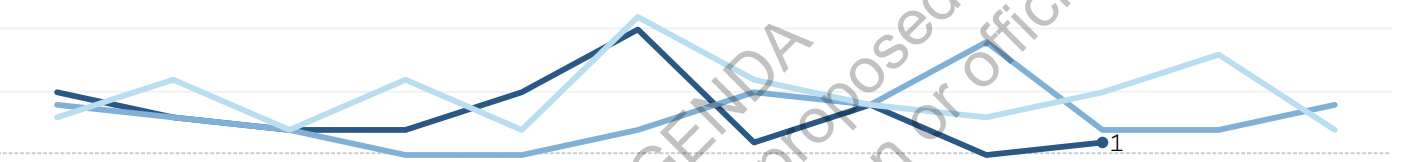
Exam Candidates
442

NCARB Record Holders
2,675

Exam Divisions Taken



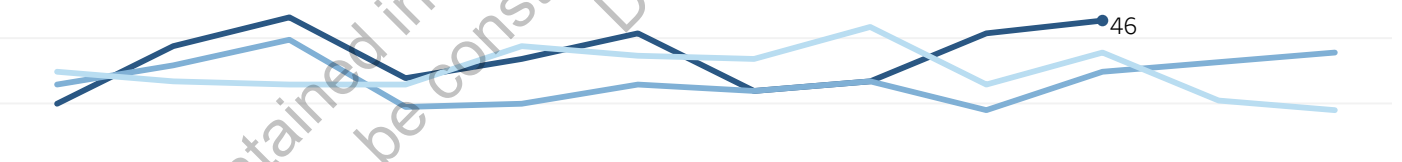
Candidates Completing Core Requirements



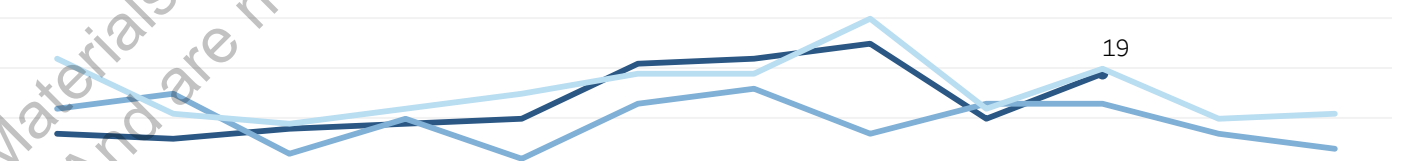
Initial Transmittal Requests



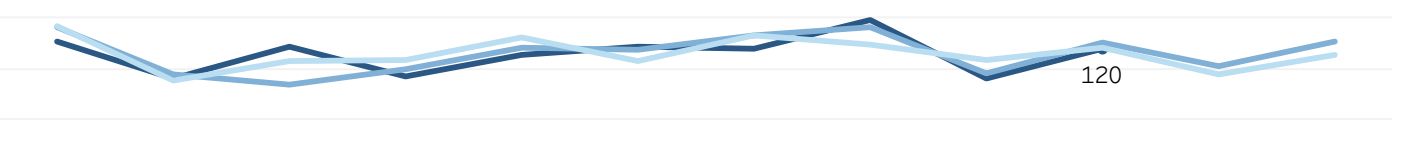
Reciprocal Transmittal Requests



New NCARB Records Opened



NCARB Records Renewed



December 2021 NCARB Data for Virginia

Exam Candidates
442

NCARB Record Holders
2,675

Exam Divisions Taken

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2019	24	38	51	50	46	58	38	38	44	45	40	30
2020	33	37	16			7	40	67	46	35	26	38
2021	25	30	51	53	43	57	31	38	24	39		

Candidates Completing Core Requirements

2019	3	6	2	6	2	11	6	4	3	5	8	2
2020	4	3	2			2	5	4	9	2	2	4
2021	5	3	2	2	5	10	1	4		1		

Initial Transmittal Requests

2019		6	2	9	1	6	10	5	5	5	5	5
2020	6	4	6	1		2	2	4	5	5	2	3
2021	2	9	7	2	4	9	3	3	2	1		

