



NOTICE OF MEETING
Landscape Architects Technical Committee

LATC MEMBERS

Jon S. Wreschinsky, Chair
Andrew C. N. Bowden
Pamela S. Brief
Susan M. Landry
Patricia M. Trauth

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

**The Landscape Architects Technical Committee (LATC or Committee) will
meet by teleconference at
10 a.m., on January 27, 2022**

NOTE: Pursuant to Governor Gavin Newsom's Executive Order [N-1-22](#), issued January 5, 2022, and Government Code section 11133, this meeting will be held by teleconference with no physical public locations.

Important Notice to the Public: The Committee will hold a public meeting via WebEx Events. To participate in the WebEx meeting, please log on to this website the day of the meeting:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m59dc5119972018caa257479b038416fa>

Instructions to connect to the meeting can be found at the end of this agenda.

Due to potential technical difficulties, please consider submitting written comments by January 21, 2022, to latc@dca.ca.gov for consideration.

AGENDA

10 a.m. to 5 p.m.
(or until completion of business)

Action may be taken on any item listed below.

- A. Call to Order – Roll Call – Establishment of a Quorum
- B. Chair's Procedural Remarks and Committee Member Introductory Comments

(Continued)

- C. Public Comment on Items Not on the Agenda
The Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Committee's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).
- D. Update from the Department of Consumer Affairs (DCA) – Board and Bureau Relations, DCA
- E. Review and Possible Action on August 4, 2021, Committee Meeting Minutes
- F. Program Manager's Report - Update on Committee's Administrative/Management, Examination, Licensing, and Enforcement Programs
- G. Discuss and Possible Action on the Committee's Annual Budget – DCA, Budget Office
- H. Review and Discuss 2021 Legislation
 - 1. AB 1010 (Berman) Architects: Continuing Education
- I. Presentation by DCA Office of Professional Examination Services (OPES) on Examination Performance Statistics for Sections 1 and 2 of the Landscape Architect Registration Examination
- J. Discuss and Possible Action on Council of Landscape Architectural Registration Boards' Uniform Standards, and Pre-Approval Process
- K. Review and Discuss 2019-2021 Strategic Plan Objectives
- L. Election of 2022 Committee Officers
- M. Review of Future Committee Meeting Dates
- N. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Committee are open to the public.

The meeting will be webcast, provided there are no unforeseen technical difficulties or limitations. To view the webcast, please visit thedcapage.wordpress.com/webcasts/. The meeting will not be cancelled if webcast is not available.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at their discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125 and 11125.7(a)).

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

Person: Kourtney Nation

Telephone: (916) 575-7230

Email: Kourtney.Nation@dca.ca.gov

Telecommunication Relay Service: Dial 711

Mailing Address:

Landscape Architects Technical Committee

2420 Del Paso Road, Suite 105

Sacramento, CA 95834

Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the Committee in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions Code section 5620.1).

HOW TO – Join – DCA WebEx Event

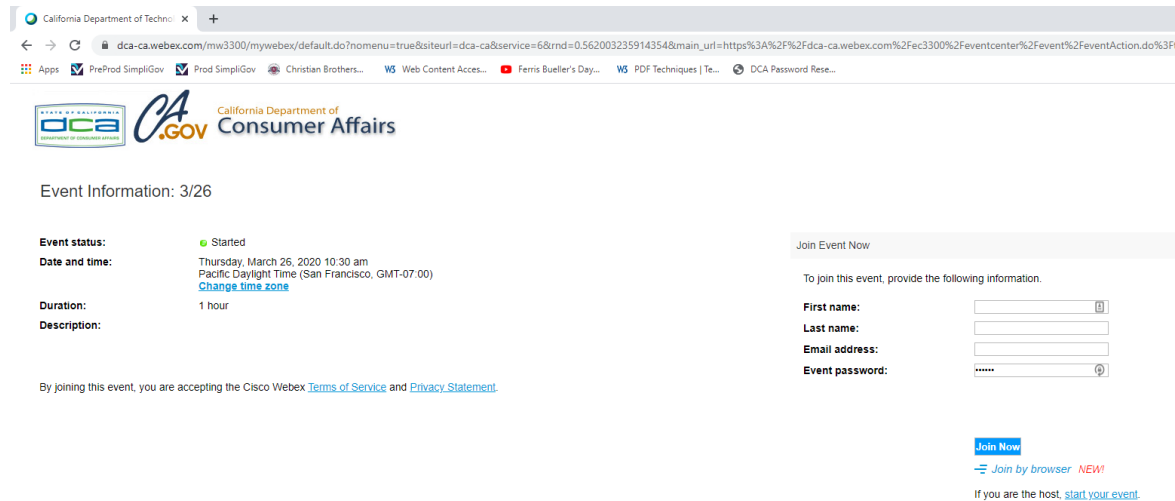
The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

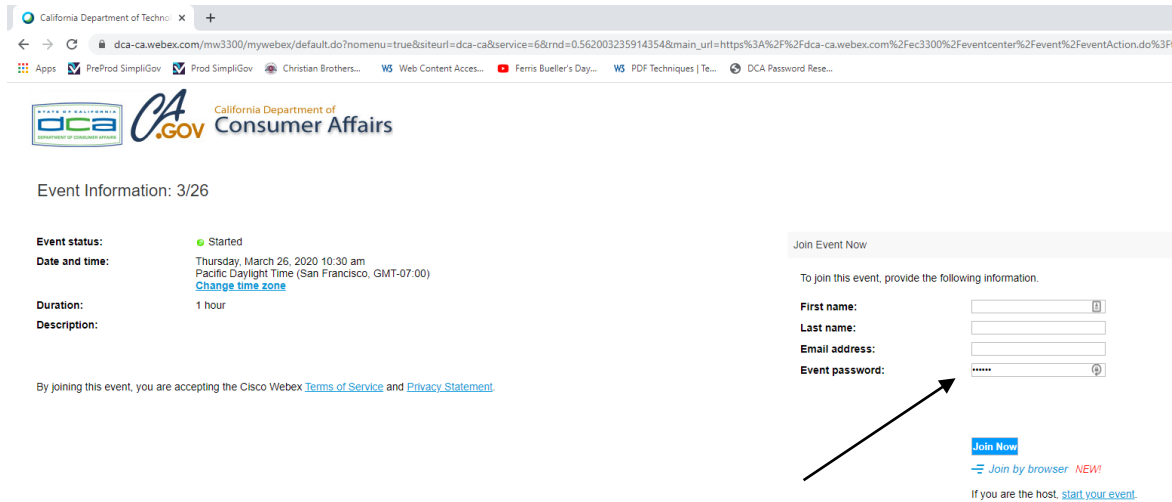
Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.
NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

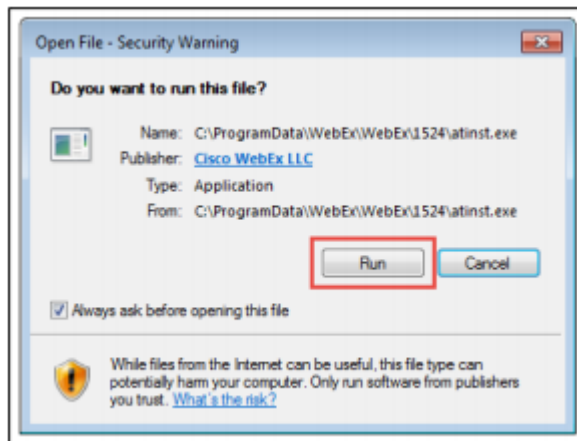
HOW TO – Join – DCA WebEx Event



3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

Starting Webex...



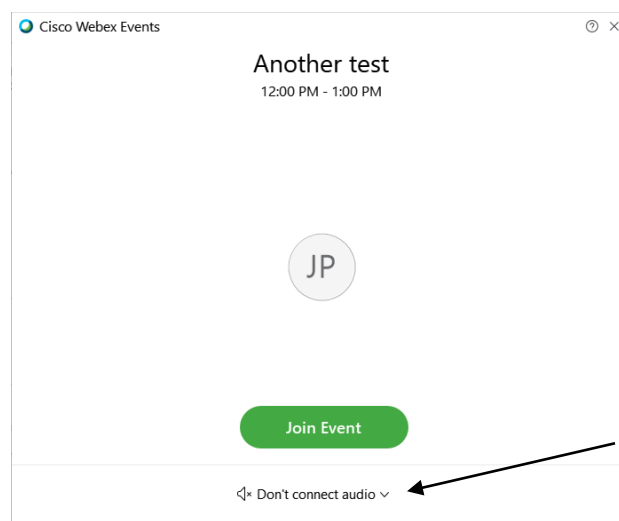
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.



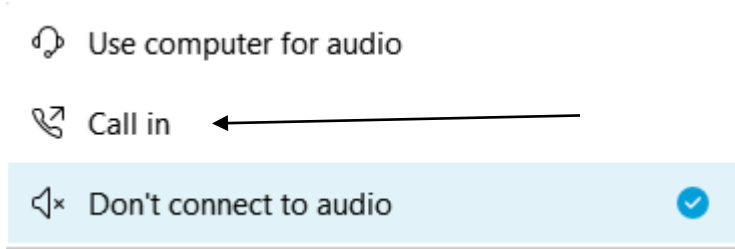
The temporary software will run, and the meeting window will open.

7. Click the audio menu below the green 'Join Event' button.

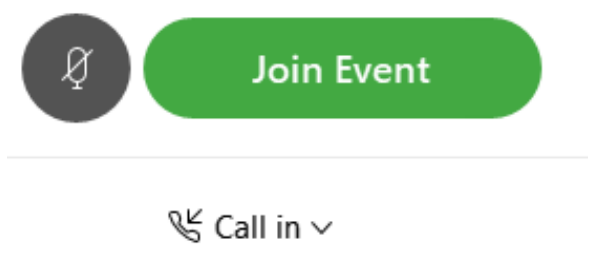


8. When the audio menu appears click 'Call in'.

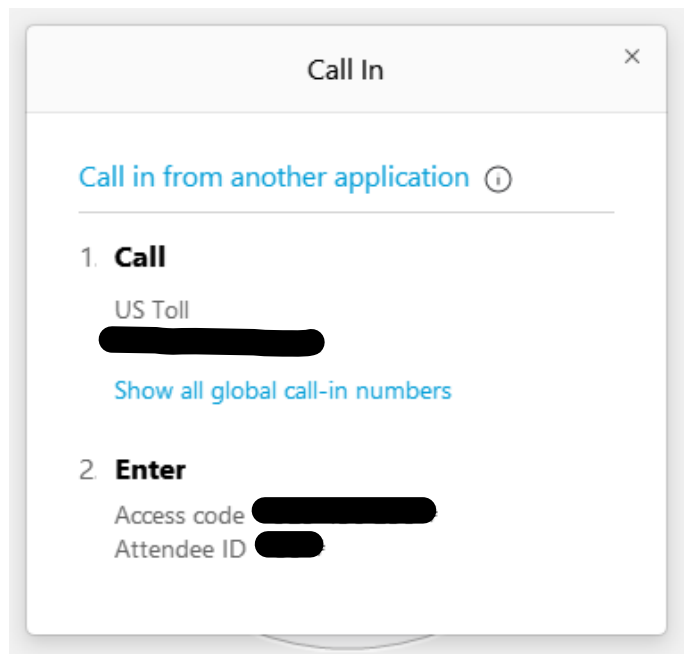
HOW TO – Join – DCA WebEx Event



9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

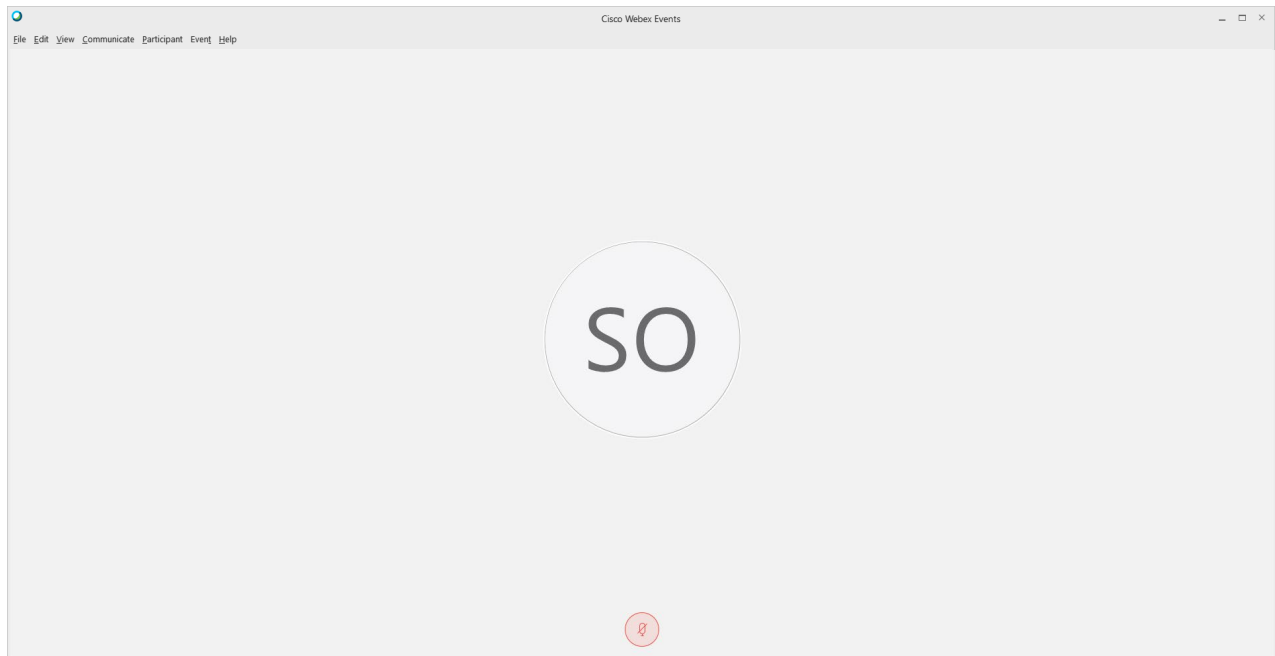


NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

HOW TO – Join – DCA WebEx Event

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

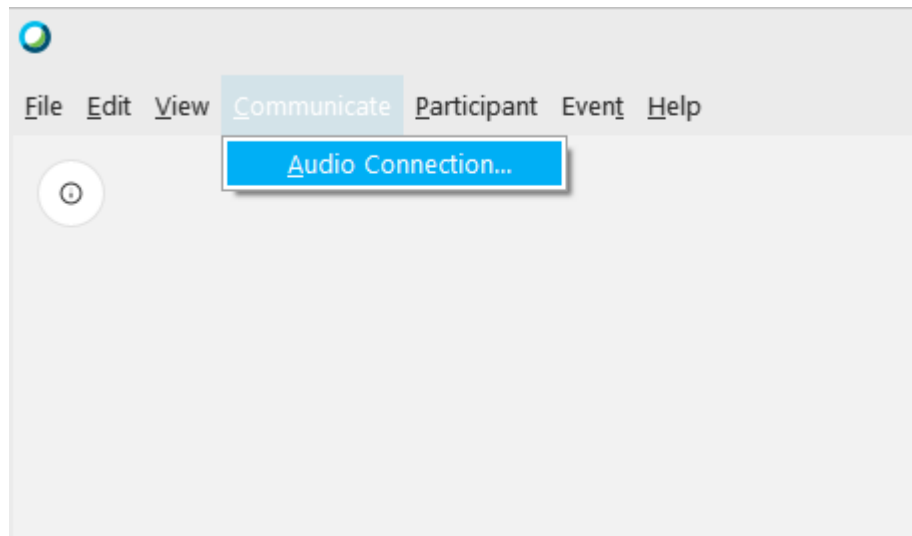


NOTE: Your audio line is muted and can only be unmuted by the event host.

