

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio Landscape Architects Board

Regulation/Package Title: SB 68/Five Year Rule Review

Rule Number(s): 4703:1-1-01, 1-1-02, 1-1-04, 1-1-06, 1-2-01, 1-2-02, 1-3-04, 1-3-06,  
1-4-01

Date: July 14, 2014

**Rule Type:**

Amended

5-Year Review

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### **Regulatory Intent**

**1. Please briefly describe the draft regulation in plain language.**

*The rules included in this package govern the practice of landscape architecture. The rules are being proposed as a result of SB 68, HB 488, and Five Year Rule Review:*

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

**4703:1-1-01 Definitions:** *The definition of contact hour is removed, as it is duplicated in the continuing education rule. “Emeritus Landscape Architect” is added to the definitions per SB 68.*

**4703:1-1-02 Applications.** *Typographical errors are corrected. Section (C) (2) is removed as it is duplicated elsewhere in the rules.*

**4703:1-1-04 Renewal; restoration.** *Renewal dates changes from October 31 of odd years to December 31 of even years, pursuant to SB 68.*

**4703:1-1-06 Continuing education.**

- *List of recognized providers is updated.*
- *A definition of “qualified structured educational activity” is added.*
- *Carry-over of “excess hours” is eliminated. The Board has found during compliance audits that carry-over is widely misinterpreted. This results in non-compliance with the regulation. In addition, the annual meeting of the American Society of Landscape Architects will now fall into a single renewal period. Previously, it often overlapped two renewal periods and caused issues when attempting to carry-over.*
- *The exemption for military service now references the new rule on military licensing.*
- *An exemption is added for Emeritus.*
- *A confusing and unnecessary section on the CE requirements for reciprocal registrants is eliminated.*
- *Approved methods of fulfilling the CE requirement changes, and only structured courses will be allowed. The multiple methods previously allowed were widely misinterpreted, and as a result, often disallowed.*
- *Several policies are aligned with those of the Architects Board, which has found that their simplified rules have made compliance easier for architects.*
- *The makeup period for disallowed activities is changed from ninety to sixty days. More time is unnecessary as there are more free courses online for landscape architects than when the rule was first written.*

**4703:1-2-01 Requirements for registration by examination.** *Exam retake policy is deleted, as the scheduling of exams is now governed by the Council of Landscape Architectural Registration Boards.*

**4703:1-2-02 Registration by reciprocity.** *Policy on personal appearance is duplicated elsewhere in the chapter.*

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*4703:1-3-04 Code of conduct. No changes are proposed.*

*4703:1-3-06 Resident landscape architect required. No changes are proposed.*

*4703:1-4-01 Definitions (personal confidential information) The Board's name is updated, per SB 68.*

- 2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

*ORC 4703.33*

- 3. Does the regulation implement a federal requirement?** *No*

**Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?** *No*

*If yes, please briefly explain the source and substance of the federal requirement.*

- 4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.** *N/A*

- 5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

*Having state standards places the profession of landscape architecture on an equal footing with engineers and architects, thus increasing the profession's credibility, while protecting the health, safety and welfare of the public.*

- 6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

*A measurable outcome is available and is based upon the number of licenses issued annually and the revenue generated by licensing fees. This information is available in the Legislative Service Commission's annual Occupational Licensing and Regulatory Board Report.*

### **Development of the Regulation**

- 7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

*Prior to development of the proposed rules, comments were solicited from licensees and the Ohio Chapter of the American Society of Landscape Architects.*

- 8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

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*While only a few comments were received, they were positive and the majority focused on the creation of Emeritus Landscape Architect category.*

- 9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?** *N/A*
- 10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate?** *N/A If none, why didn't the Agency consider regulatory alternatives? The Board is the only entity regulating the profession of landscape architecture.*
- 11. Did the Agency specifically consider a performance-based regulation? Please explain.** *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance. N/A*
- 12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?** *The Board is the only entity regulating the profession of landscape architecture.*
- 13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.** *The Board will communicate the proposed and final changes via its newsletter, website and email.*

### **Adverse Impact to Business**

- 14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**
  - a. Identify the scope of the impacted business community;**  
*The impacted business community is registered landscape architects.*
  - b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**  
*Renewal fees are \$125 every two years; approximately one hour per month is required for the continuing education requirement. Fines are set by statute at a maximum of \$500.*
  - c. Quantify the expected adverse impact from the regulation.**  
*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a "representative business." Please include the source for your information/estimated impact.*