Reciprocal Transmittal Requests

2019	30	27	26	26	38	35	34	44	26	36	21	18
2020	26	32	40	19	20	26	24	27	18	30	33	36
2021	20	38	47	28	34	42	24	27	42	46		

New NCARB Records Opened

2019	22	11	9	12	15	19	19	30	12	20	10	11
2020	12	15	3	10	2	13	16	7	13	13	7	4
2021	7	6	8	9	10	21	22	25	10	19		

NCARB Records Renewed

2019	142	89	108	109	131	108	133	124	109	121	95	114
2020	141	95	85	100	121	119	133	141	96	126	103	127
2021	127	91	122	93	114	122	120	148	91	120		

➤ **Certified Interior Designers**

- **CIDQ Update**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

Fwd: CIDQ Updates - Virginia

1 message

Nosbisch, Kathleen <kate.nosbisch@dpor.virginia.gov>
Cc: Bonnie Davis <bonnie.davis@dpor.virginia.gov>

Fri, Jan 21, 2022 at 1:05 PM

Good Afternoon, APELSCIDLA Board Members:
Please see the CIDQ email for updates...
Stay warm and have a good weekend,
Kate

----- Forwarded message -----

From: **Kimberly Woods** <kwoods@cidq.org>
Date: Thu, Jan 20, 2022 at 11:59 AM
Subject: CIDQ Updates - Virginia
To: Kate Nosbisch <kate.nosbisch@dpor.virginia.gov>
Cc: cstiles@ksainteriors.com <cstiles@ksainteriors.com>, caroline.alexander403@gmail.com <caroline.alexander403@gmail.com>

Hi Kate,

I hope this email finds you well!

We have made a number of announcements and candidate improvements over the past few months, and I wanted to make sure you were up-to-date with those items:

Candidate focused:

- Release of new NCIDQ Candidate Handbook (<https://www.cidq.org/why-ncidq-certification-matters>) – This is the primary source of information for the NCIDQ Exam and provides individuals with everything they will need to know and understand while going through the certification process. Candidates applying for and planning to take the NCIDQ Exam, should read this handbook and familiarize themselves with the policies and procedures outlined.
- Introduction of Remote Proctoring for the IDFX and IDPX Exams (<https://www.cidq.org/schedule-exams>) – Starting with the upcoming spring (April) 2022 exam administration, individuals will now be able to take the IDFX and IDPX Exams at a date and time that is convenient for them via their home or office computer, making the exams much more accessible. All 3 exams will continued to be administered at Prometric test centers around the world; those taking the Practicum will be required to take it in-person at a Prometric test center.

Advocacy focused:

- Release of NCARB/CIDQ Joint Report on Architecture and Interior Design (<https://www.cidq.org/publications> - video is also available on this page) – This joint report explores exploring the similarities and differences between the essential knowledge, skills, and tasks required for competency in each profession.
- Continued announcements via our Advocacy Bulletin (<https://www.cidq.org/advocacy-bulletin>) and providing a resource for individuals to learn about the requirements when it comes to each jurisdiction that has interior design regulation in place (<https://www.cidq.org/regulated-jurisdictions>).
- Opportunity to have CIDQ's Government Affairs and Advocacy Manager (Matt Barusch) and/or CEO (Thom Banks) speak to members of your board. Feel free to contact either directly to set things up. I'm also happy to make the connection.

General updates:

- We will soon be releasing a video detailing the rigor of the NCIDQ Exam. Be on the lookout for an email in the coming weeks with more details.
- First Quarter Q Connection Newsletter (<https://www.cidq.org/publications>) – Released earlier this week, this issue recaps 2021 and looks forward to what is on the horizon for 2022.

That's all I have from CIDQ's side. I'd be happy to hear any recent news/updates from your side or any questions you have for me/CIDQ as a whole. Thanks so much!