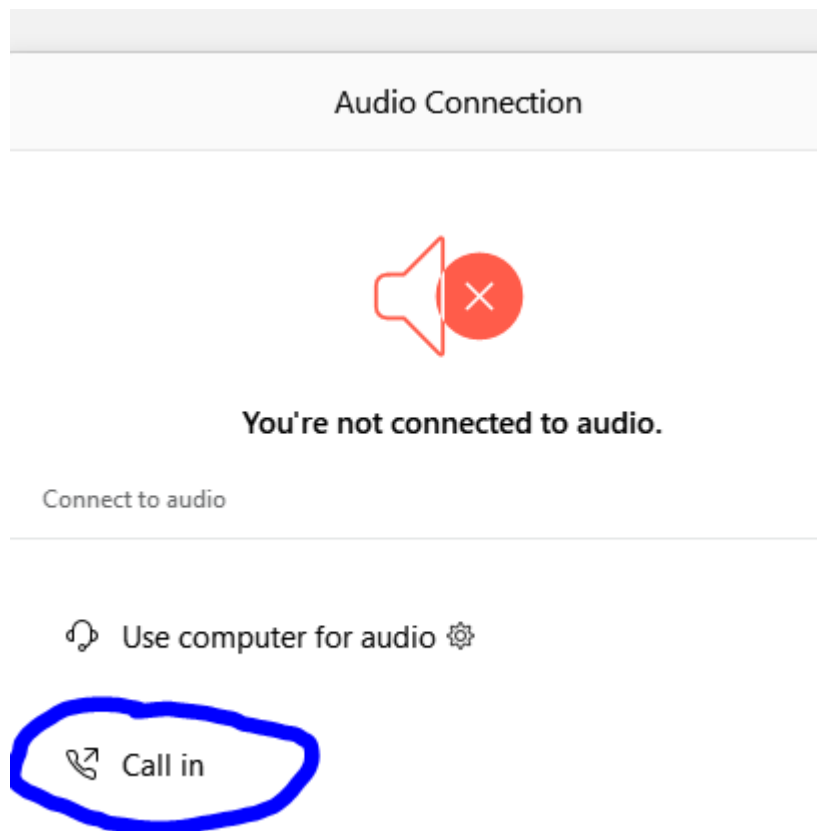
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.

HOW TO – Join – DCA WebEx Event



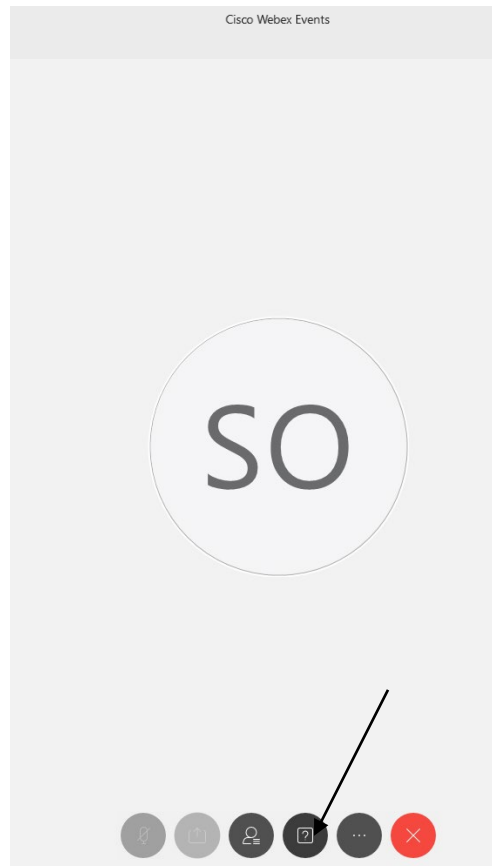
The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

Participating During a Public Comment Period

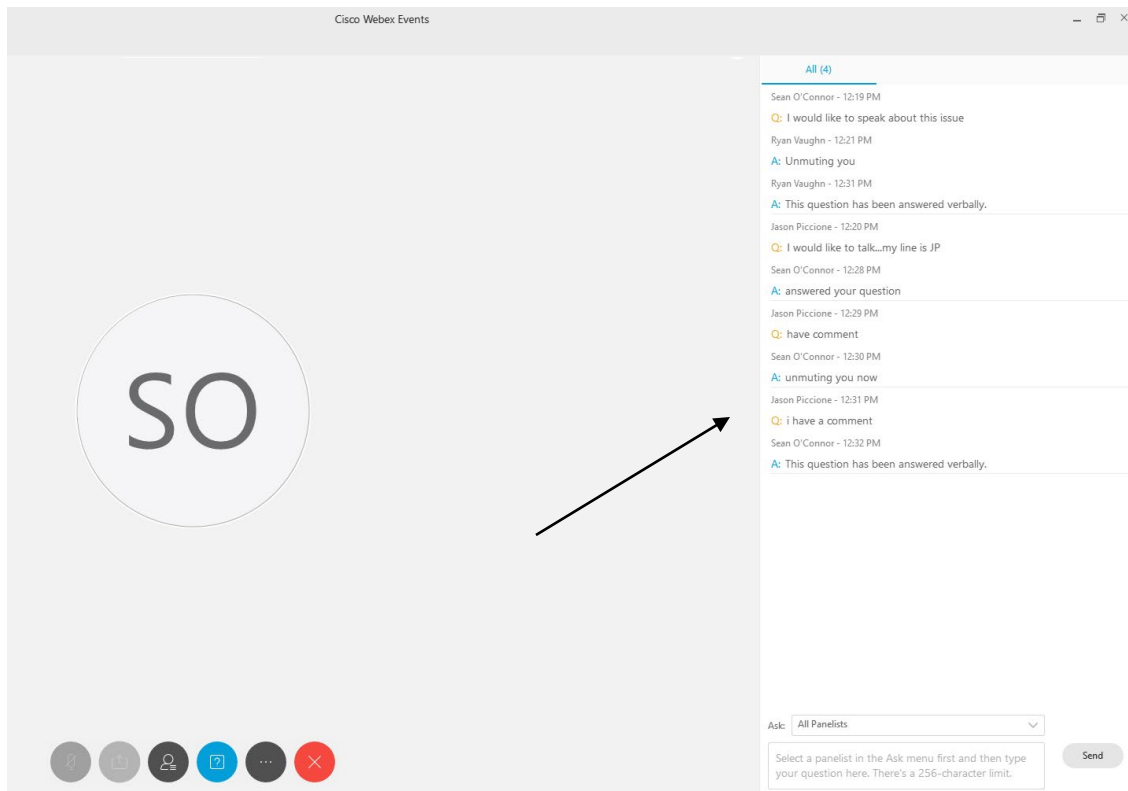
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.

AGENDA ITEM A: CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM

Roll is called by the Landscape Architects Technical Committee (LATC) Vice Chair or, in his/her absence, by an LATC member designated by the Chair.

LATC Member Roster

Andrew C. N. Bowden
Pamela S. Brief
Susan M. Landry
Patricia M. Trauth
Jon S. Wreschinsky

AGENDA ITEM B: CHAIR'S PROCEDURAL REMARKS AND LATC MEMBER INTRODUCTORY COMMENTS

LATC Chair Jon Wreschinsky will review the scheduled LATC actions and make appropriate announcements.

AGENDA ITEM C: PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Committee at this time.

The Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Committee's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

Public comments will also be taken on agenda items at the time the item is heard and prior to the Committee taking any action on said items. Total time allocated for public comment may be limited at the discretion of the Committee Chair.

AGENDA ITEM D: UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS (DCA) – BOARD AND BUREAU RELATIONS, DCA

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

AGENDA ITEM E: REVIEW AND POSSIBLE ACTION ON AUGUST 4, 2021 LATC MEETING MINUTES

Summary

The Committee is asked to review and take possible action on the minutes of the August 4, 2021 LATC meeting.

Action Requested

Approval of the August 4, 2021 LATC Meeting Minutes

Attachment

August 4, 2021 LATC Meeting Minutes (Draft)



Draft Minutes

CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee Meeting

August 4, 2021
WebEx Teleconference

Landscape Architects Technical Committee (LATC/Committee) Members Present

Jon S. Wreschinsky, Chair
Andrew C. N. Bowden
Pamela S. Brief
Susan M. Landry
Patricia M. Trauth

California Architects Board (Board) Members Present

Ronald A. Jones, LATC Liaison

Staff Present

Laura Zuniga, Executive Officer
Trish Rodriguez, Program Manager
Marccus Reinhardt, Examination/Licensing Manager, Board
Michael Kanotz, LATC Counsel, Attorney III, Department of Consumer Affairs
(DCA)
Tracy Montez, Chief of DCA Programs and Policy Review Division
Karen Halbo, Regulatory Counsel, Attorney III, DCA
Brianna Miller, Manager, DCA Board and Bureau Relations
Stacy Townsend, Enforcement Analyst
Blake Clark, Examination Analyst
Kourtney Nation, Special Projects Analyst
Harmony Navarro, Licensing Coordinator
Heidi Lincer, Ph.D., Chief, Office of Professional Examination Services (OPES),
DCA
Robert Calvert, Ph.D., Data Specialist II, OPES

Guests Present

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

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

LATC Chair, Jon Wreschinsky called the meeting to order at 10:00 a.m. and called roll. Five members of LATC were present, thus a quorum was established.

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

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

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

C. Public Comment on Items Not on the Agenda

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

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

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

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

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

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

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

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

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

Susan M. Landry seconded the motion.

There were no comments from the public.

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

G. Review and Possible Action on May 25, 2021 LATC Meeting Minutes

- **Andrew C. N. Bowden moved to approve the May 25, 2021 LATC Meeting Minutes.**

Pamela S. Brief seconded the motion.

There were no comments from the public.

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

H. Program Manager's Report

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

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

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

2. Discuss and Possible Action on Annual Enforcement Report

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

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

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

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

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

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

Susan M. Landry seconded the motion.

There were no comments from the public.

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

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

Ms. Halbo explained to LATC that each of the changes made by legal are described in depth within the agenda’s memo. She informed the committee that all changes made since the Disciplinary Guidelines (Guidelines) were last approved have been highlighted in yellow. Ms. Halbo continued stating that senior legal counsel with experience in enforcement reviewed the Guidelines very closely to ensure that the Guidelines are useful. She then indicated that, in looking over the Guidelines prior to the meeting, a typo was found in the previously approved language on page 5 in which the word “committee” needs to be edited to read “committed” and, although

this is considered to be a non-substantive grammatical correction that the Executive Officer has the power to make, it can be added to the motion.

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

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

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

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

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

Member Pamela S. Brief seconded the motion.

There were no comments from the public.

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

K. Review and Discuss 2021 Legislation

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

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

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

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

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

3. Senate Bill 607 (Roth) Professions and Vocations

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

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

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

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

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

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

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

Patricia M. Trauth seconded the motion.

There were no comments from the public.

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

M. Council of Landscape Architectural Registration Boards

1. Review CLARB September 2021 Annual Meeting Agenda

Ms. Rodriguez directed the Committee members to the CLARB Annual Meeting Agenda for September 22-24, 2021. Mr. Wreschinsky noted that the CLARB Uniform Standards will be considered at the upcoming Annual Meeting. He added that CLARB will also hold a session on increasing access and equity in licensure and inquired about potential solutions to address that issue.

Ms. Trauth asked who would represent LATC at the 2021 CLARB Annual Meeting. Mr. Wreschinsky responded that he and Ms. Rodriguez will attend. Mr. Jones noted that the Board is also working through issues related to diversity and equity with the National Council of Architectural Registration Boards. He expressed the importance of these initiatives to strengthen the industry by expanding access to licensure. Mr. Jones acknowledged that California is not currently represented within CLARB leadership and encouraged the Committee members to consider opportunities to serve in those leadership roles. Members Bowden, Trauth, and Wreschinsky agreed and shared their personal experiences applying for, or being considered for, open CLARB positions.

2. Review and Possible Action on 2021 CLARB Board of Directors and Leadership Advisory Council Elections Ballot

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

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

Patricia M. Trauth seconded the motion.

There were no comments from the public.

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

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

Patricia M. Trauth seconded the motion.

There were no comments from the public.

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

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

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

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

N. Discuss and Possible Action on 2019-2021 Strategic Plan Objective to Research the Need for Continuing Education for Licensees through LATC, the American Society of Landscape Architects (ASLA), or Another Organization, to Better Protect the Health, Safety, and Welfare of Consumers

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

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

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

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

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

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

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

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

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

Ms. Landry explained that she has been promoting CE for Americans with Disabilities Act (ADA) requirements. She opined that it would be interesting to contact larger cities and inquire on the number of plan reviews done for landscape architects that are providing ADA plans. She continued that not only licensees providing public work should be familiar with ADA requirements and laws but those providing residential services should as well. Ms. Landry also opined that LATC

should not just consider the submitted enforcement issues to determine if violations have occurred because not all potential violations are submitted to LATC for review. She also agreed with Mr. Wreschinsky in that it would be helpful to know what the Sierra Chapter of ASLA had in mind in terms of a CE requirement.

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

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

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

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

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

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

Member Patricia M. Trauth seconded the motion.

There were no comments from the public.

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

O. Future Committee Meeting Dates

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

P. Adjournment

The meeting adjourned at 3:09 p.m.

**AGENDA ITEM F: PROGRAM MANAGER’S REPORT – UPDATE ON
LATC’S ADMINISTRATIVE/MANAGEMENT,
EXAMINATION, LICENSING, AND ENFORCEMENT
PROGRAMS**

The Program Manager, Trish Rodriguez, will provide an update on the LATC’s Administration/Management, Examination, Licensing, and Enforcement programs.