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*The change to structured educational activities will be an adjustment for educators who have been claiming teaching activities in lieu of structured methods or for persons serving on design review boards or zoning commissions and claiming those hours. It should be noted that while continuing education courses vary widely in cost and duration, the entire requirement can be completed online, and for free.*

**15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

*Compliance audits have shown the current continuing education regulation to have some confusing elements, which results in unintentional non-compliance. By simplifying the regulations, it will be easier to understand and to comply. In addition, there are more courses available now than when the regulation was first enacted, so the emphasis can be on the acquisition of new knowledge, skills and abilities.*

**Regulatory Flexibility**

**16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.** *Waivers of the CE requirement are available for medical conditions, hardship and other like causes. Extensions are available for military personnel/spouses.*

**17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?** *The Board does not issue fines for paperwork violations or first-time offenses. In addition, staff works closely with small businesses and individuals to achieve compliance.*

**18. What resources are available to assist small businesses with compliance of the regulation?** *The Board staff is available by phone or email to answer questions. In addition, the Board's website has a FAQ section.*

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## 4703:1-1-01 Definitions.

- (A) "Practice" - ample proof of executive and professional responsibility shall be a part of the evidence necessary to establish a record of professional practice. The rendering of landscape architectural services as defined in section 4703.30 of the Revised Code, shall have been the chief occupation of the applicant if said practice is used as a basis for claiming a record of landscape architectural practice.
- (B) "Experience" and "training" - are interchangeable terms meaning full-time or part-time employment in landscape architectural work. Employment may be under the direct supervision of an individual registered or licensed to practice landscape architecture under the laws of the state or country in which the work is performed.
- (C) "Principal" - a landscape architect who is a sole proprietor of, officer of, legal partner, director, designated landscape architect or shareholder in a firm, partnership, association, corporation, sole proprietorship or government agency. A "principal" is a member of a firm, sole proprietorship, or government agency who is legally liable for the landscape architectural activities of the firm, sole proprietorship or agency.
- (D) "Base state" - the state or other jurisdiction in which an applicant was originally registered or licensed and which maintains the original records of application and registration including education, experience and examination record, or the state to which these records have been transferred.
- (E) "Firm" - means any legally formed business organization providing landscape architectural services and includes sole proprietorships, partnerships, associations, corporations and limited liability companies.
- (F) "Government agency" - means an agency of federal, state, county or municipal government.
- (G) "Good moral character" - means not having been convicted of a crime involving moral turpitude, not having made misstatements or misrepresentation in connection with an application for registration or certificate of authorization, not having willfully violated any of the sections of the code of conduct required of certificate holders and set forth in the statutes or rules, and not having practiced landscape architecture without registration in violation of registration laws of the jurisdiction in which the practice took place.
- ~~(H) (H) "Contact hour" - a contact hour is at least fifty minutes of participation in an approved course or activity.~~
- ~~(H) (H) "Direct supervision" - means that degree of supervision by a person overseeing the work of another, whereby both perform their work in the same office, where personal contact is routine, and whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his/her supervision.~~
- (I) "Emeritus landscape architect" - an individual who has been registered to practice landscape architecture in this state for at least ten years, is fully retired from the practice of landscape architecture, and is at least sixty-five years old. An emeritus landscape architect is exempt from the continuing education and fee requirements of this chapter.

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**4703:1-1-02 Applications.**

(A) Applications for registration by examination.

- (1) All applications shall be made on forms provided by the board. Applications will be received at any time during regular business hours at the office of the board.
- (2) The application fee shall accompany the application.
- (3) Each applicant shall submit, with the formal applications, authentic proof of the statements made therein, by attaching such documentary evidence, affidavits, transcripts, diplomas published data, photographs, photocopies or any other sworn or proven evidence as, in the discretion of the board, may be sufficient to show the board that the applicant is clearly eligible under the section of the law upon which the application is based. The board reserves the right to retain, as a permanent part of the application, any or all documents submitted, which shall be properly marked for identification and ownership.
- (4) Personal appearance before the board, if required, shall be at the time and place designated by the board.
- (5) Failure to comply, within sixty days from date of written request from the board, for additional evidence or information, or to appear before the board, when such an appearance is deemed necessary by the board, may be considered as just and sufficient cause for disapproval of the application.
- (6) All ~~applications~~ applicants for registration by examination shall have an active "Council of Landscape ~~Architecture~~ Architectural Registration Boards" council record and shall have an official copy transmitted to the board prior to being registered.