Kimberly Woods

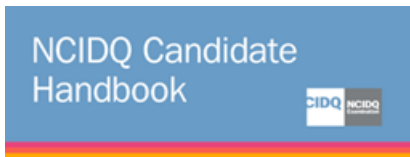
Director of Engagement

Direct: 202-721-0226 | Office: 202-721-0220

kwoods@cidq.org



ADMINISTRATORS OF THE NCIDQ EXAMINATION



This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

--

Kate Nosbisch, Hon. AIA Virginia

Kathleen R. Nosbisch

Executive Director

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA)

➤ **Regulatory Update**

- **NOIRA**
- **Regulatory Review Committee Update**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

engineering. Qualifying engineering experience shall be progressive in complexity and based on a knowledge of engineering mathematics, physical and applied sciences, properties of materials, and fundamental principles of engineering design.

Historical Notes:

Derived from VR130-01-2 § 4.1, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016; Volume 37, Issue 24, eff. September 2, 2021.

18VAC10-20-170. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application for Engineer-in-Training Designation	\$30
Application for Initial Professional Engineer License	\$60
Application for Professional Engineer License by Comity	\$60
Renewal	\$80

Historical Notes:

Derived from VR130-01-2 § 4.2, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 13, Issue 23, eff. October 1, 1997; Volume 15, Issue 24, eff. October 1, 1999; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 21, Issue 3, eff. December 1, 2004; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016.

18VAC10-20-180. [Repealed]

~~18VAC10-20-190. (Repealed.)~~

18VAC10-20-190. Requirements for the Fundamentals of Engineering (FE) exam.

In order to be approved to sit for the Fundamentals of Engineering (FE) exam, applicants must satisfy one of the subsections (A through E) of this section. Applicants shall:

EDUCATIONAL REQUIREMENTS

NUMBER OF REQUIRED YEARS OF QUALIFYING ENGINEERING EXPERIENCE

A. Student applicants.

0

1. Be enrolled in an ABET-accredited undergraduate EAC or TAC curriculum, have 12 months or less remaining before completion of the degree, and provide a certificate of good standing from the dean of the engineering school or his designee;

2. Be enrolled in an ABET-accredited graduate or doctorate EAC or TAC curriculum, have six months or less remaining before completion of the degree, and provide a certificate of good standing from the dean of the engineering school or his designee; or

3. Be enrolled in a graduate curriculum that is ABET-accredited TAC or EAC at the undergraduate level at the institution at which the graduate degree is being sought, have six months or less remaining before completion of the degree, and provide a certificate of good standing from the dean of the engineering school or his designee.

B. Have graduated from an approved engineering or an approved engineering technology curriculum.

0

C. Dual degree holders.

0

1. Have graduated from a non-ABET-accredited undergraduate engineering curriculum of four years or more; and

2. Have graduated from a graduate or doctorate engineering curriculum that is ABET accredited at the undergraduate level.

2

D. Have graduated from a nonapproved engineering curriculum or from a related science curriculum of four years or more.

E. Have obtained, by documented academic coursework, the equivalent of education that meets the requirements of ABET accreditation for the baccalaureate engineering technology curricula. Whether an education is considered to be equivalent shall be determined by the judgment of the board.

6

Historical Notes:

Derived from VR130-01-2 § 4.4, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; [Volume 10, Issue 15](#), eff. May 19, 1994; [Volume 16, Issue 3](#), eff. December 1, 1999; [Volume 18, Issue 7](#), eff. March 1, 2002; [Volume 23, Issue 1](#), eff. February 1, 2007; [Volume 32, Issue 6](#), eff. January 1, 2016; repealed, Virginia Register [Volume 37, Issue 24](#), eff. September 2, 2021.

18VAC10-20-200. Requirements for engineer-in-training (EIT) designation.

Upon passing the FE exam, an applicant who qualified for the exam under 18VAC10-20-190 A will receive the EIT designation only after he provides verification of his degree to the board. All other applicants will receive the EIT designation upon passing the FE exam. The EIT designation will remain valid indefinitely.