Attachment

Program Manager’s Report Dated January 1, 2022



MEMORANDUM

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

The following information is provided as an overview of Committee activities and projects as of December 31, 2021.

Administrative/Management

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

California Architects Board The Board met on December 10, 2021 via teleconference. Meeting dates for 2022 are February 18, May 20, September 9, and December 9.

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

Coronavirus (COVID-19) Staff whose duties can be performed remotely continue to telework as well as in the office. The Department of General Services published its statewide telework policy (SAM 181) on October 1, 2021. DCA will be updating its telework policy to establish a written policy specific to the department’s business needs in accordance with the statewide policy by October 2022.

Outreach An outreach presentation was held on November 9, 2021 for students enrolled in a professional practice course at the University of California, Davis. The presentation was provided in-person and included an overview of LATC’s mandate, Landscape Architects Practice Act, importance of licensure, examination process, and updates to the various education and training pathways to licensure. Thirty-three students attended the outreach presentation and were asked to complete a survey regarding the usefulness of the information in the outreach presentation. Overall, attendees appreciated the presentation and found the information regarding the pathways to licensure and the importance of licensure helpful. Survey results are provided

below:

Outreach Student Survey – UC Davis, November 9, 2021					
Statement:	Strongly Agree	Agree	Disagree	Strongly Disagree	N/A
The presentation was informative. I learned more about pathways to licensure than I already knew.	23	10	0	0	0
	70%	30%	0%	0%	0%
I understand the importance of licensure and how it relates to the public's health, safety, and welfare	23	9	0	0	1
	70%	27%	0%	0%	3%
I know what I have to do to become licensed.	17	16	0	0	0
	52%	48%	0%	0%	0%
I could have used this information earlier.	13	13	4	1	2
	39%	39%	12%	3%	6%
The presentation answered all of my questions.	20	11	1	0	1
	61%	33%	3%	0%	3%

Personnel The Assistant Executive Officer position remains vacant. LATC is recruiting to fill its Licensing/Administration Coordinator (Office Technician) position, and a new limited-term Associate Governmental Program Analyst position to assist during Business Modernization implementation.

Social Media LATC maintains a Twitter account that currently has 223 followers. This account largely permits the LATC to have active social media participation with the public and professionals.

Training Courses completed by staff since October 1, 2021 are as follows:

November 15, 2021 WebEx Co-Moderator Training (Kourtney Nation, Special Projects Analyst)

Website

On January 1, 2022, the requirement for all new initial license applicants to submit fingerprints prior to the issuance of a landscape architect license went into effect. Information regarding this requirement was posted to the LATC website on its homepage. Revised California Supplemental Examination and Reciprocity applications that include a reminder for applicants to submit fingerprints have been posted to the LATC website, as well as, fingerprinting FAQs and information on how to submit fingerprints outside of California.

The 2022 Landscape Architect Registration Examination testing dates and Eligibility Application deadlines were posted to the LATC website.

Landscape Architect Registration Examination (LARE)	
Eligibility Deadline	Testing Dates
February 11, 2022	March 28 – April 9, 2022
June 17, 2022	August 1-13, 2022
October 21, 2022	December 5-17, 2022

On November 1, 2021 the proposed regulatory action for California Code of Regulations (CCR)

section 2671 (Public Presentments and Advertising Requirements) was approved. The Notice of Approval of Regulatory Action was posted to the LATC website on November 12, 2021.

On December 13, 2021 the proposed regulatory action for CCR sections 2611, 2611.5, and 2616 (Abandonment of Application, Retention of Candidate Files, and Application for Licensure Following Examination) was approved. The Notice of Approval of Regulatory Action was posted to the LATC website on December 22, 2021.

Current LATC Job Announcements and information regarding the California Jobs website (CalCareers) were posted to the LATC website on December 28, 2021.

Legislative Proposal **Business and Professions Code (BPC) section 5659 (Inclusion of License Number – Requirement)** LATC set an objective to educate the different jurisdictional agencies about landscape architecture licensure and its regulatory scope of practice to allow licensees to perform duties prescribed within the regulations. Staff reviewed the Landscape Architects Practice Act and BPC section 460 (Local Government Entities – Powers), which prevents local government entities from prohibiting a licensed professional from engaging in the practice for which they are licensed while also allowing those entities to adopt or enforce local ordinances. Staff worked with DCA legal counsel to add language to section 5659 to coincide with section 460 specifically referencing landscape architects. The proposed additional language would prohibit local jurisdictions from rejecting plans solely based on the fact they are stamped by a licensed landscape architect; however, they could still reject plans based on defects or public protection from the licensee.

Proposed language to amend BPC section 5659 was presented to the LATC on February 5, 2020, and the Board approved the LATC’s recommendation at its February 28, 2020 meeting. Staff proceeded with the proposal and submitted it to legislative staff in mid-March 2020, however the bill proposal was late and not accepted. The bill was resubmitted to legislative staff in January 2021 however proposed language in the omnibus bill would delay review for other programs, thus removed. At this time, LATC is planning to find an author for a stand-alone bill and resubmit in 2022.

Date	Action Taken
February 28, 2020	Proposed language approved by Board
March 18, 2020	Bill proposal provided to EO for review and submittal
Mid-March 2020	Bill proposal submitted to legislative staff
January 2021	Submitted to the Business, Professions, and Economic Development Committee
March 2021	Resubmitted to Senate Business, Professions, and Economic Development Committee

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

Following is a chronology of the regulatory proposal for CCR sections 2611, 2611.5 and 2616:

Date	Action Taken
February 28, 2020	Proposed regulatory language approved by Board
May 20, 2021	Proposed regulation submitted to OAL to publish notice of 45-day comment period
September 30, 2021	Final regulation package submitted to OAL for review.
December 13, 2021	Regulatory proposal approved by OAL and filed with Secretary of State
April 1, 2022	Regulatory action takes effect

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

This proposed language reflects the Board’s licensing provisions by granting credit for related and non-related degrees while also adding an experience-only pathway. The Board approved the LATC’s proposed regulatory language at its meeting on September 12, 2018. Staff proceeded with the regulatory proposal process and on April 27, 2021 the package was submitted to OAL to publish Notice of the 45-day comment period which commenced on May 7, 2021 and ended on June 22, 2021. In response to public comment received on June 7, 2021, LATC staff worked with DCA Legal to prepare modified proposed regulatory language for CCR section 2620. This new proposal was provided to the public on June 24, 2021 and the related public comment period ended on July 9, 2021. No comments were received regarding the modified regulatory proposal. The LATC and Board approved the modified regulatory proposal at their meetings on August 4, 2021 and September 10, 2021, respectively. On August 25, 2021, the final regulatory proposal was provided to DCA for review. On December 1, 2021, the final regulatory package was provided to OAL for review. On January 11, 2022, the assigned OAL reviewing attorney notified LATC staff of an issue within the rulemaking file that would require a 15-day notice to the public in order to proceed with the rulemaking as directed by the LATC and Board. As a result, the regulatory proposal was withdrawn from OAL review on January 12, 2022 and staff are working with DCA Legal to prepare the necessary documents and issue the 15-day notice in order to resubmit the rulemaking file to OAL in early spring 2022.

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

Date	Action Taken
September 12, 2018	Board approved proposed amendments and directed the EO to proceed with the combined rulemaking file
February 7, 2019	Proposed regulation submitted to DCA Legal for pre-review
June 6, 2019	Proposed regulation to DCA Legal Affairs for initial analysis
June 14, 2019	Proposed regulation submitted for Budget Office review
February 6, 2020	Budget approved Economic and Fiscal Impact Statement (Std. 399). Pending Legal Review of Initial Analysis
November 5, 2020	Budget re-approved (STD. 399).
November 18, 2020	Proposed regulation submitted to Agency for review
April 27, 2021	Proposed regulation submitted to OAL to publish notice of 45-day comment period
June 22, 2021	End of public comment period
June 24, 2021	Modified Text issued, commencing 15-day comment period
July 9, 2021	End of 15-day public comment period. No comments received.
August 4, 2021	LATC recommended Board approval of Modified Text
August 25, 2021	Submitted final regulation package to DCA Legal for review
September 10, 2021	Board approved Modified Text and directed the EO to proceed with the rulemaking file
October 18, 2021	Submitted final regulation package to Agency for review.

December 1, 2021
January 12, 2022

Final regulation package submitted to OAL for review.
Regulatory Package Withdrawn to Issue 15-Day Notice and Resubmit

CCR Section 2620.5 (Requirements for an Approved Extension Certificate Program) At the December 6, 2018 LATC meeting, the Committee began discussions to address the following in regulation: 1) extension certificate program approval, expiration, reauthorization, and extensions of said approval; 2) possible provisions for site reviews; and 3) the information that shall be provided by the extension certificate program to evaluate the program's compliance with the regulation. Following discussion, the Committee directed staff to form a subcommittee to work with staff to recommend regulatory changes for LATC's consideration at a later meeting date.

The Board approved the LATC's proposed regulatory language at its meeting on June 12, 2019. Staff proceeded with the regulatory proposal process and on June 24, 2021 the package was submitted to OAL to publish Notice of the 45-day comment period which began on July 9, 2021 and ended on August 24, 2021. No comments were received. On September 3, 2021, the final regulatory proposal was provided to DCA for review. On December 27, 2021, the final regulatory package was provided to OAL for review.

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

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

Date	Action Taken
June 12, 2019	Proposed regulatory language approved by Board
February 5, 2020	Proposed regulation submitted to Budget Office for approval
April 8, 2020	DCA Legal Affairs Division returned proposed regulation to LATC staff for review
May 6, 2020	Proposed regulation submitted to DCA Legal Affairs Division for continued initial analysis
October 9, 2020	Underlying data for proposed regulation provided to DCA Legal Affairs Division
February 3, 2021	Budgets reviewed and revised Budget Language
March 24, 2021	Budget approved Economic and Fiscal Impact Statement (Std. 399). Pending Legal Review of Initial Analysis
May 24, 2021	Proposed regulation submitted to Agency for review
June 24, 2021	Proposed regulation submitted to OAL to publish notice of 45-day comment period
August 24, 2021	End of public comment period
September 3, 2021	Submitted final regulation package to DCA Legal for review
December 9, 2021	Submitted final regulation package to Agency for review.
December 27, 2021	Final regulation package submitted to OAL for review.

CCR Sections 2630 (Issuance of Citations) and 2630.2 (Appeal of Citations) To be more in line with the Board's procedures for the appeal of citations, staff proposed edits to LATC's appeal of citations regulation. Additionally, it was advised by legal counsel that additional edits needed to be made to the issuance of citations regulation. Language has been added clarifying the Board's existing ability to issue orders of corrections to cease unlawful advertising under BPC

section 149, clarifying that the 30-day deadlines are counted as calendar days, amending the appeal of citations process. The proposed language was presented to the LATC on December 2, 2020 and adopted by the Board at its December 11, 2020 meeting. DCA Legal completed their pre-review on April 5, 2021. The package was submitted for Initial Analysis on April 6, 2021. In September 2021, staff worked with DCA Legal on amendments to the package while in the Initial Analysis phase. The amendments made were substantial and were reviewed, and approved, by the Board at its December 10, 2021 meeting. Staff revised the necessary documents and submitted to DCA Legal for review on January 4, 2022.

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

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

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

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

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

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

CCR Section 2671 (Public Presentments and Advertising Requirements) Strategic Plan established by LATC at the December 2018 meeting, LATC set an objective of researching the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers.

Currently, CCR section 2671 requires that a landscape architect only include their name and the

words “landscape architect” in all forms of advertising or public presentments. To better inform and protect California consumers, the proposed changes of the LATC’s current advertising requirements will expand to include license numbers in all forms of advertising.

Proposed language to amend CCR section 2671 was approved on May 29, 2019 and June 12, 2019, by the Committee and Board, respectively. On September 17, 2021, the final regulation package was submitted to OAL for review and approval. OAL approved the regulation package and it was filed in the Office of the Secretary of State on November 1, 2021 with an effective date of January 1, 2022.

Following is a chronology of LATC’s regulatory proposal for CCR section 2671:

Date	Action Taken
June 12, 2019	Amended proposed regulatory language approved by the Board
November 1, 2021	Regulation package filed with the Office of the Secretary of State with an effective date of January 1, 2022

CCR Section 2680 (Disciplinary Guidelines) As part of the Strategic Plan established by LATC at the January 2013 meeting, LATC set an objective of collaborating with the Board in order to review and update LATC’s *Disciplinary Guidelines*. Staff worked closely with Board staff to update their respective guidelines to mirror each other wherever appropriate.

At its June 13, 2018 meeting, the Board reviewed and approved the proposed changes to the LATC’s *Disciplinary Guidelines* and CCR section 2680 as modified. DCA guidance due to the passage of AB 2138 as well as proposed changes to CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) required staff to make revisions to the *Disciplinary Guidelines*. On February 8, 2019, the Committee made a recommendation to the Board to adopt the proposed regulatory language for section 2655 and option 1 for section 2656 and approve the revised *Disciplinary Guidelines*. The rulemaking file was submitted to the DCA Legal Affairs Office for Initial Analysis. During Initial Analysis, DCA Legal Affairs found that additional amendments were necessary. The LATC and Board approved additional amendments to the proposed regulatory language at their meetings on August 4, 2021 and September 10, 2021, respectively. After the Committee’s approval and in anticipation of the Board’s approval, staff revised documents for the regulatory proposal to incorporate the additional amendments and submitted them to DCA Legal for review on August 26, 2021. Revised Economic and Fiscal Impact statement submitted to DCA Budget Office on January 10, 2022.