(B) Application for registration by reciprocity.

- (1) Applications for registration under section 4703.35 of the Revised Code shall be made on forms provided by the board. Upon making application, the applicant shall cause their certification and council record to be transmitted to the board.
- (2) Personal appearance before the board, if requested by the board, shall be at the place and time designated by the board.

(C) Board action on applications.

- (1) All applications shall be considered by the board and that action recorded in the ~~minutes~~ minutes and a notation of said action placed with the application.

~~(2) If the board proposes to deny admission to the examination or to grant reciprocal registration, an applicant may file an appeal, within thirty days of the mailing of the notice of the action of the board, with the board to show cause as to why the board should grant admission to the examination or issue registration by reciprocity pursuant to sections 119.03 to 119.13 of the Revised Code.~~

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**4703:1-1-04      Renewal; restoration.**

- (A) Each landscape architect registered under sections 4703.30 to 4703.49 of the Revised Code shall apply to the state board of landscape architect examiners each ~~odd~~ even numbered year for the renewal of the landscape architect's registration which expires on the thirty-first day of ~~October~~ December and shall be renewed according to the standard renewal procedure set forth in Chapter 4745. of the Revised Code.

Each firm holding a certificate of authorization to provide landscape architectural services shall apply to the state board of landscape architect examiners each year for the renewal of the certificate which expires on the thirtieth day of June.

- (B) A certificate of qualification which has expired may be renewed within one year of the expiration of date by completing the renewal application form and returning it to the board with the renewal fee and a penalty of twenty five per cent.
- (C) An application for the restoration of a certificate of qualification, which has been expired for more than one year, shall be accompanied by a brief outline setting forth the professional activities of the applicant during the period in which the applicant was not licensed. The board may require the applicant to appear in person before the board; to complete additional supervised work experience; or complete additional examinations, college coursework, or continuing education.
- (D) The registrant shall not submit an application for renewal or restoration of a license unless the continuing education requirement has been completely fulfilled or the registrant has been exempted from the continuing education requirement by the board.

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**4703:1-1-06 Continuing education.**

(A) Definitions.

- (1) "Contact hour" - a contact hour is at least fifty minutes of participation in an approved course or activity.
- (2) "Qualified/certified" - shall mean activities approved for contact hours by any of the organizations in this rule.
- (3) Approved providers: the imprimatur of any of these organizations in this rule shall constitute official acceptance by the board:
  - (a) Landscape architects continuing education system;
  - (b) American society of landscape architects;
  - (c) Council of landscape architect registration boards;
  - (d) ~~Ohio board of landscape architect examiners~~ [Ohio landscape architects board](#);
  - (e) Urban land institute;
  - (f) ~~American nurseryman's association~~ [American nursery and landscape association](#);
  - (g) American planning association;
  - (h) National society of professional engineers;
  - (i) National recreation and parks association;
  - (j) American institute of architects;
  - (k) ~~Construction education network~~;
  - (l) Agencies of the state or federal government offering training programs in landscape architecture or a related field;
  - (m) Coursework in landscape architecture or a related field at a university or college;
  - (n) Other related technical/professional societies or organizations, including local, state or regional affiliates, chapters, components or sections whose programs have been certified by any of the above organizations.
- (4) ["Structured educational activities" - Organized educational activities in which at least seventy-five percent of an activity's content and instructional time must be devoted to subject matter related to the practice of landscape architecture, including seminars, classes, workshops conferences and the like, and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.](#)

(B) General requirements.

- (1) Contact hours.

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Every landscape architect shall complete a minimum of twenty-four contact hours of continuing education prior to the end of each renewal period.

(2) Health, safety and welfare hours.

~~Sixteen~~ A minimum of sixteen of the twenty-four hours shall be health, safety and welfare hours as defined in this rule.

(3) Continuing education required to renew or restore.

The completion of these hours shall be a condition of renewal of the landscape architect's registration.

An application for renewal or restoration of a license may not be submitted unless the continuing education requirement has been completely fulfilled or the registrant has been exempted from the continuing education requirement by the board.

~~(4)~~ (4) Carry over.

~~If the registrant exceeds the total number of required hours in any renewal period, a maximum of twelve hours may be carried forward into the next renewal period.~~

(4) Excess hours.