In order to receive the EIT designation, applicants shall:

- ~~1. Graduate from an engineering program of four years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), graduate from an engineering master's program accredited by EAC/ABET, or meet the requirements of the NCEES Engineering Education Standard;~~
- ~~2. Pass the NCEES Fundamentals of Engineering (FE) exam; and~~
- ~~3. Apply to the board.~~

Historical Notes:

Derived from VR130-01-2 § 4.5, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 13, Issue 23, eff. October 1, 1997; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016; Volume 37, Issue 24, eff. September 2, 2021.

18VAC10-20-210. Requirements for the Principles and Practice of Engineering (PE) exam.

A. In order to be licensed as a professional engineer, applicants shall:

1. Satisfy one requirement of subdivisions B 1 through B 4 of this section;
2. Pass the Principles and Practice of Engineering (PE) exam;
3. Meet all the requirements of this chapter; and
4. Apply to and be approved by the board.

B. In general, the required education shall be applied as follows:

EDUCATIONAL REQUIREMENTS	EIT REQUIRED?	NUMBER OF REQUIRED YEARS OF QUALIFYING
--------------------------	---------------	--

		ENGINEERING EXPERIENCE
1. Have graduated from an approved engineering program.	YES	4
2. Dual degree holders. a. Have graduated from an ABET-accredited undergraduate engineering program; and b. Have graduated from a doctorate engineering program that is ABET accredited at the undergraduate level.	NO	4
3. Have graduated from a nonapproved engineering program of four years or more, a related science program, or an approved engineering technology program.	YES	6
4. Have graduated from a nonapproved engineering technology program of four years or more.	YES	10

DRAFT AGENDA
 Materials contained in this agenda are proposed topics for discussion
 And are not to be construed as regulation or official board position
 DRAFT AGENDA

Historical Notes:

Derived from VR130-01-2 § 4.6, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 13, Issue 23, eff. October 1, 1997; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016; Volume 37, Issue 24, eff. September 2, 2021.

18VAC10-20-215. (Repealed.)

Historical Notes:

Derived from Virginia Register [Volume 16, Issue 3](#), eff. December 1, 1999; amended, Virginia Register [Volume 23, Issue 1](#), eff. February 1, 2007; [Volume 32, Issue 6](#), eff. January 1, 2016; repealed, Virginia Register [Volume 37, Issue 24](#), eff. September 2, 2021

18VAC10-20-220. References.

In addition to the requirements found in 18VAC10-20-25, applicants shall satisfy one of the following:

1. An applicant for the engineer-in-training designation shall provide one reference that indicates the applicant's personal integrity from one of the following:
 - a. A professional engineer;
 - b. The dean, or the dean's designee, of the engineering school attended by the applicant; or
 - c. An immediate work supervisor.
2. An applicant for licensure as a professional engineer shall submit three references from professional engineers currently licensed in a state or other jurisdiction of the United States. The applicant shall only submit references given by professional engineers who have personal knowledge of the applicant's competence and integrity relative to his engineering experience.

Historical Notes:

Derived from VR130-01-2 § 4.7, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016; Volume 37, Issue 24, eff. September 2, 2021.

18VAC10-20-230. Education.

- A. An applicant who is seeking credit for a degree that is not ABET accredited as ETAC or EAC and was earned from an institution outside the United States shall have the degree authenticated and evaluated by an educational credential evaluation service. The board may consider the degree as an approved engineering program or approved engineering technology program. The board reserves the right to reject any evaluation submitted by the applicant.
- B. Degrees earned within the United States for any nonapproved engineering program, related science program, or nonapproved engineering technology program of four years or more shall be from an accredited college or university that is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

Historical Notes:

Derived from VR130-01-2 § 4.8, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 16, Issue 3, eff. December 1, 1999; Volume 23, Issue 1, eff. February 1, 2007; Volume 23, Issue 21, eff. September 10, 2007; Volume 32, Issue 6, eff. January 1, 2016; Volume 37, Issue 24, eff. September 2, 2021.

18VAC10-20-240. Experience.