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

Date	Action Taken
September 10, 2015	Proposed regulatory language to LATC’s Disciplinary Guidelines approved by Board
October 21, 2015	Board staff provided suggested edits to the Board’s Disciplinary Guidelines to DCA Legal for review
November 12, 2015	DCA Legal notified Board staff that the edits to their Disciplinary Guidelines were sufficient and substantive, and would require re-approval by the Board
December 10, 2015	Amended proposed regulatory language to Board’s Disciplinary Guidelines approved by Board
March 15, 2016	Board staff prepared the regulatory package for DCA Legal

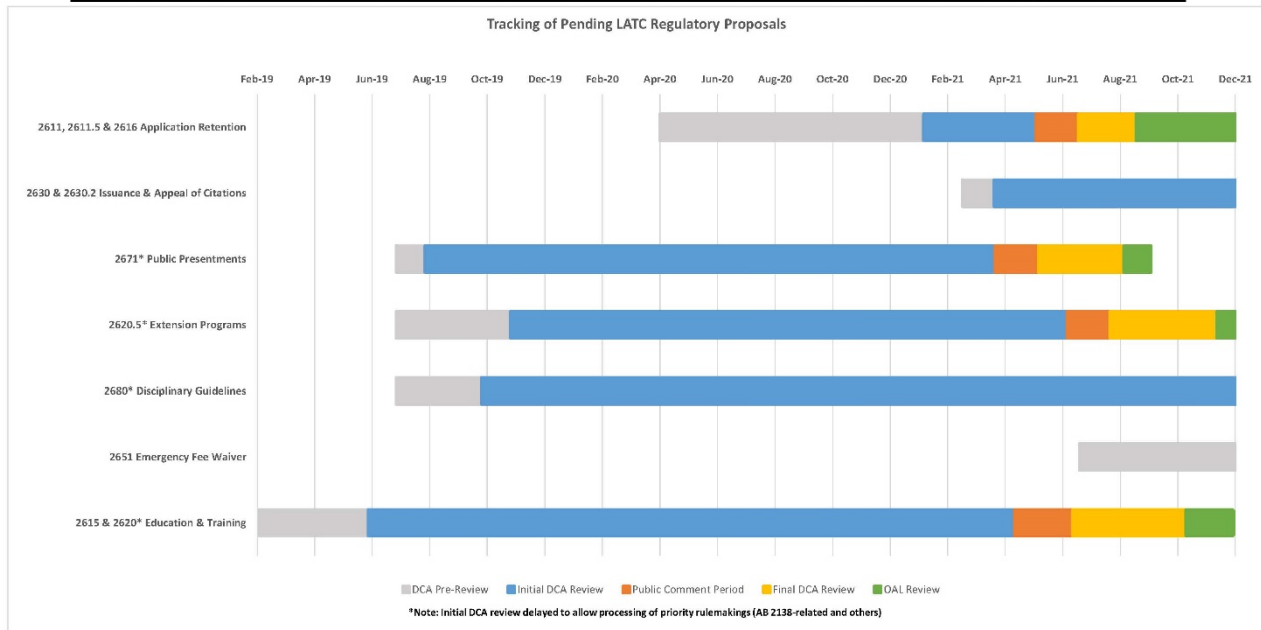
	Affairs Division's review and approval
April 8, 2016	DCA Legal Affairs Division advised Board staff that further substantive changes to the Disciplinary Guidelines were necessary prior to submission to OAL
December 15, 2016	Amended proposed regulatory language of the Board's Disciplinary Guidelines approved by Board
July 13, 2017	Amended proposed regulatory language to LATC's Disciplinary Guidelines based on the Board's Disciplinary Guidelines approved by LATC
September 5, 2017	DCA Legal Affairs Division informed staff that additional substantive changes were necessary for both LATC's and Board's Disciplinary Guidelines
September 7, 2017	Amended proposal of LATC's Disciplinary Guidelines, with additional substantive changes approved by Board
December 7, 2017	Amended proposal for the Board's Disciplinary Guidelines approved by Board; however, the Board requested additional research on its statutory authority to impose fines
May 4, 2018	LATC reviewed proposed regulatory language to LATC's Disciplinary Guidelines, including language on statutory authority to impose fines, and recommended Board approval
June 13, 2018	Proposed regulatory language to LATC's Disciplinary Guidelines approved by Board
February 8, 2019	Revised proposed regulatory language to LATC's Disciplinary Guidelines, due to the passing of AB 2138, approved by LATC
February 27, 2019	Revised proposed regulatory language to both LATC's and Board's Disciplinary Guidelines approved by Board
July 30, 2019	Proposed changes to LATC's Disciplinary Guidelines submitted to DCA Legal for prereview
October 8, 2019	DCA Legal Affairs Division concluded pre-review of LATC's Disciplinary Guideline's regulatory package
October 15, 2019	Proposed regulation package to DCA Legal for initial analysis
April 17, 2020	DCA Budget Office approved Economic and Fiscal Impact Statement (Std. 399)
October 19, 2020	Signed revised Economic and Fiscal Impact Statement (Std. 399) provided to DCA Budget Office
August 4, 2021	The Committee reviewed and approved additional amendments to the Guidelines.
August 26, 2021	Staff submitted revised documents for the regulation package incorporating the additional amendments to DCA Legal.
September 10, 2021	The Board reviewed and approved the additional amendments to the Guidelines.
January 10, 2022	Revised Economic and Fiscal Impact statement provided to DCA Budget Office.

Regulation Proposals Tracker In response to LATC's request, the attached chart was created and displays the status of progress for the regulation packages as they advance through the initial DCA review, public comment period, final DCA review, and OAL review stages. This chart allows at-a-glance tracking of the pending regulation packages. Since the August LATC meeting,

two regulation packages for CCR sections 2615/2620 and 2620.5 entered the final DCA review stage (Education and Training Credits and Requirements for an Approved Extension Certificate Program) and two packages for CCR sections 2611/2611.5/2616 and 2671 were submitted for OAL final review (Retention of Candidate Files and Public Presentments and Advertising Requirements) and were filed with the Secretary of State. DCA Legal has recommended modifications to the proposed regulatory text to implement an emergency fee waiver (CCR section 2651), requiring additional LATC and Board review and approval.

**Landscape Architects Technical Committee
Status of Pending Regulations**

Regulatory Proposals	DCA Pre-Review			Initial DCA Review			Public Comment Period			Final DCA Review			OAL Review		
	Start Date	Current/End Date	Days	Start Date	Current/End Date	Days	Start Date	Current/End Date	Days	Start Date	Current/End Date	Days	Start Date	Current/End Date	Days
2611, 2611.5 & 2616 Application Retention	Apr-20	Jan-21	284	Jan-21	May-21	121	Jun-21	Jul-21	46	Jul-21	Sep-21	62	Sep-21	Dec-21	121
2630 & 2630.2 Issuance & Appeal of Citation	Mar-21	Apr-21	34	Apr-21	Dec-21	269			0			0			0
2671* Public Presentments	Jul-19	Aug-19	31	Aug-19	Apr-21	614	Apr-21	Jun-21	47	Jun-21	Sep-21	92	Sep-21	Sep-21	29
2620.5* Extension Programs	Jul-19	Nov-19	123	Nov-19	Jun-21	600	Jul-21	Aug-21	46	Sep-21	Dec-21	115	Dec-21	Dec-21	30
2680* Disciplinary Guidelines	Jul-19	Oct-19	92	Oct-19	Dec-21	822			0			0			0
2651 Emergency Fee Waiver	Jul-21	Dec-21	178			0			0			0			0
2615 & 2620* Education & Training	Feb-19	Jun-19	120	Jun-19	Apr-21	696	May-21	Jul-21	63	Aug-21	Dec-21	122	Dec-21	Dec-21	30



LATC EXAMINATION PROGRAM

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

CSE Performance by Candidate Type (July 1, 2021 to December 31, 2021)

Candidate Type	Passed	Rate	Failed	Rate	Total
First-time	34	71%	14	29%	48
Repeat	5	26%	14	74%	19
Total	39	58%	28	42%	67

CSE Performance by Candidate Type (FY 20/21)

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

Landscape Architect Registration Examination (LARE). A LARE administration was held December 6-18, 2021. Examination results for all LARE administrations are released by CLARB within six weeks of the last day of administration. The next LARE administration will be held March 28 - April 9, 2022, and the application deadline is February 11, 2022.

The pass rates for LARE sections taken by California candidates during the December 6- 18, 2021 administration are shown in the following table:

LARE Pass Rates by CA Applicants (December 6-18, 2021)

Section	CA Applicants	Passed	Rate	Failed	Rate
Project and Construction Management	34	17	50%	17	50%
Inventory and Analysis	54	22	41%	32	59%
Design	65	32	49%	33	51%
Grading, Drainage and Construction	45	21	47%	24	53%

Included below are the national pass rates for the LARE sections taken during the December 6- 18, 2021 administration:

LARE National Pass Rates (December 6-18, 2021)

Section	CA Applicants	Pass Rate	National Applicants	Pass Rate	▲%
Project and Construction Management	34	50%	287	56%	-6%
Inventory and Analysis	54	41%	332	60%	-19
Design	65	49%	349	56%	-7%
Grading, Drainage and Construction	45	47%	333	58%	-11

▲% is the difference in the California and national (CLARB) pass rates.

CLARB 2022 Job/Task Analysis On November 9, 2021, CLARB announced that the previously delayed job and task analysis (JTA) will be launching in late January 2022. Conducted every 5-7 years as a survey, a JTA of the practice of landscape architecture ensures what is tested on the Landscape Architect Registration Examination (LARE) accurately reflects the knowledge and skills required to practice as a licensed professional. The JTA is used in the development of LARE content and to create the next LARE blueprint.

In preparation to distribute the survey, CLARB requested a list of licensees from all jurisdictions. A list of California landscape architects was accordingly transmitted to CLARB on November 10, 2021.

Additional communication from CLARB is expected as the survey launch nears in late January 2022.

LATC ENFORCEMENT PROGRAM

Enforcement Actions No new enforcement actions.

<u>Enforcement Statistics</u>	<u>Current Quarter</u> Oct-Dec 2021	<u>Prior Quarter</u> Jul-Sept 2021	<u>FYTD</u> 21/22	<u>5-FY Avg</u> 2016/17- 2020/21
Complaints				
Received/Opened (Reopened):	6 (1)	7 (0)	13 (1)	34 (0)
Closed:	7	3	10	34
Average Days to Close:	77 days	72 days	75 days	109 days
Pending:	9*	7*	8*	10
Average Age (Pending):	109 days*	91 days*	100 days	106 days
Citations				
Issued:	0	1	1*	2
Pending:	0*	1*	0*	0
Pending AG: †	0*	0*	0*	0
Final:	0	0	0	2
Disciplinary Actions				
Pending AG:	0*	0*	0*	0
Pending DA:	0*	0*	0*	0
Final:	0	0	0	0
Settlement Reports (§5678)**				
Received/Opened:	0	0	0	2
Closed:	0	0	0	2
Pending:	1*	1*	1*	0

* Calculated as a quarterly average of pending cases.

** Also included within "Complaints" information.

† Also included within "Pending Citations"

AGENDA ITEM G: DISCUSS AND POSSIBLE ACTION ON THE COMMITTEE'S ANNUAL BUDGET – DCA, BUDGET OFFICE

Summary

Harmony DeFilippo, Budget Analyst with the Department of Consumer Affairs Budget Office, will provide an overview of the LATC's budget and fund condition.

Action Requested

To review and discuss the LATC's budget for Fiscal Year (FY) 2021/22.

Attachments

1. LATC FY 2021/22 Budget Overview
2. LATC FY 2021/22 Revenue Projection Report
3. LATC FY 2021/22 Expenditure Projection Report
4. LATC Fund Condition



Gavin Newsom,
Governor

Landscape Architects Technical Committee (LATC)

Authorized Positions:
LATC: 5.5

Vacancies: (as of January 1, 2022)
LATC: 2

Revenues:

	<u>Estimated Revenues</u>	<u>Projected YE \$</u>
<u>LATC:</u> FY 2021-22 <i>*projected figures</i>	\$846,000	\$844,000*

Expenditures:

	<u>Appropriation \$</u>	<u>Projected YE \$</u>	<u>%</u>	<u>Reverted Savings:</u>
<u>LATC:</u> FY 2021-22: <i>*projected figures</i>	\$1,293,000	\$1,128,313*	12.74%*	\$164,687*

Fund Condition Statement: FY 2021-22

- LATC's fund is scheduled to have **\$887** in reserves equating to **8.8** operating months.

Department of Consumer Affairs

Revenue Projection Report

Reporting Structure(s): 11110320 Landscape Architects Committee

Fiscal Month:

Fiscal Year: 2021 - 2022

Run Date: 01/12/2022

Revenue

Fiscal Code	Line Item	Budget	July	August	September	October	November	December	January	February	March	April	May	June	Year to Date	Projection To Year End
	Delinquent Fees	\$9,000	\$800	\$600	\$800	\$1,000	\$2,000	\$800	\$800	\$800	\$800	\$800	\$800	\$800	\$5,200	\$10,800
	Other Regulatory Fees	\$2,000	\$188	\$60	\$60	\$15	\$15	\$203	\$391	\$203	\$391	\$203	\$203	\$15	\$338	\$1,947
	Other Regulatory License and Permits	\$108,000	\$4,800	\$9,960	\$11,060	\$2,710	\$6,665	\$10,265	\$10,300	\$10,265	\$10,300	\$10,265	\$10,300	\$10,265	\$35,195	\$107,155
	Other Revenue	\$0	\$0	\$425	\$0	\$818	\$0	\$0	\$818	\$0	\$0	\$818	\$0	\$0	\$1,243	\$2,878
	Renewal Fees	\$716,000	\$51,200	\$79,000	\$77,800	\$71,600	\$131,000	\$52,000	\$52,000	\$52,000	\$52,000	\$52,000	\$25,000	\$25,000	\$410,600	\$720,600
	Revenue	\$835,000	\$56,988	\$90,045	\$89,720	\$76,143	\$139,680	\$63,268	\$64,309	\$63,268	\$63,491	\$64,086	\$36,303	\$36,080	\$452,576	\$843,380

Department of Consumer Affairs

Expenditure Projection Report

California Architects Board

Reporting Structure(s): 11110320 Landscape Architects Committee

Fiscal Month: 5

Fiscal Year: 2021 - 2022

Run Date: 01/12/2022

PERSONAL SERVICES

Fiscal Code	Line Item	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5100	PERMANENT POSITIONS	\$260,287	\$338,000	\$28,417	\$140,319	\$0	\$140,319	\$359,104	-\$21,104
5100	TEMPORARY POSITIONS	\$0	\$6,000	\$0	\$0	\$0	\$0	\$0	\$6,000
5105-5108	PER DIEM, OVERTIME, & LUMP SUM	\$1,500	\$3,000	\$0	\$300	\$0	\$300	\$1,500	\$1,500
5150	STAFF BENEFITS	\$175,378	\$207,000	\$18,522	\$89,417	\$0	\$89,417	\$228,836	-\$21,836
	PERSONAL SERVICES	\$437,165	\$554,000	\$46,939	\$230,036	\$0	\$230,036	\$589,440	-\$35,440