Excess hours shall not be credited to a future calendar year.

(5) Location.

Continuing education hours may be acquired at any location, whether in person or by distance learning, such as webinars or online programs.

(C) Exemptions.

A landscape architect may be exempt, upon board review and approval, from the continuing education requirement in any of the following situations:

(1) Newly licensed by exam.

Landscape architects newly licensed by examination by the state of Ohio are exempt from the continuing education requirements for their first renewal period only. This exemption does not apply to reciprocal registrants.

(2) Military duty.

~~The landscape architect is on full time duty, or temporarily called up for active duty, in the United States military service, where such activity restricts participation in continuing education activities. The landscape architect shall provide supporting documentation for the board's review and approval.~~

A licensee subject to the provisions of rule 4703:1-1-07 of the Administrative Code

(3) Unable to practice.

~~The landscape architect has experienced a physical disability, illness, or other extenuating circumstances~~

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~~that prevents the landscape architect from practicing landscape architecture. The landscape architect shall provide supporting documentation for the board's review and approval.~~

The landscape architect otherwise meets all renewal requirements and has a serious medical condition or can demonstrate to the board other like hardship. Upon receipt of supporting documentation and the board's so finding, the landscape architect may be excused from some or all of these requirements.

~~(4) (4) Registrants from other jurisdictions:~~

~~The landscape architect otherwise meets all renewal requirements and is registered in any other jurisdiction having continuing education requirements, which the landscape architect has met, provided that such other jurisdiction accepts satisfaction of this jurisdiction's continuing education requirements as meeting it own.~~

(4) The landscape architect has been granted emeritus status by the board.

(D) Content requirements.

Acceptable activities include those that increase the landscape architect's knowledge and/or understanding of technical or professional subjects and contribute directly to the improvement of the landscape architect's professional knowledge and competence to practice landscape architecture.

(1) Health, safety and welfare topics

Health, safety and welfare topics as those topics in which at least seventy-five percent of the subject matter applies the principles of mathematical, physical, and social sciences 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.

These subjects may include, but are not limited to:

- (a) Building codes;
- (b) Code of ethics;
- (c) Codes, acts, laws and regulations governing the practice of landscape architecture;
- (d) Construction administration, including construction contracts;
- (e) Construction documents;
- (f) Design of environmental systems;
- (g) Environmental processes and analysis;
- (h) Erosion control methods;
- (i) Grading;
- (j) Horticulture;
- (k) Irrigation methods;

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- (l) Land planning and use;
  - (m) Landscape preservation, landscape restoration and adaptive reuse;
  - (n) Lateral forces;
  - (o) Natural hazards - impact of earthquake, hurricane, fire or flood related to site design;
  - (p) Pedestrian and vehicular circulation;
  - (q) Planting design;
  - (r) Resource conservation and management;
  - (s) Roadway design principles;
  - (t) Site accessibility, including Americans with Disabilities Act standards for accessible site design;
  - (u) Site and soils analysis;
  - (v) Site design and engineering, including materials, methods, technologies and applications;
  - (w) Site security and safety;
  - (x) Storm water management, surface and subsoil drainage;
  - (y) Structural systems considerations;
  - (z) Surveying methods and techniques as they affect landscape architecture;
  - (aa) Sustainable design, including techniques related to energy efficiency;
  - (bb) Use of site materials and methods of site construction;
  - (cc) Vegetative management;
  - (dd) Wetlands;
  - (ee) Zoning as it relates to the improvement and/or protection of the public health, safety and welfare of the public;
  - (ff) Other matters of law and ethics that contribute to the health, safety and welfare of the public.
- (2) The following topics are not considered health, safety and welfare topics:
- (a) Accounting/financial planning;
  - (b) Basic autoCAD;
  - (c) Expanding a design professional's business;
  - (d) General office management;
  - (e) Insurance;

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- (f) Laws related to arbitration, mediation, liens (unless they relate to safeguarding the health, safety and welfare of the public), real estate, real estate development;
- (g) Limiting the design professional's liability;
- (h) Marketing and public relations;
- (i) Personal development;
- (j) Project management related to profitability and maximizing fees;
- (k) Risk management;
- (l) Succession planning.

### (E) Methods for fulfilling continuing education requirements.

A landscape architect may earn the required contact hours by any of the following methods, except that credit shall be awarded only once in a renewal period for the same program with the same content:

- (1) Attending a graduate or undergraduate level course at an accredited institution of higher learning where academic credit is granted and the content meets the requirements set forth in paragraph (C) of this rule. Credit: twelve continuing education credits for each one hour of academic credit received.
- (2) Attending a course, program, seminar, conference, workshop or similar event where it is presented, sponsored, or approved by: an accredited institution of higher learning, a professional organization, and has been qualified/certified as defined in [this](#) rule. Credit: one hour of continuing education credit for each hour of actual contact time of instruction provided.
- ~~(3) Teaching a graduate or undergraduate course, on a part-time basis, at an accredited institution of higher learning where the content meets the requirements noted in this rule. Credit: twelve hours of continuing education credit for each one hour of academic credit provided by the course except that after the first year, the maximum credit may not exceed more than fifty per cent of the required continuing education credit of the renewal period.~~
- ~~(4) Teaching a course or seminar, delivering a lecture, presenting a paper, or a program, workshop or monograph at an educational event meeting the above requirements, except that this credit may be taken only once for the same program. Credit: Two hours maximum.~~
- ~~(5) Publishing an article in a professional journal, which meets the content requirements in this rule, for one-time credit for each article. Credit: one hour of continuing education credit for each hour of preparation, not to exceed five hours per article.~~
- ~~(6) Publishing a book, which meets the content requirements above, for one-time credit for each book. Credit: one hour of continuing education credit for each hour of preparation, not to exceed twelve hours per book.~~
- ~~(7) As a member of a professional committee responsible for researching, writing or grading questions for the landscape architect registration exam or other similar technical activities. Credit: a maximum of fifty per cent of the required continuing education credit of the renewal period.~~

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~~(8) Professional service to the public, which draws upon the landscape architect's professional expertise, on boards and commissions such as: planning boards, building code organizations, urban renewal boards, and other similar activities. The board shall, in its discretion, determine applicable activities in this category which are in addition to those specifically named in this rule. These activities may be listed by the board from time to time. Credit: one hour of continuing education credit for each hour of work in this activity, not to exceed twenty five per cent of the continuing education requirements of the renewal period.~~

~~(9) Obtaining the "LEED Professional Accreditation by passing the "LEED AP Exam" during the current renewal period. Official documentation from the "Green Building Certification Institute (GBCI)" must be provided. Credit: a one time credit of eight hours.~~

~~(10) Self-directed activities: self-directed activities are those that are done independent of a structured format such as a seminar or lecture. Credit: not to exceed fifty per cent of the continuing education requirements of the renewal period. Documentation shall be required at the discretion of the board.~~

~~In order for a self-directed activity to receive credit, the registrant shall:~~

~~(a) Account for the time spent completing the activity;~~

~~(b) Summarize the content of the activity;~~

~~(c) Relate the activity to the health, safety and welfare of the public.~~

(F) Records to be maintained by the landscape architect.

Each landscape architect shall, in addition to information submitted to the board, maintain a written record of all continuing education courses or programs undertaken.

Records shall be made available at any time to the board upon written request for review and audit.

Records shall be maintained for ~~four~~ six years.

Records may be requested at any time in connection with an investigation or enforcement proceeding.

Failure to provide the requested information in the time frame established by the board shall constitute cause for disciplinary action by the board and may be cause for fines, reprimand, suspension revocation or denial of the application for renewal of the landscape architect's registration.

Appropriate records shall consist of the following:

(1) Certificate of attendance or completion;

~~(2) Course or activity description;~~

~~(3)~~ (2) Transcripts/records of credits maintained by providers who may qualify/certify such credits and activities.

~~(4) Other documentation verifying the content and time of the course or event.~~

(G) Audit.

Upon request, each landscape architect shall provide proof of satisfying the continuing education

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requirement. Failure to provide the requested information in the time frame established by the board shall constitute cause for fines, reprimand, suspension, revocation or denial of the application for renewal of the landscape architect's registration.

### (H) Disallowance.

If the board disallows one or more continuing education activities claimed, the landscape architect has up to ~~ninety~~ sixty days after the notification to substantiate the original claim or to complete other continuing education activities sufficient to meet the minimum requirements.

### (I) Landscape architect shall attest to compliance.

Every landscape architect shall attest, in the manner prescribed by the board, to the landscape architect's meeting of the requirements as described herein. Said attestation shall accompany the renewal application.

### (J) Falsification.

Any landscape architect falsifying the records of the landscape architect's continuing education activities shall be subject to disciplinary action by the board.

### (K) Appeal.

A landscape architect shall have the right to appeal any refusal by the board to accept continuing educational activities for credit under these requirements. This appeal shall include the presentation of evidence supporting the landscape architect's contention that the activity meets the requirements of this rule.

### (L) Requirements for lapsed and reinstating applicants.

A landscape architect whose license has lapsed, and who desires to reinstate that license, must submit, with the reinstatement application, proof of completion of twenty-four hours of continuing education within the last ~~two years~~ twenty-four months prior to the date of application.

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**4703:1-2-01 Requirements for registration by examination.**

- (A) All candidates for registration by examination shall be at least eighteen years of age and of good moral character. Candidates shall have a professional degree in landscape architecture required in section 4703.34 of the Revised Code and as set forth in this rule, completed the experience requirements as required under section 4703.34 of the Revised Code and as set forth herein and pass the examination required under section 4703.33 of the Revised Code and as set forth herein. Candidates are permitted to sit for any or all sections of the examination after completing the education requirements and prior to completing the experience requirements. Registration will not be issued until all requirements have been met.
- (B) The professional degree shall be a degree from a landscape architectural curriculum accredited by the "Landscape Architectural Accrediting Board" or other accrediting agency approved by the board.
- (C) The required experience shall be in areas directly related to landscape architecture and shall include experience in design, contract documents, contract administration and office management.
- (D) The experience requirements may be fulfilled by completing three years of experience in landscape architecture in accordance with the following table and meet the following conditions:
  - (1) To earn the full experience credit allowed under category 1 or 2 of the table, the applicant must work full-time for a period of at least two months with one employer. Full-time means the applicant works for at least thirty-five hours per week.
  - (2) Credit for part-time employment will be given only if the applicant works for at least twenty hours per week for the equivalent of two months of full-time employment.
  - (3) No experience credit may be obtained prior to completion of the third year of an undergraduate professional degree program or prior to the completion of the first year of a graduate professional degree program with undergraduate degrees in another discipline.
  - (4) At least two years of experience credit must be obtained after completion of the education requirements.
  - (5) Evaluation of experience shall be at the discretion of the board and may require substantiation of the quality and character of the experience, notwithstanding the fact that the applicant has complied with the technical requirements as set forth herein.

Experience credit	Credit earned	Maximum credit allowed
Category 1. Experience directly related to landscape architectural work when that work is supervised by a landscape architect who is responsible for the landscape architectural activities and decisions of the organization.	100%	No limit
Category 2. Experience in the employment of government agencies, architects, civil engineers, city or regional planners, or landscape design-build in areas directly related to landscape architecture when that experience is gained under the direct supervision of a landscape architect.	100%	No limit

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Category 3. Experience in the employment of government agencies, architects, civil engineers, city or regional planners, or landscape design-build in areas directly related to landscape architecture when that experience is not gained under the direct supervision of a landscape architect.	50%	One year
Category 4. Masters or PH.D degree in landscape architecture when that degree is preceded by an accredited undergraduate landscape architectural degree.		One year

(E) The registration examination.

- (1) All applicants qualifying under section 4703.34 of the Revised Code and this rule and as required under section 4703.35 of the Revised Code shall pass the registration examination as administered by the council of landscape architectural registration boards ("CLARB").
- (2) The registration examination shall be a single examination comprised of multiple sections which shall be taken and passed by all candidates for registration by examination.
- (3) The scope of the examinations shall be such as to determine the qualifications of the candidate to practice landscape architecture and shall cover such technical, professional and practical subjects as relate to the practice of the profession of landscape architecture and the basic arts and sciences, a knowledge of which is material and necessary to the proper understanding, application and qualification for the practice of the profession of landscape architecture.
- (4) The examination shall be administered in accordance with instructions issued by the "CLARB". A copy of these instructions will be furnished to each candidate. The dates, times and location or locations of the examination will be determined by "CLARB."
- (5) Each section of the registration examination stands alone and shall be passed singularly and independently of other sections of the examination.

~~(F) Retaking the registration examination.~~

~~Each candidate may retake failed sections of the examination an unlimited number of times upon reapplication on forms provided by the board and the payment of the required examination and retake fees at each examination period.~~

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**4703:1-2-02 Registration by reciprocity.**

- (A) Candidates for registration by reciprocity under section 4703.35 of the Revised Code shall have current registration in good standing in the state of original registration or the state of current residency or practice. The qualifications of the candidate must be substantially equivalent to those required in this state at the time of original registration.
- (B) Candidates for registration under section 4703.35 of the Revised Code shall hold a council record issued by the council of landscape architectural registration boards. Said record shall be ~~eurent~~ current and in good standing. The candidate shall have their council record transmitted to the board.
- ~~(C) Personal appearance before the board, if requested by the board, shall be at the time and place designated by the board.~~

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## **4703:1-3-04 Code of conduct.**

### Preamble.

In order to safeguard the health, safety and welfare of the public and the state of Ohio, to maintain integrity and high standards of skills and practice in the profession of landscape architecture, the following rules of professional conduct, promulgated in accordance with Chapter 4703. of the Revised Code, shall be binding upon every person holding a certificate of qualification as a registered landscape architect.

The registered landscape architect, who holds a certificate of qualification from the board, is charged with having knowledge of the existence of the rules and regulations hereinafter provided for his or her professional conduct as a registered landscape architect, and also shall be deemed to be familiar with their several provisions and to understand them.

Such knowledge shall encompass the understanding that the practice of landscape architecture, is a privilege, as opposed to a right, and the registrant shall be forthright and candid in statements or written responses to the board or its representatives on matters pertaining to professional conduct.

### (A) Competence.

- (1) In practicing landscape architecture, a landscape architect shall act with reasonable care and competence and shall apply the technical knowledge and skill which is ordinarily applied by landscape architects of good standing, practicing in the same locality.
- (2) In designing a project, a landscape architect shall take into account all applicable state and municipal construction laws, zoning codes and other applicable regulations. While a landscape architect may rely on the advice of other professionals (e.g., attorneys, architects, professional 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.
- (3) A landscape architect shall undertake to perform professional services only when the landscape architect, together with those whom the landscape architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.
- (4) No person shall be permitted to practice landscape architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.

### (B) Conflict of interest.

- (1) A landscape architect shall not accept compensation for the landscape architecture services from more than one party on a project unless the circumstances are fully disclosed and agreed to (such disclosure and agreement to be in writing) by all interested parties.
- (2) If a landscape architect has any business association or direct or indirect financial interest which is substantial enough to influence the landscape architect's judgment in connection with the landscape architect's performance of professional services, the landscape architect shall fully disclose in writing to the landscape architect's 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.
- (3) A landscape architect shall not solicit or accept compensation from material or equipment suppliers in

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return for specifying or endorsing their products.

- (4) When acting as the interpreter of landscape contract documents and the judge of contract performance, a landscape architect shall render decisions impartially, favoring neither party to the contract.

(C) Full disclosure.

- (1) A landscape architect, making public statements on landscape architectural questions, shall disclose when the landscape architect is being compensated for making such statements.
- (2) A landscape architect shall accurately represent to a prospective or existing client or employer the landscape architect's qualifications and the scope of their landscape architect's responsibility in connection with work for which the landscape architect is claiming responsibility.
- (3) If, in the course of the landscape architect's work on a project, a landscape architect becomes aware of a decision taken by the landscape architect's employer or client, against the landscape architect's advice, which violates applicable federal, state or municipal construction laws, zoning codes and other applicable regulations and which will, in the landscape architect's judgment, materially affect adversely the safety to the public of the finished project, the landscape architect shall:
- (a) Report the decision to the local authorities or other public official charged with the enforcement of such laws and regulations,
  - (b) Refuse to consent to the decision, and
  - (c) In circumstances where the landscape architect reasonably believes that other such decisions will be taken notwithstanding the landscape architect's objection, terminate the landscape architecture services with reference to the project.

In the case of a termination in accordance with paragraph (C)(3)(c) of this rule, the landscape architect shall have no liability to the client on account of such termination.

- (4) A landscape architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with an application for registration or renewal.
- (5) A landscape architect shall not assist the application for registration of a person known by the landscape architect to be unqualified in respect to education, training, experience or character.
- (6) A landscape architect possessing knowledge of a violation of these rules by another landscape architect shall report such knowledge to the board.
- (7) If a registered landscape architect is found guilty of a felony in any jurisdiction or has been disciplined by another jurisdiction, the registered landscape architect shall notify the board in writing within sixty days.