- A. Each applicant shall complete the board's Professional Engineer and Engineer-in-Training Experience Verification Form, documenting all of his engineering experience. The information provided on the form shall clearly describe the engineering work or research that the applicant personally performed; delineate his role in any group engineering activity; provide an overall description of the nature and scope of his work; and include a detailed description of the engineering work personally performed by him. The experience must be obtained in an organization with an engineering practice and must be verified on the board's experience verification form by a licensed professional engineer in the organization's engineering practice.

B. In general, the required experience shall be applied as follows:

Type of Experience	Qualifying	Nonqualifying
1. Design experience.	A demonstrated use of engineering computation and problem-solving skills.	Drafting of design by others.
2. Construction experience.	A demonstrated use of engineering computation and problem-solving skills.	The execution as a contractor of work designed by others, the supervision of construction, and similar nonengineering tasks.
3. Military experience.	Engineering of a character substantially equivalent to that required in the civilian sector for similar work.	Nonengineering military training and supervision.
4. Sales experience.	A demonstrated use of engineering computational and problem-solving skills.	The selection of data or equipment from a company catalogue, similar publication, or database.
5. Industrial experience.	Work directed toward the identification and solution of practice problems in the applicant's area of engineering specialization including engineering analysis of existing systems or the design of new ones.	The performance of maintenance of existing systems, replacement of parts or components, and other nonengineering tasks.
6. Graduate or doctoral degree.	Only one year of qualifying experience will be given for any combination of advanced degrees in an engineering program. In addition, if a degree is used to satisfy the education requirement, it cannot also be used toward satisfying the experience requirement.	Research conducted as part of a graduate or doctoral degree shall not count as additional experience if credit for the degree is granted pursuant to 18VAC10-20-210.
7. Teaching.	For teaching experience to be considered qualifying by the board, the applicant shall have taught in an engineering program approved by the board and shall have been employed in the level of instructor or higher.	
8. Co-op or internship.	Engineering experience gained during a co-op or internship may be deemed qualifying engineering experience to a maximum of one year of credit.	

9. General.		Experience in claims consulting, drafting, estimating, and field surveying.
-------------	--	---

- C. The board, in its sole discretion, may permit partial credit for approved qualifying engineering experience obtained prior to graduation from an engineering program. Partial credit shall not exceed one-half of that required for any method of initial licensure.

Historical Notes:

Derived from VR130-01-2 § 4.9, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016; Volume 37, Issue 24, eff. September 2, 2021.

18VAC10-20-250. [Repealed]

18VAC10-20-260. Examinations.

- A. Applicants who do not complete their application and receive their designation within the three years from the date that they apply must reapply to the board ~~as follows:~~

- ~~1. Applicants who reapply to the board no later than six months after the end of their eligibility may be approved to sit for the exam for an additional three years. The original application requirements shall apply.~~
- ~~2. Applicants who do not meet the criteria of subdivision 1 of this subsection shall reapply to the board and meet all entry requirements current at the time of reapplication.~~
- ~~3. All professional engineer applications shall be received in the board's office no later than 130 days prior to the scheduled exam.~~

- B. The board is a member board of the National Council of Examiners for Engineering and Surveying (NCEES) and is authorized to administer the NCEES exams including the Fundamentals of Engineering exam and the Principles and Practice of Engineering exam.

- C. The exam may not be reviewed by applicants. Unless authorized by NCEES rules and procedures, exam scores are final and are not subject to change.

Historical Notes:

Derived from VR130-01-2 § 4.11, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 16, Issue 3, eff. December 1, 1999; Volume 18,

7. Have successfully completed a board-approved survey apprenticeship program. The apprenticeship program shall include a minimum of 480 hours of surveying-related classroom instruction with a minimum of six years of approved land surveying experience; or
 8. Have graduated from high school with evidence of successful completion of courses in algebra, geometry, and trigonometry and possess a minimum of eight years of approved land surveying experience.
- B. Applicants seeking approval to sit for the Fundamentals of Surveying (FS) exam pursuant to subdivisions A 3 through A 8 of this section may apply board-approved college credits to help meet the experience requirement. The maximum rate of college credit substitution for experience shall be one year of experience credit for each 40 credit hours of board-approved college credits completed. College credits applicable toward the completion of any degree used to satisfy a requirement of subsection A of this section shall not be eligible for experience substitution.
- C. All applicants shall receive the SIT designation upon passing the FS exam, receiving approval from a board reviewed application, and meeting all other board requirements.