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5301	GENERAL EXPENSE	\$8,879	\$34,000	\$6,175	\$8,705	\$245	\$8,950	\$11,150	\$22,850
5302	PRINTING	\$1,589	\$16,000	\$0	\$1,785	\$507	\$2,292	\$2,792	\$13,208
5304	COMMUNICATIONS	\$1,145	\$5,000	\$124	\$320	\$0	\$320	\$1,100	\$3,900
5306	POSTAGE	\$109	\$12,000	\$0	\$0	\$0	\$0	\$100	\$11,900
5308	INSURANCE	\$75	\$0	\$0	\$0	\$0	\$0	\$75	-\$75
53202-204	IN STATE TRAVEL	\$3,226	\$14,000	\$669	\$4,566	\$0	\$4,566	\$10,566	\$3,434
53206-208	OUT OF STATE TRAVEL	\$0	\$0	\$690	\$1,434	\$0	\$1,434	\$1,434	-\$1,434
5322	TRAINING	\$0	\$3,000	\$0	\$0	\$0	\$0	\$1,000	\$2,000
5324	FACILITIES	\$56,383	\$25,000	\$4,628	\$23,011	\$32,704	\$55,714	\$57,721	-\$32,721
53402-53403	C/P SERVICES (INTERNAL)	\$34,881	\$28,000	\$220	\$25,901	\$0	\$25,901	\$64,217	-\$36,217
53404-53405	C/P SERVICES (EXTERNAL)	\$34,718	\$304,000	\$2,220	\$12,115	\$15,649	\$27,764	\$92,198	\$211,802
5342	DEPARTMENT PRORATA	\$166,350	\$213,000	\$0	\$107,500	\$0	\$107,500	\$213,000	\$0
5342	DEPARTMENTAL SERVICES	\$26,278	\$30,000	\$27	\$15,093	\$0	\$15,093	\$31,268	-\$1,268
5344	CONSOLIDATED DATA CENTERS	\$1,163	\$1,000	\$1	\$11	\$0	\$11	\$1,163	-\$163
5346	INFORMATION TECHNOLOGY	\$4,206	\$40,000	\$2,716	\$2,716	\$0	\$2,716	\$42,267	-\$2,267
5362-5368	EQUIPMENT	\$25,630	\$14,000	\$0	\$0	\$0	\$0	\$8,823	\$5,177
54	SPECIAL ITEMS OF EXPENSE	\$652	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	OPERATING EXPENSES & EQUIPMENT	\$365,283	\$739,000	\$17,470	\$203,156	\$49,105	\$252,261	\$538,873	\$200,127

OVERALL TOTALS		\$802,448	\$1,293,000	\$64,409	\$433,192	\$49,105	\$482,297	\$1,128,313	\$164,687
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12.74%

0757 - Landscape Architects Technical Committee**(Dollars in Thousands)****2022-23 Governor's Budget with CY 2021-22 Expenditure and Revenue Projections Based on FM 5**

	PY 2020-21	CY 2021-22	BY 2022-23	BY+1 2023-24
BEGINNING BALANCE	\$1,316	\$1,254	\$887	\$520
Prior Year Adjustment	-\$15	\$0	\$0	\$0
Adjusted Beginning Balance	\$1,301	\$1,254	\$887	\$520
 REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues				
4121200 - Delinquent fees	\$10	\$11	\$9	\$9
4127400 - Renewal fees	\$724	\$721	\$716	\$716
4129200 - Other regulatory fees	\$3	\$2	\$2	\$2
4129400 - Other regulatory licenses and permits	\$83	\$107	\$108	\$108
4163000 - Income from surplus money investments	\$8	\$3	\$2	\$0
4173500 - Settlements and judgements	\$1	\$0	\$0	\$0
Totals, Revenues	\$829	\$844	\$837	\$835
General Fund Transfers and Other Adjustments				
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$829	\$844	\$837	\$835
 TOTAL RESOURCES	\$2,130	\$2,098	\$1,724	\$1,355

	PY 2020-21	CY 2021-22	BY 2022-23	BY+1 2023-24
EXPENDITURES AND EXPENDITURE ADJUSTMENTS				
Expenditures:				
1111 Program Expenditures (State Operations)	\$802	\$1,128	\$1,117	\$1,151
9892 Supplemental Pension Payments (State Operations)	\$16	\$16	\$16	\$16
9900 Statewide Pro Rata	\$58	\$67	\$71	\$71
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$876	\$1,211	\$1,204	\$1,238
FUND BALANCE				
Reserve for economic uncertainties	\$1,254	\$887	\$520	\$117
Months in Reserve	12.4	8.8	5.0	1.1

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.

Expenditure growth projected at 3% beginning BY +1.

CY revenue and expenditures are projections based on FM 5

AGENDA ITEM H: REVIEW AND DISCUSS 2021 LEGISLATION

Summary

An update to the 2021 legislative items listed below will be presented to the LATC.

Action Requested

None

Attachment

AB 1010 (Berman) Architects: Continuing Education



AB-1010 Architects: continuing education. (2021-2022)

SHARE THIS:  

Date Published: 09/17/2021 09:00 PM

Assembly Bill No. 1010

CHAPTER 176

An act to amend Section 5600.05 of the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1010, Berman. Architects: continuing education.

Existing law, the Architects Practice Act, provides for the licensure and regulation of architects by the California Architects Board. Existing law requires a person licensed to practice architecture to complete, as a condition of license renewal, 5 hours of coursework regarding disability access requirements and provides that the coursework shall be presented by trainers or educators with knowledge and expertise in these requirements. Existing law further requires the board to promulgate regulations to establish qualifications for courses and course providers by January 1, 2023.

This bill would additionally require a person licensed to practice architecture to complete, as a condition of a license renewal occurring on or after January 1, 2023, 5 hours of coursework regarding zero net carbon design and would require the board to adopt regulations to establish qualifications for those courses and course providers by July 1, 2024.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 5600.05 of the Business and Professions Code is amended to read:

5600.05. (a) (1) As a condition of license renewal, a licensee shall complete continuing education coursework pursuant to paragraph (2).

(2) (A) Five hours of coursework regarding disability access requirements. The coursework shall include information and practical guidance concerning requirements imposed by the federal Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws. Coursework provided pursuant to this subparagraph shall be presented by trainers or educators with knowledge and expertise in these requirements. The board shall promulgate regulations to establish qualifications for courses and course providers by January 1, 2023.

(B) Five hours of coursework regarding zero net carbon design for all renewals occurring on or after January 1, 2023. The coursework shall be presented by trainers or educators with knowledge and expertise in these design requirements. The board shall adopt regulations to establish qualifications for courses and course providers by July 1, 2024.

(b) The board may audit the records of a licensee to verify the completion of the coursework requirements of subdivision (a). A licensee shall maintain records of completion of the required coursework for two years from the date of license renewal, containing the following information: course title, subjects covered, name of provider and trainer or educator, date of completion, number of hours completed, and a statement about the trainer's or educator's knowledge and experience background. A licensee shall make those records available to the board for auditing upon request. A licensee who provides false or misleading information as it relates specifically to the requirements of this subdivision shall be subject to an administrative citation, which may include an administrative fine pursuant to Section 125.9, or to disciplinary action by the board.

(c) The board shall audit at least 3 percent of the license renewals received each year to verify the completion of the continuing education requirements of this section.

(d) A continuing education provider may submit evidence of coursework to the board directly.

AGENDA ITEM I: PRESENTATION BY DCA OFFICE OF PROFESSIONAL EXAMINATION SERVICES (OPES) ON EXAMINATION PERFORMANCE STATISTICS FOR SECTIONS 1 AND 2 OF THE LANDSCAPE ARCHITECT REGISTRATION EXAMINATION

Summary

At their August 4, 2021 meeting, the Landscape Architects Technical Committee (LATC) requested the Office of Professional Examination Services (OPES) to perform an analysis of passing rates for the Landscape Architect Registration Examination (LARE) before and after a 2012 change in policy. The 2012 policy change allowed candidates to take Sections A and B of the LARE immediately after obtaining an approved degree or extension certificate, i.e., before completing six years of qualifying education and training experience. In late 2012, the LARE was restructured and Sections A and B were renamed as Sections 1 and 2.

Findings of the passing rates analysis will be presented by OPES at today's meeting.

Action Requested

Discuss and possible action on presentation by OPES.

Attachment

OPES Memorandum dated December 30, 2021 Regarding Passing Rates for the LARE Before and After 2012 Policy Change



MEMORANDUM

DATE	December 30, 2021
TO	Trish Rodriguez, Program Manager Landscape Architects Technical Committee
FROM	<i>Robert Calvert</i> Robert Calvert, Ph.D., Research Data Specialist II Office of Professional Examination Services
SUBJECT	Passing Rates for the Landscape Architect Registration Examination (LARE) Before and After 2012 Policy Change

The Landscape Architects Technical Committee (LATC) requested the Office of Professional Examination Services (OPES) to perform an analysis of passing rates for the Landscape Architect Registration Examination (LARE) before and after a 2012 change in policy. The 2012 policy change allowed candidates to take Sections A and B of the LARE immediately after obtaining an approved degree or extension certificate, i.e., before completing six years of qualifying education and training experience.

To accomplish this analysis, LATC provided OPES with the passing rates for administrations of the LARE between 2010 and 2014. Data had been aggregated, so individual level analysis was not possible.

OPES analyzed the difference in passing rates between the candidates taking the LARE in 2010–12 and those taking it in 2013–14. The analysis was made for passing rates for Sections A and B combined; for Section A alone; and for Section B alone.

When Sections A and B are combined, the sample size is large enough for valid detection of statistically significant differences in passing rates between the 2010–12 and 2013–14 groups. The analysis shows *no* statistically significant difference (see Table 1). Therefore, there is not sufficient evidence to support the claim that the 2012 policy change resulted in decreased passing rates for candidates.

TABLE 1 – Pre- and Post-2012 Pass Rates for Sections A and B Combined

	2010–12	2013–14
Sections A and B Pass	459	392
Sections A and B Fail	204	182
Pass %	69%	68%

For Section A analyzed individually, there is a small but statistically significant difference in passing rates between the 2010–12 and 2013–14 groups (see Table 2).

TABLE 2 – Pre- and Post-2012 Pass Rates for Section A

	2010–12	2013–14
Section A Pass	235	210
Section A Fail	61	80
Pass %	79%	72%

However, there are also significant differences in the passing rates for Section A within the 2010–12 group and within the 2013–14 group (see Table 3).

TABLE 3 – June 2010 to December 2014 Pass Rates for Section A

	Date of LARE Administration										
	June 2010	Dec. 2010	June 2011	Sep. 2011	Sep. 2012	Apr. 2013	Aug. 2013	Dec. 2013	Apr. 2014	Aug. 2014	Dec. 2014
Sec. A Pass	47	51	60	43	34	44	23	30	33	41	39
Sec. A Fail	21	9	12	7	12	12	12	10	13	19	14
Pass %	69	85	83	86	74	79	66	75	72	68	74

NOTE: Shaded cells indicate the 2010–12 group; unshaded cells indicate the 2013–14 group.

Given the variation in passing rates within the Section A pre-2012 and post-2012 groups, it is unlikely that the small difference in passing rates between the two groups is exclusively due to the 2012 policy change.

The probability is higher that the difference in passing rates is due partly to the 2012 change in policy, partly to variation in difficulty between LARE test forms, and partly to other factors that are not controlled for or even known, such as changes in candidate education and training. Because other factors likely contributed to the small difference in Section A passing rates, there is insufficient data present to conclude or reasonably infer that the difference is due to the 2012 policy change.

For Section B analyzed individually, no statistically significant difference was found.

Finally, the content and scoring of the LARE have changed since 2010–14, and therefore this analysis is unlikely to apply to current passing rates.

If you have any questions about the content of this memo, I can be reached at Robert.Calvert@dca.ca.gov.

cc: Heidi Lincer, Ph.D., OPES Chief

AGENDA ITEM J: DISCUSS AND POSSIBLE ACTION ON COUNCIL OF LANDSCAPE ARCHITECTURAL REGISTRATION BOARDS' UNIFORM STANDARDS, AND PRE-APPROVAL PROCESS

The 2021 Council of Landscape Architectural Registration Boards (CLARB) Annual Meeting was held on September 22-24, 2021 in Phoenix, Arizona. During the meeting, Member Boards elected new CLARB leadership, met with regional representatives, and heard updates on CLARB activities with a focus on their ongoing initiative to implement a uniform standard across licensing jurisdictions.

Summary

In exploring application efficiencies, CLARB initiated a Rethink Regulation Initiative which has an overarching goal to reduce friction in the licensure process. At the September 4, 2020 LATC meeting, CLARB representatives presented an overview of the proposed standardization recommendations and explained that CLARB is exploring a Uniform Standard for Licensure (Uniform Standard) enabling mobility; eliminating duplication in documentation; and efficiencies for licensure by allowing for administrative approval with a predetermined set of requirements which would enable an applicant to directly apply and register to take the LARE with CLARB. CLARB informed the LATC that the Uniform Standard includes education, experience, and examination, however, it permits candidates to take the LARE with a Landscape Architectural Accreditation Board (LAAB) accredited degree and gain experience prior to licensure rather than prior to examination.

On September 17, 2021 LATC Chair Jon S. Wreschinsky wrote to the CLARB President addressing several discrepancies between California's current licensure requirements and CLARB's proposed Uniform Standard (Attachment J.1).

On November 9, 2021 CLARB staff provided a California-specific analysis, conducted by their legal consultant, to confirm discrepancies between California's current licensure requirements and CLARB's proposed Uniform Standard. LATC Chair Jon S. Wreschinsky responded to CLARB's analysis via letter on December 27, 2021 (Attachment J.2). In which, he further noted that "alternative pathway" under the proposed Uniform Standard is ill-defined and does not address a number of issues requiring further discussion prior to adoption, including standardization of alternative education pathways with emphasis on landscape architecture associate degrees and non-accredited four-year degree programs.

On January 12, 2022 CLARB announced it will hold a membership vote on the Uniform Standard during the Mid-Year Update on April 20, 2022. CLARB has asked Member Boards to

review the attached Uniform Standard Voting Package (Attachment J.3) and submit the included Letter of Credential by April 19, 2022. The credentialed representative will vote on behalf of LATC during the Mid-Year Update on April 20, 2022. All LATC members are invited to attend the virtual meeting, however only the credentialed delegate may participate in the vote.

Action Requested

Discuss and possible action on CLARB uniform standards, and pre-approval process.

Attachments

1. LATC Comment on CLARB Uniform Standard dated September 17, 2021
2. LATC Response to CLARB Uniform Standard Follow-up California Analysis dated December 27, 2021
3. Uniform Standard Voting Package for April 20, 2022 CLARB Mid-Year Update



September 17, 2021

Mr. Cary Baird, President
Council of Landscape Architectural Registration Boards
1840 Michael Faraday Drive, Suite 200
Reston, Virginia 20190

RE: CLARB Uniform Standards

Dear Mr. Baird:

I am writing you on behalf of the Landscape Architects Technical Committee (LATC) to encourage the Council of Landscape Architectural Registration Boards (CLARB) to consider the following comments regarding the Uniform Standards that were introduced during the CLARB Regional meetings on August 12, 2021.

The standards identify two pathways to licensure; one with a Landscape Architectural Accreditation Board (LAAB)/Landscape Architecture Accreditation Council (LAAC) accredited landscape architecture degree, 2 years of experience, and passage of the Landscape Architect Registration Examination (LARE); and the second pathway presented as 8 years of experience which can include other educational certification/institutions up to two years and passage of the LARE. The second pathway would be more restrictive than California's proposed 6 years of experience for an experience-only pathway. Furthermore, CLARB's uniform procedures recommend allowing candidates with an accredited degree to sit for all sections of the LARE prior to obtaining practical experience, a procedure California strongly opposes. The experience component exposes candidates to the breadth of the profession and important health, safety, and welfare issues. LATC feels that experience prior to examination supports competency, reduces potential liabilities and ultimately increases public protection.

During their August 4, 2021 meeting, LATC further discussed proposed CLARB Uniform Standards Options with a focus on identifying possible discrepancies between the proposed options and existing California law. It was noted that all four options announced by CLARB at that time, do not align with existing California law which requires candidates to document qualifying education and/or training experience credit and obtain pre-approval by the LATC prior to sitting for any section of the LARE.

LATC would like to take this opportunity to remind CLARB and CLARB Member Boards of the current examination prerequisites of California. California candidates must verify at least two years (3,000 hours) of qualifying training experience credit as outlined in California Code of Regulations section 2620 (Education and Training Credits) prior to sitting for LARE sections 3 (Design) and 4 (Grading, Drainage and Construction Documentation).

Additionally, the findings of a recent analysis conducted by the California Department of Consumer Affairs, Office of Professional Examination Services (OPES) were presented at the

August 4 LATC meeting. OPES reviewed 2018-2020 LARE pass rates to identify any notable discrepancies between section pass rates of California candidates and national averages. Further data collection and analysis is required and will be discussed at a future LATC meeting.

The September 21-24, 2021 CLARB Annual Meeting agenda includes discussing implementation of the standards “rolled out” during the regional meetings. Having now had the time to review and understand the proposed changes, we hope CLARB will give these concerns thorough consideration.

Sincerely,



JON WRESCHINSKY
Chair

cc: Matthew M. Miller, CLARB Chief Executive Officer
CLARB Member Board Members
CLARB Member Board Executives



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



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.

ACE/Attachment: Sample credentials letter for reproduction on Board letterhead

DATE: _____

TO: CLARB Board of Directors

FROM: _____

(Member Board)

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

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

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

NAME

POSITION

In addition, the following representatives will be in attendance:

Signed by: _____

Name

Title



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

Submitted to: The CLARB Membership

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

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

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

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

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

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

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

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

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

CLARB

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

Submitted to: **The CLARB Membership**

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

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

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

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

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



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

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

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

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

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

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

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

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

CLARB

Resolution #3

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

Submitted to:

The CLARB Membership

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

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

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

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

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

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

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



CLARB Board of Directors Supporting Statement for Resolutions #3

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

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

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

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

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

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

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

CLARB

Uniform Standard Executive Summary

Why the Need for Change?

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

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

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

What is in the Uniform Standard?

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

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

Documents for Your Board's Review and Consideration

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

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

CLARB Uniform Licensure Standard for Landscape Architecture [2022]

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

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

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

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

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

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

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

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

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

* * * * *

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

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

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
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 - c. [Redlined with color-coded changes](#)
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5. [Letter of Credential](#)

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

Model Law

Council of Landscape Architectural Registration Boards

Updated: December 2021
Last Approved: September 2017

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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

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

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

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

Section 106

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

Throughout the document defined terms are capitalized.

Architectural services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 106(BB)

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

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

affecting public health, safety and welfare.

Article II - Board of Landscape Architecture

Section 201. Delegation of Authority.

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

Section 201

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

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Section 202

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

within the scope of board duties and responsibilities.

Section 204. Board Member Appointment and Oversight by Governor.

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

Section 204

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

Section 205. Terms.

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

Section 206. Board Member Vacancies.

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

Section 207. Removal of Board Member.

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

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

Section 205

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

Section 206

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

Section 207

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

Section 208. Organization of the Board.

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

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

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

Section 209. Executive Director and Employees of Board.

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

Section 210. Compensation of Board Members.

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

Section 211. Meetings of Board.

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

Section 211

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

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

Section 212. Regulations Governing Licensure and Practice.

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

Section 213. Powers and Duties Delegated to Board.

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

Section 212

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

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

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

Section 213

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

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

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

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

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

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

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

oath the Board is authorized by law to administer.

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

E. Recovery of Costs and Assessment of Fines.

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

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

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

Section 213(E)

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

terms of payment.

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

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

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

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

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

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

Section 213(G)

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

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

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

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

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

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

Section 213(H)(ii)

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

Section 213(I)

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

Section 214 Source of Data

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

Article III. - Licensing.

Section 301. Unlawful Practice.

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

Section 214

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

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

Section 301(C) and (D)

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

Section 301(E)

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

Section 302

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

Section 302. Qualifications for Licensure.

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

B. Examinations and Examination Attempts

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

Section 303. Qualifications for Certificate of Authorization

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

Section 302(B)

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

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

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

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

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

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

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

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

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

Section 304. Qualifications for Practice under Disaster Declaration

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

Section 305. Requirement of Continuing Competence.

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

Section 306. Requirements for Licensure Renewal.

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

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

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

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

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

Section 304

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

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

Section 308. Inactive License.

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

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

Article IV Discipline.

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

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

Section 401

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

Architecture, including engaging in improper or fraudulent billing practices.

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

Section 401(A)(xvi)

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

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

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

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

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

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

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

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

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

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

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

Section 402. Summary Suspension.

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

Section 402

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

Article V. - Mandatory Reporting.

Section 501. Requirement to Report.

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

Section 502. Reporting Other Licensed Professionals.

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

Section 503. Reporting by Courts.

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

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

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

Section 505. Reporting Deadlines; Forms.

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

Section 506. Immunity for Reporters.

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

Article VI Other.

Section 601. Severability.

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

Section 602. Effective Date.

This Act is effective on [date].

Model Regulations

Council of Landscape Architectural Registration Boards

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

DRAFT

CLARB

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PREFACE

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

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

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

INTRODUCTION

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

103.10 PURPOSE.

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

104.10 PRACTICE OF LANDSCAPE ARCHITECTURE.

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

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

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

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

105.10 ACTIVITIES NOT SUBJECT TO THE ACT.

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

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

106.10 DEFINITIONS.

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

213.10 POWERS AND DUTIES DELEGATED TO BOARD.

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

213.11 PROFESSIONAL PRACTICE.

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

A. Competence.

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

B. Conflict of Interest.

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

C. Full Disclosure.

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

D. Compliance with Laws.

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

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

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

E. Professional Conduct.

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

213.12 FEES FOR SERVICES.

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

213.13 OTHER POWERS AND DUTIES OF THE BOARD.

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

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

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

213.14 SEALS.

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

[INSERT SPECIMEN SEAL IMPRINT]

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

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

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

214.10 SOURCE OF DATA.

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

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

302.10 QUALIFICATIONS FOR LICENSURE.

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

302.11 APPROVED EDUCATION PROGRAMS.

Select either option 1: Dynamic Incorporation.

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

Or option 2: Static Incorporation by Reference

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

Or option 3: Direct Incorporation

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

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

R. 302.11 and R. 302.12

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

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

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

302.12 EXPERIENCE SUPERVISION REQUIREMENTS.

Select either option 1: Dynamic Incorporation

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

Or option 2: Static Incorporation by Reference

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

Or option 3: Direct Incorporation

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

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

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

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

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

302.13 EXAMINATIONS.

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

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

303.10 QUALIFICATIONS FOR CERTIFICATE OF AUTHORIZATION.

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

305.10 REQUIREMENTS OF CONTINUING COMPETENCE.

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

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

305.11 APPROVED PROVIDERS OF CONTINUING EDUCATION.

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

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

306.10 REQUIREMENTS FOR LICENSURE RENEWAL.

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

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

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

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

310.10 LICENSE STATUSES.

A. The following License statuses shall apply:

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

501.10 MANDATORY REPORTING.

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

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

701.10 SEVERABILITY.

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

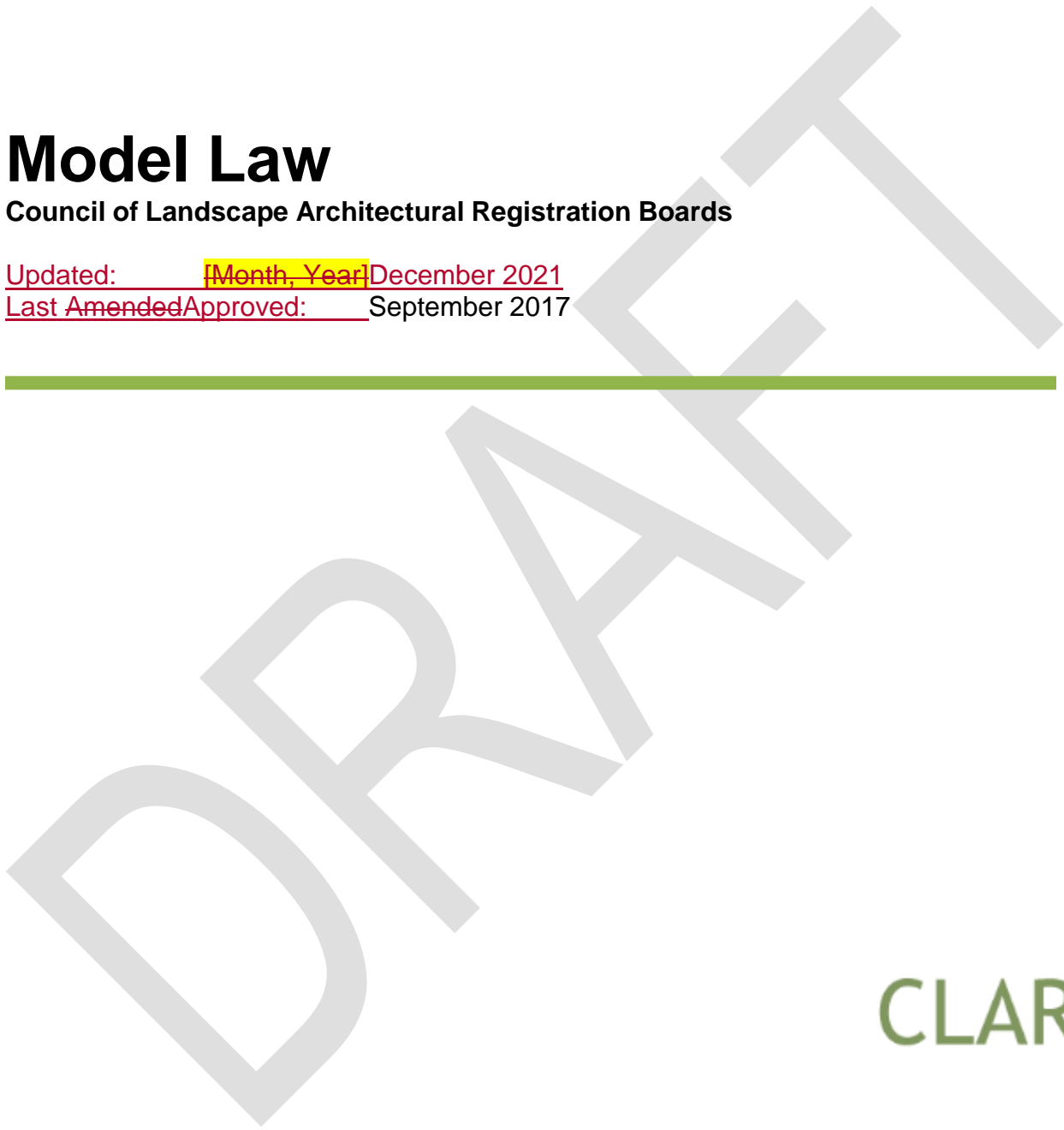
Disclaimer: This document is a draft of the Model Law and Model Regulations for Landscape Architecture until approved by the CLARB membership. The information contained in this document is for review by CLARB members only.

Model Law

Council of Landscape Architectural Registration Boards

Updated: [Month, Year] December 2021

Last Amended/Approved: September 2017



CLARB

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- 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.

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

How CLARB Member Boards Benefit from the Model Law

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

The Model Law includes the following sections:

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

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

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

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Article I - Title, Purpose, and Definitions

Section 101. Title of Act.

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

Section 102. Legislative Declaration.

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

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

Section 103. Statement of Purpose.

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

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Sections 102 and 103

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

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

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

Section 104

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

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

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

Section 104. Practice of Landscape Architecture.

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

Section 105. Activities Not Subject to the Act.

This Act does not apply to:

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

Section 106. Definitions.

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

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

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Section 105

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

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

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

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

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

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

- D. **Approved Program of Continuing Education** — an educational program offered by an Approved Provider of Continuing Education.
- E. **Approved Provider of Continuing Education** — any professional association or society, university, college, corporation, or other entity approved by the Board to provide educational programs designed to ensure continued Competence in the practice of Landscape Architecture.
- F. **Board** — the legislatively created Board granted the authority to enforce the [State Jurisdiction] Landscape Architects Practice Act.
- G. **Business Entity** — any firm, partnership, sole proprietorship, association, limited liability company, or corporation organized by and registered in [State Jurisdiction] to provide or offer Landscape Architectural services.
- H. **Certificate of Authorization** — a certificate issued by the Board to a Business Entity permitting it to offer or provide Landscape Architectural services.
- I. **CLARB** — the Council of Landscape Architectural Registration Boards.
- L. CLARB Uniform Licensure Standard — the current version of the CLARB Uniform Licensure Standard for Landscape Architecture adopted by the CLARB Member Boards, or a successor policy document published by CLARB and adopted by its Member Boards that sets forth standardized licensure requirements for landscape architecture.
- J.K. Client — a Person, group, or corporation that enters into an agreement with a licensed Landscape Architect or Business Entity to obtain Landscape Architectural services.
- K.L. Competence — applying knowledge and using affective, cognitive, and psychomotor skills required by Landscape Architects to deliver safe Landscape Architectural care in accord with accepted practice standards.
- L.M. Consultation — providing advice to or receiving advice from

Section 106

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

Throughout the document defined terms are capitalized.

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

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

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

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

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

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

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

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

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

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

T.—

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

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

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

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

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

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

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

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

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

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

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

Section 106 ~~(BBZ)~~

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

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

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

(ii)

Article II - Board of Landscape Architecture

Section 201. Delegation of Authority.

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

Section 201

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

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Section 202. Board Composition.

Landscape Architect Board Option

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

Composite Board Option

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

Section 202

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

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

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

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

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

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

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

Section 203. Qualifications for Board Membership.

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

Section 203

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

This section identifies eligibility criteria to serve on the board.

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

Section 204. Board Member Appointment and Oversight by Governor.

The Governor shall appoint members of the Board in accordance with

Section 204

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

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

Section 205. Terms.

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

Section 205

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

Section 206. Board Member Vacancies.

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

Section 206

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

Section 207. Removal of Board Member.

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

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

Section 207

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

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

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

Section 208. Organization of the Board.

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

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

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

Section 209. Executive Director and Employees of Board.

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

Section 210. Compensation of Board Members.

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

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Section 211. Meetings of Board.

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

Section 212. Regulations Governing Licensure and Practice.

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

Section 213. Powers and Duties Delegated to Board.

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

Section 211

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

Section 212

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

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

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

Section 213

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. Recovery of Costs and Assessment of Fines.

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

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

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

Section 213(E)

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

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

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

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

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

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

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

- i) Applications.

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Section 213(G)

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

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

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

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

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

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

Section 213(H)(ii)

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

Section 213(I)

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

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Section 214 Source of Data

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

Article III. - Licensing.

Section 301. Unlawful Practice.

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

Section 214

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

Section 301

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

Section 301(C) and (D)

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

Section 301(E)

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

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

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Section 302. Qualifications for Licensure.

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

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

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

(iii) **Payment of all fees specified by the Board****Examination: Pass**

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

Completion of an Approved Education Program.

Completion of experience under Supervision requirements established

Successful completion of the licensure Examination, as administered

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Section 302

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

Section 302(A)(B)

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

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

Section 302(BC)

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

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

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

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

~~Submission of a completed and signed application in the form determined by the Board.~~

~~Possession of good moral character as determined by the Board. and~~

~~Payment of all fees specified by the Board.~~

~~Documentation of United States citizenship or other recognized/permitted immigration status as required under [State] law or, in the absence of [State] law, applicable federal law.~~

~~Possession—when initially licensed as a Landscape Architect—of all qualifications necessary to have been eligible for licensure in this State at that time.~~

~~Demonstration that Applicant's professional licenses, in any State, are in Good Standing, or demonstration of Applicant's CLARB Certification.~~

B. Examinations and Examination Attempts

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

Section 303. Qualifications for Certificate of Authorization

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

- (i) At least one Principal is designated as in Responsible Charge for the activities and decisions relating to the practice of Landscape Architecture, is licensed to practice Landscape Architecture by the Board, and is a regular employee of, and active participant in, the Business Entity.

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

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

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

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

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

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

~~E.D.~~

Section 304. Qualifications for Practice under Disaster Declaration

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Section 304

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

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

Section 305. Requirement of Continuing Competence.

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

Section 306. Requirements for Licensure Renewal.

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

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

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

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

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

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

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

Section 30810. Inactive License.

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

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

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Article IV Discipline.

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

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

Section 401

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

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- b) In any statement regarding the **PersonLandscape Architect's** skills or value of any service/treatment provided, or to be provided.
- c) Using any false, fraudulent, or deceptive statement in connection with the practice of Landscape Architecture including, but not limited to, false or misleading advertising.
- (x) Licensee Fraud related to the practice of Landscape Architecture, including engaging in improper or fraudulent billing practices.
- (xi) Engaging in, or aiding and abetting any Person engaging in, the practice of Landscape Architecture without a License, or falsely using the title Landscape Architect, or a confusingly similar title.
- (xii) Failing to conform to accepted minimum standards of practice or failing to maintain a Landscape Architectural Business Entity at accepted minimum standards.
- (xiii) Attempting to use the License of another.
- (xiv) Failing to pay costs assessed in connection with a Board Adjudicatory Proceeding, or failing to comply with any stipulation or agreement involving probation or settlement of such Proceeding, or any order entered by the Board in such Proceeding.
- (xv) Conduct that violates the security of any Examination or Examination materials including, but not limited to:
 - (a) Removing from the Examination setting any Examination material without appropriate authorization.
 - (b) Unauthorized reproduction by any means of any portion of the **actual** Examination.
 - (c) Aiding by any means the unauthorized reproduction of any portion of the **actual** Examination.
 - (d) Paying, or using professional or paid examination-takers, for the purpose of reconstructing any portion of the Examination.
 - (e) Obtaining Examination questions or other

Section 401(A)(xvi)

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

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

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

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

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misconduct.

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

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

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

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

Section 402. Summary Suspension.

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

Section 402

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

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Article V. - Mandatory Reporting.

Section 501. Requirement to Report.

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

Section 5024. Reporting Other Licensed Professionals.

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

Section 5035. Reporting by Courts.

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

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

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

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Section 5057. Reporting Deadlines; Forms.

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

Section 5068. Immunity for Reporters.

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

Article VI Other.

Section 6701. Severability.

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

Section 6702. Effective Date.

This Act is effective on [date].

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- **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

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PREFACE

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

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

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

INTRODUCTION

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

103.10 PURPOSE.

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

104.10 PRACTICE OF LANDSCAPE ARCHITECTURE.

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

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

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

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

105.10 ACTIVITIES NOT SUBJECT TO THE ACT.

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

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

106.10 DEFINITIONS.

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

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Regulations].

213.10 POWERS AND DUTIES DELEGATED TO BOARD.

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

213.11 PROFESSIONAL PRACTICE.

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

A. Competence.

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

B. Conflict of Interest.

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

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

C. Full Disclosure.

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

D. Compliance with Laws.

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

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consideration or to make a political contribution or other gift in order to secure work, except for payment made to an employment agency for its services.

- (v) A Landscape Architect shall comply with the registration laws and regulations governing his or her professional practice in any jurisdiction.
- (vi) Each Landscape Architect shall cooperate with the Board in its investigation of complaints or possible violations of the [Jurisdiction STATE] Statutes or Regulations of the Board.
This cooperation shall include responding timely to written communications from the Board, providing any information or documents requested within 30 days of the date on which the communication was mailed, and appearing before the Board or its designee upon request.
- (vii) Landscape Architect shall not violate any order of the Board.

E. Professional Conduct.

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

213.12 FEES FOR SERVICES.

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

213.13 OTHER POWERS AND DUTIES OF THE BOARD.

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

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

213.14 SEALS.

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

[INSERT SPECIMEN SEAL IMPRINT]

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

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

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

214.10 SOURCE OF DATA.

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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.

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302.11 APPROVED EDUCATION PROGRAMS.

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

R. 302.11 and R. 302.12

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

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

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

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

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Any Bachelor's degree	2-years	3 years under the direct supervision of a Landscape Architect
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Other landscape architectural curriculum which has not been accredited by LAAB but has been evaluated and found to be of an equivalent standard, may be reviewed and accepted by the Board.

Select either option 1: Dynamic Incorporation.

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

Or option 2: Static Incorporation by Reference

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

Or option 3: Direct Incorporation

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

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

~~302.12~~ EXPERIENCE SUPERVISION REQUIREMENTS.

302.12

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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 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:

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

302.13 EXAMINATIONS.

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

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

303.10 QUALIFICATIONS FOR CERTIFICATE OF AUTHORIZATION.

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

305.10 REQUIREMENTS OF CONTINUING COMPETENCE.

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

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

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

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

305.11 APPROVED PROVIDERS OF CONTINUING EDUCATION.

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

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

306.10 REQUIREMENTS FOR LICENSURE RENEWAL.

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

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

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

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

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

310.10 LICENSE STATUSES.

A. The following License statuses shall apply:

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

501.10 MANDATORY REPORTING.

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

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

701.10 SEVERABILITY.

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

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CLARB

Uniform Licensure Standard for Landscape Architecture

FAQs for Members

What is CLARB's uniform standard?

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

The Uniform Licensure Standard for Landscape Architecture Summary:

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

The Uniform Licensure Standard for Landscape Architecture Details:

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

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

CLARB

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

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

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

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

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

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

CLARB

Background/Development Questions:

Why is CLARB developing a uniform standard?

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

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

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

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

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

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

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

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

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

CLARB

How was CLARB's uniform standard developed?

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

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

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

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

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

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

Research included:

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

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

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

CLARB

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

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

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

What are members voting on in April 2022?

Members will be voting on three resolutions in April 2022:

1. [Adoption of the CLARB Uniform Licensure Standard](#)
2. [Revisions to the CLARB Model Law and Regulations to align with the Uniform Licensure Standard](#)
3. [Revisions to the CLARB Model Law and Regulations to promote diversity, equity, and inclusion \(DEI\) in licensure standards and to align with CLARB's DEI principles.](#)

How does my Board vote?

In order to vote on the resolution, your Board must credential a board or staff member to vote on behalf of your board. Return your [Letter of Credential](#) to [Andrea Elkin](#) by April 19, 2022. **Your credentialed member must attend the Mid-Year Update on April 20, 2022, at 3 p.m. ET.** Your credentialed member will vote on behalf of your jurisdiction following a roll call.

Why are we proposing changes to the Model Law and Model Regulations?

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

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

CLARB

What exactly is changing in the Model Law and Model Regulations and how is it different than the current versions?

Model Law Changes

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

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

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

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

Model Regulations Changes

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

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

The Uniform Standard allows for alternative pathways to licensure, including through experience only. How can we explain that this is not "watering down" the requirements for licensure?

While the Uniform Standard may not align exactly with the requirements in your jurisdiction, in our research of requirements across the United States and Canada, we found that all but two jurisdictions allow for some sort of alternative pathway, either in regulation/statute or through enabling authority to consider other pathways. Specifically, 52% of CLARB's member boards allow for an experience-only pathway already. By adopting the Uniform Standard, CLARB member boards are taking a proactive approach to providing candidates with consistent, defensible licensure requirements that support mobility and diversity of the profession.

Implementation Questions:

How will the uniform standard impact my board and candidates?

The Uniform Standard promotes and supports defensible, consistent, and equitable requirements for landscape architectural licensure. Over time, we hope that the Uniform Standard will reduce confusion around getting licensed and the "licensure hopping" that candidates do, as well as increase defensibility or requirements to legislators, mobility for landscape architects and opportunities to increase diversity within the profession.

CLARB

In the short term, your jurisdiction will need to review your licensure requirements and possibly make changes to your statutes, regulations, or processes to align with the Uniform Standard. CLARB is here to help any jurisdictions that may need additional support to make these changes.

How will the uniform standard be implemented?

We realize that each jurisdiction has unique needs and may implement the Uniform Standard differently. CLARB's intent is that the requirements for landscape architecture licensure are consistent across jurisdictions. How each jurisdiction achieves this may be different.

To account for different ways of implementing the Uniform Standard, member boards will see three different approaches listed in the proposed [Model Regulations](#): Dynamic Incorporation, Static Incorporation by Reference, and Direct Incorporation. CLARB is here to help if you need additional support with figuring out the best approach for your jurisdiction.

When will my board be expected to implement the uniform standard if the Uniform Standard passes?

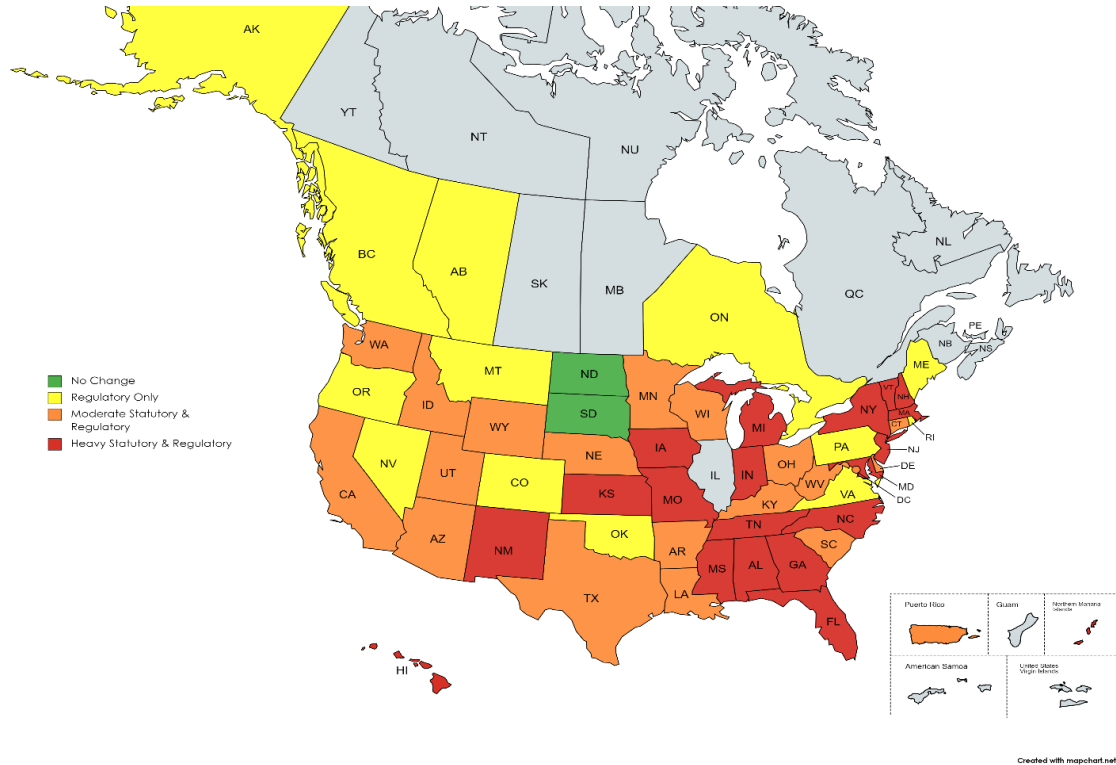
Approval of the Uniform Licensure Standard for Landscape Architecture creates a "best practice" or model standard for member boards to work toward. CLARB does not have a timeline requirement for boards to implement the Uniform Standard. CLARB will continue to work with boards and the necessary stakeholders to help implement the Uniform Standard in your jurisdiction at the time that is right for your board. We realize this is a marathon and not a sprint and will take time to get implementation in all our member boards.

Where do jurisdictions align with the Uniform Standard?

CLARB worked with Venable to analyze jurisdictional requirements against the Uniform Standard. The Venable analysis looked at three options for implementing the different aspects of the Uniform Standard: no change, regulatory change, or statutory and regulatory change. In order to provide consistency in the analysis, Venable used a conservative approach to their review of jurisdictional requirements.

This analysis allows CLARB to see what jurisdictions are going to require heavy statutory changes that will require additional time and resources due to needing approvals from the legislature and governor. An "effort map" was created to visualize the types of changes required. Jurisdictions with heavy statutory changes are in orange and red as statutory changes are a more robust process than regulatory changes.

CLARB



What if my board can't implement the uniform standard?

Approval of the Uniform Licensure Standard for Landscape Architecture just creates a “best practice” or model standard for member boards to work toward. While we want all members to strive for the implementing the Uniform Standard, we realize this will take time. CLARB will continue to work with boards and other necessary stakeholders to help implement the Uniform Standard in your jurisdiction at the time that is right for your board.

Opening up our statutes and/or regulations can open us up for other changes, why would we want to take that risk?

While it may seem like a risky move, making proactive, positive change can be seen as a win by legislators which is a good position to be in. With executive orders and sunset reviews your jurisdiction's statutes are likely coming under review anyway. It is best to be prepared and have a plan on updating your statutes vs leaving it up to the legislature or governor's office. The Uniform Standard is a good story to tell—you're making change to create consistency with other jurisdictions, increase access and mobility of the profession, and aligning with requirements that are based on data and research. This can be seen as a licensure reform “win” by the policy makers in your jurisdiction. CLARB will continue to work with boards and the necessary stakeholders to help implement the Uniform Standard in your jurisdiction at the time that is right for your board.

How can we justify to legislators reducing the number of years of experience required to get licensed without endangering the public?

The Uniform Standard was developed after thorough research, including looking at current licensure requirements and disciplinary data across the United States and Canada, candidate data at the time of

CLARB

licensure and surveying the profession. Across the data, two years of experience was sufficient for competent landscape architects to protect the health, safety, and wellbeing of the public. The Uniform Standard takes into account all the data and provides consistent paths to licensure across jurisdictions. Obtaining consistency in requirements (especially for the alternative paths) will reduce time and confusion to getting licensed and improve mobility. Administratively, it reduces barriers by not differentiating initial and reciprocal licenses.

How can we justify to legislators increasing the number of years of experience required to get licensed without creating more barriers to practice?

The Uniform Standard was developed after thorough research, including looking at current licensure requirements and disciplinary data across the United States and Canada, candidate data at the time of licensure and surveying the profession. Across the data, two years of experience was sufficient for competent landscape architects to protect the health, safety, and wellbeing of the public. While some candidates are competent with less experience, the research indicated that two years of experience is ideal for most candidates to be competent to practice at the time of licensure. Additionally, by the time candidates finish their education and exam requirements, they usually have at least two years of experience, so the requirement is not an impact to their time to licensure. By aligning with the Uniform Standard and obtaining consistency in requirements (especially for the alternative paths), your jurisdiction will reduce time and confusion to getting licensed and improve mobility. Administratively, it reduces barriers by not differentiating initial and reciprocal licenses.

General Questions:

Who should I contact if I have questions?

Any member of the Board (listed below), as well as CLARB staff, are available if you have questions.

CLARB Board Officers:

[Chuck Smith](#), President

[Cary Baird](#), Past President

[Carisa McMullen](#), President-Elect

[Joel Kurokawa](#), Treasurer

CLARB Staff:

[Veronica Meadows](#), Chief Strategy Officer

[Zach Druga](#), State Government Affairs and Advocacy Manager

[Andrea Elkin](#), PMO Manager

[Matt Miller](#), CEO

AGENDA ITEM K: REVIEW AND DISCUSS 2019-2021 STRATEGIC PLAN OBJECTIVES

The Committee will be provided an update on the status of the 2019-2021 Strategic Plan Objectives.

Attachment

2019-2021 Strategic Plan Objectives Tracker

Goal 1 – Regulation and Enforcement

Protect consumers through effective regulation and enforcement of laws, and standards affecting the practice of landscape architecture.

Objective 1.1 Review and assess the current Landscape Architects Practice Act to be consistent with related statutes and regulations.

Status: Objective Fulfilled

The following regulations were initiated to clarify and amend language. Review and assessment of the Practice Act will continue and be an on-going workload.

Completed Actions

(CCR 2671, Public Presentments and Advertising Requirements)

Staff proposed amendments to California Code of Regulations (CCR) section 2671 to include language requiring California licensed landscape architects include their license number on all forms of public presentments and advertisements for the rendition of landscape architectural services. This regulatory amendment became effective January 1, 2022.

(CCR 2611, Abandonment of Application; CCR 2611.5, Retention of Candidate Files; CCR 2616, Application for Licensure Following Examination)

Amendments to CCR section 2611 define the abandonment of an application and provide for the abandonment of an eligibility application for the Landscape Architects Registration Examination (LARE). CCR section 2611.5 was proposed to provide LATC with authority for the retention and purging of candidate files and include language defining “candidate file,” “examination,” and “inactive,” and provide the procedure for retaining and purging candidate files. Amendments to CCR section 2616 provide for the abandonment of a candidate’s application for initial licensure. This regulatory proposal was filed in the Office of the Secretary of State on December 13, 2021 and becomes effective April 1, 2022.

(BPC 5659, Inclusion of License Number – Requirement)

The Committee and Board approved proposed amendments clarifying that plans cannot be rejected solely on the grounds that they are stamped by a landscape architect in February 2020 and a legislative proposal was submitted in August 2020, however it was past the submittal deadline, and the legislative proposal was resubmitted in February 2021. In March 2021 the legislative proposal was removed from the omnibus bill due to avoid delay review for other programs. The legislative proposal will be resubmitted as a stand-alone bill in early 2022.

(CCR 2630 & 2630.2, Issuance and Appeal of Citations)

The Committee and Board approved proposed amendments in December 2020, however, during DCA Legal's initial analysis additional amendments were requested. The additional proposed amendments were approved by the Board in December 2021 and staff resubmitted the regulation package for initial analysis in January 2022. The estimated completion of this regulatory package is Fall 2022.

Objective 1.2 Research the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers.

Status: Objective Fulfilled

Completed Actions

(CCR 2671, Public Presentments and Advertising Requirements)

(CCR) section 2671 includes language requiring California licensed landscape architects include their license number on all forms of public presentments and advertisements for the rendition of landscape architectural services. This regulatory amendment became effective January 1, 2022. Information regarding the new requirement has been posted to LATC's website and it was posted to LATC's Twitter page.

Objective 1.3 Revise disciplinary guidelines, regulations, forms, and processes related to Assembly Bill 2138 to comply with statutory guidelines.

Status: Objective Fulfilled

Completed Actions

CCR sections 2655 (Substantial Relationship Criteria) & 2656 (Criteria for Rehabilitation)

Proposed amendments to CCR sections 2655 and 2656 include language related to Assembly Bill 2138 to comply with statutory guidelines that became operative on July 1, 2020. The bill requires boards, bureaus, and committees to amend their existing regulations governing substantially-related crimes or acts, and rehabilitation criteria. This regulatory change became effective on December 4, 2020.

CCR 2680 (Disciplinary Guidelines)

Proposed amendments to CCR section 2680 and the Disciplinary Guidelines incorporated by reference were approved by the Committee and Board in February 2019. Additional proposed amendments were approved by the Committee and the Board in August 2021 and September 2021, respectively. The regulatory package is with DCA Legal for initial analysis. The estimated approval of this package is Winter 2022.

Objective 1.4 Amend California Code of Regulations (CCR) section 2603 (delegation of certain functions) to align with the California Architects Board's (board's) CCR section 103 (delegation of certain functions) to streamline the disciplinary process.

Status: Objective Fulfilled

Completed Actions

CCR 2603 (Delegation of Certain Functions)

CCR section 2603 was repealed due to the addition of Business and Professions Code section 5620.2 addressing the delegation of certain functions to the executive officer of the California Architects Board which became effective January 1, 2020. Section 100 to repeal CCR section 2603 became effective March 9, 2021.

Objective 1.5 Publish an updated practice act booklet to provide the public and licensees with current information.

Status: Objective Fulfilled

Completed Actions

2021 Practice Act booklet published August 5, 2021

The 2021 Practice Act booklet is updated with rules and regulations in effect as of April 1, 2021. The new booklets are distributed at LATC student outreach events and included in initial licensure mailings to all new licensees.

Goal 2 – Professional Qualifications

Ensure that landscape architects are qualified to practice by setting and maintaining equitable requirements for education, experience, and examinations

Objective 2.1 Research the feasibility of a structured internship program to better prepare licensure candidates.

Status: Objective Fulfilled

Completed Actions

Correspondence to CLARB

LATC initially reached out to the Council of Landscape Architectural Registration Boards (CLARB) in late 2017 encouraging CLARB to consider developing a structured internship program. At the time, CLARB expressed that not enough information was available about the scope, depth and breadth of the issue raised by the LATC. As part of the 2019-2021 strategic plan LATC submitted another letter requesting CLARB to consider developing a structured internship program for prospective landscape architects. CLARB President Chuck Smith acknowledged receipt of the letter and advised that he will discuss the topic further with CLARB CEO and staff.

Objective 2.2 Research the need for continuing education for licensees through LATC, the American Society of Landscape Architects (ASLA), or another organization, to better protect the health, safety, and welfare of consumers.

Status: Objective Fulfilled

Completed Actions

Extensive research conducted and presented to LATC throughout 2020 and 2021. No evidence found to justify a current need for continuing education. LATC expressed interest in supporting ASLA's pursuit of continuing education requirement for license renewal and discussing this objective further during the LATC's next strategic planning session.

Objective 2.3 Conduct an occupational analysis to update the California Supplemental Examination to be more reflective of current standards.

Status: Objective Fulfilled – August 2020

Completed Action

The Office of Professional Examination Services (OPES) initiated the Occupational Analysis (OA) process by inviting subject matter experts (SMEs), who were currently active in the field, consisting of various backgrounds and years licensed, to participate in workshops. In January 2020, two workshops were conducted to develop an OA questionnaire which was administered to licensees with valid email addresses between March -April 2020. 571 of 3,215 surveyed or approximately 18% valid responses were collected. On June 5-6, 2020, OPES held a final workshop to define the association between data collected from the questionnaire and actual tasks performed in the landscape architect practice.

In August 2020, OPES completed the OA. The results of this OA will be used by OPES to perform a linkage study, once a review of the national Landscape Architect Registration Examination (LARE) is completed. The findings of the linkage study will be used to define the content of the California Supplemental Examination (CSE), form the basis for determining “minimum acceptable competence” as it relates to safe practice at the time of initial licensure, and develop a Test Plan.

Objective 2.4 Research regulations governing allied professionals to better understand their scope of practice as it relates to landscape architecture.

Status: Objective Fulfilled

Completed Action

Staff researched the scope of practice of allied professions (landscape contractors, architects, engineers, and land surveyors) to assist in the following objective to educate local jurisdictions on the scope of practice of landscape architects and the types of services they may provide. A summary was prepared of each of the scope of practices and the findings were presented to the Committee at its February 2020 meeting.

No further action was necessary or requested.

Goal 3 – Public and Professional Outreach

Increase public and professional awareness of LATC’s mission, activities, and services.

3.1 Educate the different jurisdictional agencies (state and local) about landscape architecture licensure and its regulatory scope of practice to allow licensees to perform duties prescribed within the regulations.

Status: Objective Fulfilled

Completed Actions

As a means of educating local jurisdictional agencies, staff revised the Landscape Architecture section of the Building Official Information Guide (Guide) and included information regarding the scope of practice of a landscape architect. The newly revised Guide was distributed both electronically and printed booklets mailed to building and planning departments throughout California. Additionally, the revised Guide was posted to LATC’s website.

Additionally, BPC section 5659 (Inclusion of License Number – Requirement) will be amended to clarify, “Plans and specifications shall not be rejected from filing with a local jurisdiction solely on the grounds of the presence of a stamp of a licensed landscape architect, as specified under this section.” This proposed amendment is in the process of being submitted to legislature as a stand-alone bill in 2022 and, if approved, will have an effective date of January 1, 2023.

3.2 Develop a social media content strategy to inform and educate the public.

Status: Objective Fulfilled

Completed Actions

To fulfill this objective, staff met with the Department of Consumer Affairs' Office of Public Affairs (OPA) and drafted a social media plan identifying: strategy objectives and goals; target audiences and topics; recommendations to enhance LATC's social media presence; examples of potential social media posts; and a timeline to begin implementing LATC's social media plan. LATC staff also attended training on January 24, 2019 covering introduction to social media, etiquette and best practices, and Twitter-specific tools and techniques for the management of the LATC Twitter account.

With the implementation of LATC's social media content strategy and training received, staff have continued to support LATC's goal to grow and enhance its social media presence through more frequent posts of relevant news and information, to reach licensees, candidates, and the public.

Objective 3.3 Increase social media presence to inform and educate licensees and the public and expand outreach.

Status: Objective Fulfilled

Completed Actions

To complete this objective LATC staff attended training covering introduction to social media, etiquette and best practices, and Twitter-specific tools and techniques for the management of the LATC Twitter account.

Goal 4 – Organizational Effectiveness

Provide accessible and responsive quality services to consumers and licensees.

Objective 4.1 Undertake business modernization activities to achieve a smooth transition to an integrated online information technology platform.

Status: Completed Stages 1-3. Stage 4 In Progress

Completed Actions

DCA Cohort 2 project members consisting of LATC, California Architects Board, Structural Pest Control Board, Cemetery and Funeral Bureau, and the Bureau of Household Goods and Services is in California Department of Technology's fourth and final stage of the Project Approval Lifecycle. The software vendor has been identified as InLumon. A solicitation for System Integration services was released in November 2021. A limited-term Associate Governmental Program Analyst position was approved to assist during project implementation and recruitment efforts for the position are underway. Project start is anticipated to commence in Spring 2022.

Objective 4.2 Develop an online tutorial to clarify the licensure process for candidates.

Status: Objective Fulfilled

Completed Actions

Staff worked with the Department of Consumer Affairs' Office of Public Affairs (OPA) to develop a set of video tutorials covering: candidate application for the licensure examinations; required education and training experience; and the initial licensure process. The videos were approved by LATC on December 2, 2020 and posted to the LATC website.

4.3 Prepare for sunset review hearing and responses to background paper.

Status: Objective Fulfilled

Completed Actions

The LATC completed the Sunset Review process and received legislative approval of Senate Bill 608 (Architects and Landscape Architects, Chapter 376, September 27, 2019) to extend its Sunset date until January 1, 2024.

AGENDA ITEM L: ELECTION OF 2022 COMMITTEE OFFICERS

Members of the Landscape Architects Technical Committee will nominate and elect a Chair and Vice Chair for 2022 at today's meeting.

AGENDA ITEM M: REVIEW OF FUTURE LATC MEETING DATES

A schedule of planned meetings and events for the remainder of 2022 are provided to the Committee.

<u>Date</u>	<u>Event</u>	<u>Location</u>
February 18	California Architects Board (Board) Meeting	Teleconference
April 1	LATC Meeting	TBD
May 20	Board Meeting	TBD
August 2	LATC Meeting	TBD
September 9	Board Meeting	TBD
September TBD	CLARB 2022 Annual Meeting	Atlanta, GA
November 1	LATC Meeting	TBD
November 11-14	ASLA 2022 Conference on Landscape Architecture	San Francisco
December 9	Board Meeting	TBD