Disciplinary action includes, but is not limited to, reprimands, fines, probation, suspension, supervised practice, revocation, surrender, cease and desist or consent orders, settlement agreements or stipulations.

- (8) If a registered landscape architect is registered with the "Ohio Civil Child Sexual Abuse Registry" under section 4799.01 of the Revised Code, the registered landscape architect shall notify the board in writing within sixty days.

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(D) Compliance with laws.

- (1) A landscape architect shall not, in the conduct of the landscape architect's practice, knowingly violate any state or federal criminal law.
- (2) 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.
- (3) A landscape architect shall comply with the registration laws and regulations governing the professional practice in any lawful jurisdiction. A landscape architect may be subject to disciplinary action if, based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction, the landscape architect was disciplined in any other lawful jurisdiction.
- (4) A registered landscape architect shall not have been found by a court or administrative tribunal to have violated any applicable federal or state law protecting the rights of persons working for the employer with respect to fair labor standards or with respect to maintaining a workplace free of discrimination.
- (5) Each registered landscape architect shall cooperate with the board in its investigation of complaints or possible violations of Chapter 4703. of the Revised Code. This cooperation shall include responding to written communications from the board, providing information or documents requested within thirty days of the date on which the communication was mailed, and appearing before the board or its designee upon request.

(E) Professional conduct.

- (1) A landscape architect shall not sign or seal drawings, specifications, reports or other professional work for which the landscape architect does not have direct professional knowledge and direct supervisory control and over which the landscape architect has legal authority; 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 law of any lawful 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 be responsible for its adequacy.
- (2) 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.
- (3) A landscape architect shall not engage in conduct involving fraud.

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**4703:1-3-06 Resident landscape architect required.**

A landscape architect or landscape architecture firm maintaining more than one place of business for the practice of landscape architecture shall have a resident registered landscape architect in responsible charge of the landscape architecture activities of each office in this state.

"Resident," as used in this rule, shall mean one who spends a majority of their normal working time in said office. A "majority of normal working time" shall mean at least thirty hours per week. The firm shall inform the board of the name of the resident landscape architect in charge of the professional landscape architecture activities of each separate place of business.

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**4703:1-4-01 Definitions.**

For the purposes of administrative rules promulgated in accordance with section 1347.15 of the Revised Code, the following definitions apply:

- (A) “Access” as a noun means an instance of copying, viewing, or otherwise perceiving whereas “access” as a verb means to copy, view, or otherwise perceive.
- (B) “Acquisition of a new computer system” means the purchase of a “computer system,” as defined in this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as of the effective date of the board rule addressing requirements in section 1347.15 of the Revised Code.
- (C) “Computer system” means a “system,” as defined by section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment.
- (D) “Confidential personal information” (CPI) has the meaning as defined by division (A)(1) of section 1347.15 of the Revised Code and identified by rules promulgated by the board in accordance with division (B)(3) of section 1347.15 of the Revised Code that reference the federal or state statutes or administrative rules that make personal information maintained by the board confidential.
- (E) “Employee of the state board” means each employee of a state board regardless of whether he/she holds an elected or appointed office or position within the state board. “Employee of the state board” is limited to the specific employing state board.
- (F) “Incidental contact” means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.
- (G) “Individual” means a natural person or the natural person’s authorized representative, legal counsel, legal custodian, or legal guardian.
- (H) “Information owner” means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system.
- (I) “Person” means a natural person.
- (J) “Personal information” has the same meaning as defined in division (E) of section 1347.01 of the Revised Code.
- (K) “Personal information system” means a “system” that “maintains” “personal information” as those terms are defined in section 1347.01 of the Revised Code. “System” includes manual and computer systems.
- (L) “Research” means a methodical investigation into a subject.
- (M) “Routine” means commonplace, regular, habitual, or ordinary.
- (N) “Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person” as that phrase is used in division (F) of section 1347.01 of the Revised Code means personal information relating to employees and maintained by the board for internal administrative and human resource purposes.
- (O) “System” has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.

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- (P) "Upgrade" means a substantial redesign of an existing computer system for the purpose of providing a substantial amount of new application functionality, or application modifications that would involve substantial administrative or fiscal resources to implement, but would not include maintenance, minor updates and patches, or modifications that entail a limited addition of functionality due to changes in business or legal requirements.
- (Q) "Board" means the Ohio ~~board of landscape architect examiners~~ [landscape architects board](#).