Historical Notes:

Derived from VR130-01-2 § 5.3, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016; Volume 37, Issue 24, eff. September 2, 2021.

18VAC10-20-310. Requirements for the land surveyor and surveyor photogrammetrist licenses.

A. Land surveyor license.

1. A surveyor-in-training (SIT) who has met the requirements of 18VAC10-20-300 and has a minimum of four years of approved land surveying experience shall be approved to sit for:
 - a. The Principles and Practice of Land Surveying exam;
 - b. The Virginia-specific land surveying exam; and
 - c. The board supplied exam on regulations.
2. A qualified applicant shall be granted a license to practice land surveying upon passing all three exams and meeting all other board requirements.

B. Surveyor photogrammetrist license.

1. An SIT who has met the requirements of 18VAC10-20-300 and has a minimum of four years of approved photogrammetric surveying or similar remote sensing technology experience shall be approved to sit for the following board-approved exams:
 - a. The Surveyor Photogrammetrist exam~~Principles and Practice of Land Surveying; and~~
 - ~~b. The Virginia specific land surveying exam; and~~
 - ~~e-b.~~ The board supplied exam on regulations.
2. A qualified applicant shall be granted a license to practice photogrammetric surveying upon passing all three exams and meeting all other board requirements.

Historical Notes:

Derived from VR130-01-2 § 5.4, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 25, Issue 3, eff. December 1, 2008; Errata, 25:7 V.A.R. 1451 December 8, 2008; amended, Virginia Register Volume 32, Issue 6, eff. January 1, 2016; Volume 37, Issue 24, eff. September 2, 2021.

18VAC10-20-320. Requirements for the land surveyor B license.

- A. An applicant shall:
 1. Hold a valid Virginia license as a land surveyor;
 2. Present satisfactory evidence of a minimum of two years of land surveying experience that is progressive in complexity in land surveyor B land surveying, as provided in § 54.1-408 of the Code of Virginia, under the direct control and personal supervision of a licensed land surveyor B or professional engineer;
 3. Present satisfactory evidence of having passed college-level courses in hydrology and hydraulics that are acceptable to the board; and
 4. Pass an exam developed by the board.
- B. A qualified applicant shall be issued a land surveyor B license upon passing the board-developed exam.

Historical Notes:

10. The horizontal and vertical unit of measurement, coordinate system, and data, including adjustments if applicable.
11. A statement, in the following form, shall be shown on or contained in plats, maps, or digital geospatial data including metadata:

This _____ (provide description of the project) was completed under the direct and responsible charge of _____ (Name of Professional) from an actual • Ground or • ~~Remote-Airborne??~~ Sensing (check the one that is applicable) survey made under my supervision; that the imagery and/or original data was obtained on _____ (Date); and that this plat, map, or digital geospatial data including metadata meets minimum accuracy standards unless otherwise noted.

- C. Minimum positional accuracies shall be met in accordance with the tables in subdivisions 1, 2, and 3 of this subsection. These tables are not intended to be acceptable in all situations, and the professional shall be responsible to perform the work to the appropriate quality and extent that is prudent or warranted under the existing field conditions and circumstances. Metric or other unit of measurements shall meet an equivalent positional accuracy. Map or plat scales, or contour intervals, other than those defined in these tables shall meet an equivalent positional accuracy. The minimum positional accuracy tables are as follows:

1. Scale and contour interval combinations.

Map or Plat Scale	Contour Interval
1" = 20'	1 or 2 feet
1" = 30'	1 or 2 feet
1" = 40'	1 or 2 feet
1" = 50'	1 or 2 feet
1" = 100'	1 or 2 feet
1" = 200'	2, 4, or 5 feet
1" = 400'	4, 5, or 10 feet

2. Vertical accuracy standards.

	Contours - Vertical Positional Accuracy	Spot Elevations - Vertical Positional Accuracy
Contour line 1' interval	± 0.60 feet	± 0.30 feet
Contour line 2' interval	± 1.19 feet	± 0.60 feet
Contour line 4' interval	± 2.38 feet	± 1.19 feet
Contour line 5' interval	± 2.98 feet	± 1.49 feet

➤ Licensed and Certified Population

As of January 1, 2022

APELSCIDLA Businesses	4,994
Architects	7,589
Professional Engineers	30,155
Land Surveyors	1,237
Land Surveyors B	68
Land Surveyor Photogrammetrists	104
Certified Interior Designers	471
Landscape Architects	933

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Board for APELSCIDLA
954160**

2020-2022 Biennium

December 2021

	December 2021 Activity	Biennium-to-Date Comparison	
		July 2018 - December 2019	July 2020 - December 2021
Cash/Revenue Balance Brought Forward			122,298
Revenues	312,115	2,673,855	2,658,897
Cumulative Revenues			2,781,195
Cost Categories:			
Board Expenditures	31,855	225,740	238,479
Board Administration	53,948	1,027,723	986,706
Administration of Exams	3,525	60,383	59,321
Enforcement	5,538	109,235	91,027
Legal Services	-	3,555	8,062
Information Systems	11,914	764,878	679,673
Facilities and Support Services	19,313	274,822	268,908
Agency Administration	27,050	471,154	452,957
Other / Transfers	1	(34)	1
Total Expenses	153,144	2,937,456	2,785,135
Transfer To/(From) Cash Reserves	(1,112)	0	(179,909)
Ending Cash/Revenue Balance			175,969

Cash Reserve Beginning Balance	1,473,963	0	1,652,759
Change in Cash Reserve	(1,112)	0	(179,909)
Ending Cash Reserve Balance	1,472,850	0	1,472,850

Number of Regulants	
Current Month	45,551
Previous Biennium-to-Date	44,728

Department of Professional and Occupational Regulation
Supporting Statement of Year-to-Date Activity
Board for APELSCIDLA - 954160
Fiscal Year 2022

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
Board Expenditures	10,320	22,251	9,624	9,263	8,043	31,855	0	0	0	0	0	0	91,357	191,920	100,563	176,646	15,274	8.0%
Board Administration	83,652	57,012	54,744	54,376	56,030	53,948	0	0	0	0	0	0	359,761	886,923	527,162	648,421	238,502	26.9%
Administration of Exams	5,139	3,535	3,520	3,525	3,534	3,525	0	0	0	0	0	0	22,777	47,560	24,783	41,729	5,830	12.3%
Enforcement	7,684	5,236	5,441	5,508	5,560	5,538	0	0	0	0	0	0	34,968	83,869	48,900	63,547	20,322	24.2%
Legal Services	0	1,921	1,921	0	0	0	0	0	0	0	0	0	3,842	7,684	3,842	7,684	0	0.0%
Information Systems	24,043	64,929	35,165	42,051	36,942	11,914	0	0	0	0	0	0	215,045	516,251	301,206	414,369	101,881	19.7%
Facilities / Support Svcs	18,731	15,055	13,132	12,894	16,232	19,313	0	0	0	0	0	0	95,357	214,779	119,422	185,815	28,965	13.5%
Agency Administration	36,156	24,957	23,129	29,774	24,327	27,050	0	0	0	0	0	0	165,393	445,939	280,546	300,103	145,836	32.7%
Other / Transfers	0	0	0	0	0	1	0	0	0	0	0	0	1	0	-1	1	-1	
Total Charges	185,724	194,897	146,677	157,392	150,668	153,144	0	0	0	0	0	0	988,500	2,394,924	1,406,424	1,838,315	556,608	23.2%

- **Other Business**
- **Conflict of Interest Forms /
Travel Vouchers**
- **Adjourn**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA