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# Ohio Landscape Architects Board

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## OHIO ADMINISTRATIVE CODE February, 2017

### **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) "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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Five Year Review (FYR) Dates: 10/16/2014 and 10/15/2019

Promulgated Under: 119.03

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Rule Amplifies: 4703.30, 4703.32, 4703.33

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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 applicants for registration by examination shall have an active

"Council of Landscape 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.

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

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**4703:1-1-03 Certificates.**

(A) Certificates of qualification.

(1) A person registered by the board under section 4703.34 or 4703.35 of the Revised Code will receive a certificate as provided under section 4703.36 of the Revised Code.

(2) Only one certificate of qualification shall be issued to a landscape architect. In the event a certificate is damaged, the board will issue a duplicate certificate upon the return of the damaged certificate and payment of the required fee. If a certificate is lost or destroyed, the board will issue a duplicate certificate upon the filing of a notarized affidavit stating the certificate was lost or destroyed and the payment of the required fee.

(B) Certificates of authorization.

(1) A certificate of authorization will be issued to each firm authorized by the board to provide landscape architectural services. A new certificate will be issued annually upon payment of the renewal fee and continued compliance with the current requirements. The certificate shall be displayed at the firm's principal place of business where it can be readily viewed by the public.

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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 even numbered year for the renewal of the landscape architect's registration which expires on the thirty-first day of 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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**4703:1-1-05 Fees.**

(A) The fee for applying for registration by examination under section 4703.34 of the Revised Code is fifty dollars and shall be submitted with the application.

(B) The fee to be paid by an applicant for reciprocal registration under section 4703.35 of the Revised Code shall be two hundred fifty dollars.

(C) The fee for a duplicate certificate of qualification issued in accordance with section 4703.36 of the Revised Code shall be twenty dollars.

(D) The biennial renewal fee for a certificate of qualification shall be one hundred and twenty-five dollars.

(E) The fee for a duplicate renewal card shall be ten dollars.

(F) The fee to restore an expired certificate of qualification shall be the renewal fee for each renewal period in which the certificate was not renewed plus twenty five per cent for each renewal period, or portion thereof, in which the certificate was delinquent, provided, however, the maximum fee shall not exceed five hundred dollars.

(G) The application fee for a certificate of authorization required under section 4703.331 of the Revised Code shall be one hundred twenty-five dollars.

(H) The annual renewal for a certificate of authorization shall be one hundred dollars.

(I)

The fee for a returned check or other instruments returned to the board by financial institutions shall be thirty-five dollars.

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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 landscape architects board;
- (e) Urban land institute;
- (f) 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) Agencies of the state or federal government offering training programs in landscape architecture ;
- (l) Coursework in landscape architecture at a university or college;
- (m) 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 per cent 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, and performed outside the normal performance of one's occupation.

(B) General requirements.

(1) Contact hours.

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.

A minimum of sixteen of the twenty-four hours shall be structured 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.

(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 initial period of licensure only. This exemption does not apply to reciprocal registrants.

(2) Military duty.

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, which in the board's judgment, temporarily or permanently prevents the landscape architect from completing the requirements. The landscape architect shall provide supporting documentation for the board's review and approval.

(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 per cent 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.

Acceptable subject matter includes:

(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;
- (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;

(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;
  - (f) Laws related to arbitration, mediation, liens, 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 (D) 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, on a part-time basis, a graduate or undergraduate course in landscape architecture in a landscape architecture program which is part of an accredited institution of higher learning . Credit: twelve hours of continuing education credit for each one hour of academic credit provided by the course, except that the maximum credit may not exceed more than fifty per cent of the required continuing education credit of the renewal period.

(4)

(5) Authoring relevant published papers, articles, or books. Credit: one hour per paper, article or book.

(6) Receiving a patent award. Credit: one hour per patent award.

(7) Actively participating in professional or technical societies serving the landscape architecture profession. Not eligible for health, safety and welfare credit. Credit: one hour per renewal period.

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

Each landscape architect shall, in addition to information submitted to the board, maintain written records acceptable to the board 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 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)

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

(4) Other documentation acceptable to the board and which verifies the content, date, and duration in hours of the course or event.

(G) Audit.

Upon request, each landscape architect shall provide proof of satisfying the continuing education 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 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 twenty-four months prior to the date the application is received.

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**4703:1-1-07 Military provisions related to licensure.**

(A) Definitions

(1) "Armed forces" means the armed forces of the United States, including the army, navy, air force, marine corps, coast guard, or any reserve components of those forces; the national guard of any state; the commissioned corps of the United States public health service; the merchant marine service during wartime; such other service as may be designated by congress; or the Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.

(2) "Member" means any person who is serving in the armed forces.

(3) "Veteran" means any person who has completed service in the armed forces.

(4) "Licensee" means a person to whom all of the following apply:

(a) The person has been issued a license by the board.

(b) The person has been a member of the armed forces.

(c) The person has served on active duty, whether inside or outside the United States, for a period in excess of thirty-one days.

(B) Military experience

In accordance with section 5903.03 of the Revised Code, the following military programs of training, military primary specialties, and lengths of service are substantially equivalent to or exceed the experience requirements for licensure as a landscape architect:

(1) Military programs of training:

(a) Army: school 12d facilities/contract construction management engineer (O)

(b) Navy: facilities engineering (O)

(c) Air force: school 32ex civil engineer (O)

(2) Military primary specialties:

(a) Army: facilities/contract construction management engineer (fccme) (O)

(b) Navy: facilities engineering (O)

(c) Air force: civil engineer (O)

(3) Documentation of experience

An active military service member or veteran may submit any documentation, evidence, statement or endorsement that may be available or produced for the board's consideration to demonstrate the substantial equivalence of experience while serving in the armed forces to meet the requirements of licensure.

(C) License renewal

(1) In accordance with section 5903.10 of the Revised Code, an expired license, shall be renewed at the usual cost without penalty and if not otherwise disqualified because of mental or physical disability if either of the following applies:

(a) The license was not renewed because of the licensee's service in the armed forces.

(b) The license was not renewed because the licensee's spouse served in the armed forces and the service resulted in the licensee's absence from this state.

(2) A renewal shall not be granted under paragraph (C)(1) of this rule unless the licensee or the licensee's spouse, whichever is applicable, has presented satisfactory evidence of the service member's discharge under honorable conditions or release under honorable conditions from active duty within six months after the discharge or release.

(D) Continuing Education

(1) In accordance with section 5903.12 of the Revised Code, the provisions of this paragraph apply to a licensee who has been a member of the armed forces who has served on active duty for a period in excess of thirty-one days during the current continuing education reporting period.

(2) A licensee who meets the provisions contained in paragraph (C)(1) of this rule may submit an application to the Board requesting an extension of the current continuing education reporting period.

(a) The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service.

(b) Upon receiving the application and proper documentation, the board shall extend the current continuing education reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current continuing education reporting period. Any portion of a month served shall be considered one full month.

(3) In accordance with section 5903.121 of the Revised Code, the board shall consider relevant education, training, or service completed by a licensee as a member of the armed forces in determining whether a licensee has fulfilled the continuing education required to renew the license or certificate.

(E) Expedited licensure Upon receipt of all required documents and fees, a license shall be issued no later than three business days of the applicant's eligibility for licensure, to each applicant who is a member, veteran, spouse or surviving spouse of a member or veteran.

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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
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.

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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 current and in good standing. The candidate shall have their council record transmitted to the board.

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**4703:1-3-01 Seal requirements.**

(A) Each landscape architect shall be authorized to use a seal as hereinafter directed in paragraphs (B) and (C) of this rule on all documents prepared by the landscape architect or under the landscape architect's direct supervision for use in the state of Ohio, for the purpose of properly imprinting the drawings, specifications, and other contract documents as required by section 4703.32 of the Revised Code. The seal shall be circular in shape and two inches in diameter. Concentric with the outside of the seal there shall be a circle one and three eighths inches in diameter. In the annular space between the circle and the outside of the seal shall be the words "state of Ohio" at the top and "landscape architect" at the bottom. The name of the landscape architect and the landscape architect's registration number shall be placed horizontally within the inner circle. The seal shall be either an individual embossing seal, rubber stamp seal, electronically generated seal or other reproducible facsimile.

(B) The application of the seal over an ink or electronic signature to the first sheet of bound sets of drawings (with index of drawings included), title page of specifications and to other drawings and contract documents shall constitute the landscape architect stamp as referred to in division (D) of section 4703.32 of the Revised Code.

The term signature as used herein shall mean a handwritten identification containing the name of the person who applied it; or for electronic or digital documents shall mean an electronic authentication process attached to or logically associated with the document. The digital signature must be unique to, and under the sole control of the person using it; it must also be capable of verification and linked to a document in such a manner that the digital signature is invalidated if any data on the document is altered.

(C) An electronic seal and signature are permitted to be used in lieu of an original seal and signature when the following criteria, and all other requirements of this rule are met:

(1) It is a unique identification of the professional;

(2) It is verifiable;

(3) It is under the professional's direct and sole control;

(4) It is linked to a document in such a manner that changes are readily determined and visually displayed if any data contained in the document file was changed subsequent to the electronic seal and signature having been affixed to the document, and

(5) Changes to the document after affixing the electronic seal and signature shall cause the electronic seal and signature to be removed or altered in such a way as to invalidate the electronic seal and signature.

(6) In addition, once the electronic seal and signature is applied to the document, the document shall be available in a view only format if the document is to be electronically transmitted;

(7) The graphic image of the electronic seal and signature shall be readily available and produced in a manner acceptable to the board. It shall contain the same words as and shall have substantially the same graphic appearance and size as required above when the image of the electronically transmitted document is viewed at the same size as the document in its original form.

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Statutory Authority: 4703.02

Rule Amplifies: 4703.12

Prior Effective Dates: 3/19/74, 11/4/77, 6/25/03, 6/25/90, 4/15/92, 11/1/94, 7/30/99, 7/29/05, 07/01/2012

**4703:1-3-02 Landscape architecture firms.**

(A) Firm certificate of authorization required.

All firms, partnerships, associations, corporations or limited liability companies legally formed for the purpose of providing landscape architecture services are required to obtain a certificate of authorization from the board.

Each firm authorized by the board to provide such services shall meet all of the following requirements:

(1) More than fifty per cent of the partners, members, shareholders, or trustees of an employee stock ownership plan trust, and more than fifty per cent of the directors, in the case of a corporation or professional association, shall be professional engineers, surveyors, architects or landscape architects currently registered in this or any other state.

(2) More than fifty percent of the interests or shares of a firm, partnership, association, corporation or limited liability company shall be held by professional engineers, surveyors, architects or landscape architects currently registered in this or any other state.

(3) Each firm, partnership, association, corporation or limited liability company shall designate one or more landscape architects, currently registered in the state of Ohio, as being in responsible charge of the landscape architecture activities and decisions of the firm.

(4) Each landscape architect designated as being in responsible charge of the firm's landscape architecture activities shall be currently registered in the state of Ohio and shall file an attestation of responsibility with the board.

(5) A professional association formed under the provisions of Chapter 1785. of the Revised Code shall meet the ownership requirements defined in Chapter 1785. of the Revised Code in addition to the requirements of this chapter.

(6) Each landscape architect designated as being in responsible charge shall be a full time employee, working a minimum thirty hours a week, of the firm applying for the certificate of authorization.

(B) New applications.

Applications for new firm certificates of authorization shall include the following information and documents:

(1) Name address and professional status of each partner, manager, officer, member, director, trustee or shareholder, and, if applicable, the state in which they are currently registered and the registration number.

(2) Name and address of each landscape architect, actively registered in the state of Ohio, and who is designated as being in responsible charge of the firm's professional landscape architecture activities and decisions.

(3) Attestation of responsibility from each landscape architect, currently registered in the state of Ohio, and who is designated as being in responsible charge of the firm's professional landscape architecture activities and decisions.

(4) In the case of a corporation or professional association, the number of shares of stock issued and the number of shares owned by each shareholder. In the case of a partnership, the per cent of ownership held by each partner, manager or member.

(5) Copy of the firm's articles of incorporation, partnership agreement, certificate of partnership, employee stock ownership trust plan or statement of limited partnership association and any amendments.

(6) Required application fee.

(C) Annual renewal.

All firm certificates of authorization expire annually on June thirtieth. Renewals shall be for a period of one year.

Applications for renewal shall be made on forms provided by the board and shall include the following:

(1) Name, address and professional status of every partner, manager, officer, member, director, trustee or shareholder and the percentage of ownership or number of shares held by each.

(2) Name and address of each landscape architect designated as being in responsible charge of the firm's professional landscape architecture activities and decisions. Each landscape architect in responsible charge shall be currently registered in the state of Ohio.

(3) Attestation of responsibility from each landscape architect, currently registered in the state of Ohio, and who is designated as being in responsible charge of the firm's professional landscape architecture activities and decisions.

(4) Required renewal fee.

(D) Changes requiring a new application.

A firm, partnership, association, corporation, employee stock ownership plan trust or limited liability company which has been issued a certificate of authorization in the following situations:

(1) Upon a change in the name of the firm.

(2) Upon the failure of a firm holding a certificate of authorization to renew the certificate in accordance with paragraph (C) of this rule.

(E) Changes requiring notice to the board.

A firm shall notify the board, in writing or electronically, within thirty days, when any of the following occur:

- (1) Change in the name of the firm.
- (2) Change of directors, members, partners, shareholders or trustees.
- (3) Change in the landscape architect designated in responsible charge.
- (4) Change in distribution of ownership.
- (5) Change of the firm's address.

Five Year Review (FYR) Dates: 12/29/2015 and 12/29/2020

Promulgated Under: 119.03

Statutory Authority: 4703.02

Rule Amplifies: 4703.02, 4703.06, 4703.10, 4703.12, 4703.13, 4703.14, 4703.18

Prior Effective Dates: 9/11/2010

#### **4703:1-3-03 Firm names.**

When personal names of landscape architects are used in the name of the firm, only names of living registrants or former registered members of the firm, now retired or deceased, may be used. When the name of a retired or deceased member of a firm or sole proprietorship is to be retained in the firm's name, the status of such member shall be clearly shown on the firm's or sole proprietorship's letterheads by the use of the words "retired" or "deceased" or the dates of the years of the member's birth and death. This must be done within one year after severance or death. Any reference in the firm name to other persons of a firm, partnership, association or corporation shall be permitted only when such persons are registered landscape architects, architects, professional engineers or surveyors and their identity is made known specifically on letterheads of the firm.

A sole proprietorship, firm, partnership, association or corporation otherwise qualified to practice in Ohio is permitted to practice under a name which does not include the names of registered principals. Names which tend to deceive or confuse the public or which are unreasonably similar to the name of another sole proprietorship or firm will not be permitted.

Any non-resident firm legally engaged in the practice of landscape architecture in the jurisdiction of its origin is granted the right to retain its identity upon obtaining a certificate of authorization to provide landscape architecture services in Ohio.

Five Year Review (FYR) Dates: 12/29/2015 and 12/29/2020

Promulgated Under: 119.03

Statutory Authority: 4703.02

Rule Amplifies: 4703.10, 4703.12, 4703.13, 4703.14, 4703.18

Prior Effective Dates: 3/15/1974, 11/4/1977, 6/25/1983, 6/25/1990, 4/15/1992, 11/1/1994, 07/29/2005

## **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 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.

(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 to 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.

Five Year Review (FYR) Dates: 10/16/2014 and 10/15/2019

Promulgated Under: 119.03

Statutory Authority: 4703.33

Rule Amplifies: 4703.33

Prior Effective Dates: 1/21/10

#### **4703:1-3-05 Injunctions.**

The Ohio landscape architects board is authorized, pursuant to section 4703.46 of the Revised Code, to apply for relief by injunction or restraining order to enjoin or restrain a person, firm, corporation, partnership, or any other group or combination of persons from the commission of any act which is prohibited by sections 4703.30 to 4703.52 of the Revised Code or by rules adopted by the board under sections 4703.30 to 4703.49 of the Revised Code that govern the standards of service, conduct, and practice to be followed in the practice of landscape architecture.

R.C. 119.032 review dates: 10/10/2021

Promulgated Under: 119.03

Statutory Authority: 4703.33

Rule Amplifies: 4703.76

Prior Effective Dates: 12/10/2002

#### **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.

Five Year Review (FYR) Dates: 10/16/2014 and 10/15/2019

Promulgated Under: 119.03

Statutory Authority: 4703.33

Rule Amplifies: 4703.331

Prior Effective Dates: 4/1/08, 1/10/10

**4703:1-3-08 Prohibition of improper contacts.**

(A) Prior to the filing of an application, and after final board action on an application, verbal and written communication with individual board members or any member of the board's staff shall be freely permitted; provided, however, that in no event is any member of the board or staff authorized to give any indication what specific action the board may take upon the merits of any application which may be filed with it.

(B) General advice, however, may be given as to the manner of completing or submitting applications, the procedures to be followed in processing applications, and the nature of the standards applied by the board in evaluating applications.

(C) While an application for registration or enforcement is pending before the board, no one shall initiate any written or oral communications with individual board members concerning the matter; but inquiries may be made orally or in writing to the board staff or in writing to the board.

Five Year Review (FYR) Dates: 12/29/2015 and 12/29/2020

Promulgated Under: 119.03

Statutory Authority: 4703.33

Rule Amplifies: 4703.41

Prior Effective Dates: 04/01/2008

**Personal Confidential Information**

**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.

(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 landscape architects board.

Five Year Review (FYR) Dates: 12/29/2015 and 12/29/2020

Promulgated Under: 119.03

Statutory Authority: 4703.02

Rule Amplifies: 1347.15

Prior Effective Dates: 8/1/74, 1/14/76, 11/25/77, 6/26/83, 1/1/95, 12/10/02, 4/1/08, 09/01/2010

**4703:1-4-02 Procedures for accessing confidential personal information.**

For personal information systems, whether manual or computer systems, that contain confidential personal information, the board shall do the following:

(A) Criteria for accessing confidential personal information. Personal information systems of the board are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the board to fulfill his/her job duties. The determination of access to confidential personal information shall be approved by the employee's supervisor and the information owner prior to providing the employee with access to confidential personal information within a personal information system. The board shall establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information shall be removed.

(B) Individual's request for a list of confidential personal information. Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the board, the board shall do all of the following:

(1) Verify the identity of the individual by a method that provides safeguards commensurate with the risk associated with the confidential personal information;

(2) Provide to the individual the list of confidential personal information that does not relate to an investigation about the individual or is otherwise not excluded from the scope of Chapter 1347. of the Revised Code; and

(3) If all information relates to an investigation about that individual, inform the individual that the board has no confidential personal information about the individual that is responsive to the individual's request.

(C) Notice of invalid access.

(1) Upon discovery or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the board shall notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the board shall delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security. Additionally, the board may delay the notification consistent with any measures necessary to determine the scope of the invalid access, including which individuals' confidential personal information invalidly was accessed, and to restore the reasonable integrity of the system.

"Investigation" as used in this paragraph means the investigation of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information. Once the board determines that notification would not delay or impede an investigation, the board shall disclose the access to confidential personal information made for an invalid reason to the person.

(2) Notification provided by the board shall inform the person of the type of confidential personal information accessed and the date(s) of the invalid access.

(3) Notification may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.

(D) Appointment of a data privacy point of contact. The board's executive director shall serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the board with both the implementation of privacy protections for the confidential personal information that the board maintains and compliance with section 1347.15 of the Revised Code and the rules adopted pursuant to the authority provided by that chapter.

(E) Completion of a privacy impact assessment. The board's executive director shall serve as the data privacy point of contact who shall timely complete the privacy impact assessment form developed by the office of information technology.

Replaces: 4703:4-1-2

Five Year Review (FYR) Dates: 12/29/2015 and 12/29/2020

Promulgated Under: 119.03

Statutory Authority: 4703.02

Rule Amplifies: 1347.15

Prior Effective Dates: 8/1/74, 1/14/76, 11/25/77, 6/28/83/, 1/1/95, 12/10/02, 11/6/07

#### **4703:1-4-03 Valid reasons for accessing confidential personal information.**

Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the board's exercise of its powers or duties, for which only employees of the board may access confidential personal information (CPI) regardless of whether the personal information system is a manual system or computer system:

(A) Performing the following functions constitute valid reasons for authorized employees of the board to access confidential personal information:

- (1) Responding to a public records request;
- (2) Responding to a request from an individual for the list of CPI the board maintains on that individual;
- (3) Administering a constitutional provision or duty;
- (4) Administering a statutory provision or duty;
- (5) Administering an administrative rule provision or duty;
- (6) Complying with any state or federal program requirements;
- (7) Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;
- (8) Auditing purposes;
- (9) Licensure [or permit, eligibility, filing, etc.] processes;
- (10) Investigation or law enforcement purposes;
- (11) Administrative hearings;
- (12) Litigation, complying with an order of the court, or subpoena;
- (13) Human resource matters (e.g., hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time card approvals/issues);
- (14) Complying with an executive order or policy;
- (15) Complying with an board policy or a state administrative policy issued by the department of administrative services, the office of budget and management or other similar state board; or
- (16) Complying with a collective bargaining agreement provision.

(B) To the extent that the general processes described in paragraph (A) of this rule do not cover the following circumstances, for the purpose of carrying out specific duties of the board, authorized employees would also have valid reasons for accessing CPI in these following circumstances:

- (1) Employees of the board conducting an investigation may review CPI of individuals who are subject to investigation for alleged misconduct that may result in licensure discipline. Such employees may review CPI of individuals who are not the subject of the investigation, but who otherwise may be witnesses with

information related to the investigation. CPI may be reviewed by such employees and members of the board in professional conduct matters that become the subject of an investigation or administrative hearing.

(2) Employees of the board may review CPI of students who apply for or participate in the board's intern development program fee reimbursement program for the purpose of carrying out those programs.

(3) Employees of the board may review CPI of persons who hold or are applying for or renewing a license issued by the board for the purpose of carrying out the licensing program.

(4) Employees of the board may review CPI of persons who are applying to take the "Architect Registration Exam" or who are in the process of taking the "Architect Registration Exam" for the purpose of carrying out the licensing program.

Five Year Review (FYR) Dates: 12/29/2015 and 12/29/2020

Promulgated Under: 119.03

Statutory Authority: 4703.02

Rule Amplifies: 1347.15

Prior Effective Dates: 09/01/2010

#### **4703:1-4-04 Confidentiality statutes.**

The following federal statutes or regulations or state statutes and administrative rules make personal information maintained by the board confidential and identify the confidential personal information within the scope of rules promulgated by this board in accordance with section 1347.15 of the Revised Code:

(A) Social security numbers: 5 U.S.C. 552 a. , unless the individual was told that the number would be disclosed.

(B) College and university transcripts received by the board are confidential per family educational rights and privacy act regulation 34 CFR 99.33 and 20 U.S.C. 1232 g(b)(4)(B) .

Five Year Review (FYR) Dates: 12/29/2015 and 12/29/2020

Promulgated Under: 119.03

Statutory Authority: 4703.02

Rule Amplifies: 1347.15

Prior Effective Dates: 09/01/2015

#### **4703:1-4-05 Restricting and logging access to confidential personal information in computerized personal information systems.**

For personal information systems that are computer systems and contain confidential personal information, the board shall do the following:

(A) Access restrictions. Access to confidential personal information that is kept electronically shall require a password or other authentication measure.

(B) Acquisition of a new computer system. When the board acquires a new computer system that stores, manages or contains confidential personal information, the board shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.

(C) Upgrading existing computer systems. When the board modifies an existing computer system that stores, manages or contains confidential personal information, the board shall make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.

(D) Logging requirements regarding confidential personal information in existing computer systems.

(1) The board shall require employees of the board who access confidential personal information within computer systems to maintain a log that records that access.

(2) Access to confidential information is not required to be entered into the log under the following circumstances:

(a) The employee of the board is accessing confidential personal information for official board purposes, including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(b) The employee of the board is accessing confidential personal information for routine office procedures and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(c) The employee of the board comes into incidental contact with confidential personal information and the access of the information is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(d) The employee of the board accesses confidential personal information about an individual based upon a request made under either of the following circumstances:

(i) The individual requests confidential personal information about himself/herself.

(ii) The individual makes a request that the board takes some action on that individual's behalf and accessing the confidential personal information is required in order to consider or process that request.

(3) For purposes of this paragraph, the board may choose the form or forms of logging, whether in electronic or paper formats.

(E) Log management. The board shall issue a policy that specifies the following:

- (1) Who shall maintain the log;
- (2) What information shall be captured in the log;
- (3) How the log is to be stored; and
- (4) How long information kept in the log is to be retained.

Nothing in this rule limits the board from requiring logging in any circumstance that it deems necessary.

Five Year Review (FYR) Dates: 12/29/2015 and 12/29/2020

Promulgated Under: 119.03

Statutory Authority: 4703.33

Rule Amplifies: 1347.15

Prior Effective Dates: 09/01/2015

**4703:1-4-06 Personal information systems.**

(A) The board shall appoint one employee to be directly responsible for each personal information system maintained by the board. Said employee shall:

- (1) Inform all employees who have any responsibility for the operation or maintenance of said system or the use of personal information maintained in the system of the applicable provisions of Chapter 1347. of the Revised Code and rules adopted thereunder; and,
- (2) Inform all persons requested to supply personal information for a system whether or not he/she is legally required to provide such information, and,
- (3) Restrict the collection, maintenance and use of personal information to only that which is necessary and relevant to functions of the board as required or authorized by statute or rule; and,
- (4) Provide all persons, asked to supply personal information that will be placed in an interconnected or combined system, with information relevant to the system, including the identity of all other agencies or organizations that have access to the information in the system; and,
- (5) Allow a person who is the subject of a record in a personal information system to inspect the record pursuant to section 1347.08 of the Revised Code, upon the request and verification that the person requesting access to the record is the subject of information contained in the system, the employee shall:
  - (a) Inform the person of any personal information in the system of which he/she is the subject;
  - (b) Permit the person, or his/her legal guardian, or an attorney who presents a signed authorization made by the person, to inspect all personal information in the system of which he/she is the subject, except where prohibited by law;

(c) Inform the person of the uses made of the personal information and identify other users who have access to the system;

(d) Allow a person who wishes to exercise his/her rights as provided by this rule to be accompanied by one individual of his/her choice.

(e) Provide, for a reasonable charge, copies of any personal information the person is authorized to inspect.

(6) Investigate disputes concerning the accuracy, relevance, timeliness or completeness of personal information pursuant to section 1347.09 of the Revised Code and paragraph (D) of this rule.

(B) The board shall reprimand in writing any employee who initiates or otherwise contributes to any disciplinary or other punitive action taken against another individual who brings to the attention of appropriate authorities, the press, or a member of the public, any evidence of unauthorized use of any material contained in the personal information system. A copy of the reprimand shall be entered in the employee's personal file.

(C) The board shall monitor its personal information system by:

(1) Maintaining the personal information system with the accuracy, relevance, timeliness, and completeness necessary to assure fairness in any determination made by the board which is based on information contained in the system; and,

(2) Eliminating unnecessary information from the system.

(D) The board shall investigate, upon request, the accuracy, relevance, timeliness or completeness of personal information, which is disputed by the subject of a record contained in the system, within ninety days after receipt of a request from the disputant; and,

(1) Notify the disputant of the results of the investigation and any action the board intends to take with respect to the disputed information; and,

(2) Delete any information the board cannot verify or finds to be inaccurate; and,

(3) Permit the disputant, if he/she is not satisfied with the determination made by the board, to include within the system:

(a) A brief statement of his/her position on the disputed information; or

(b) A brief statement that he/she finds the information in the system to be inaccurate, irrelevant, outdated, or incomplete.

(4) The board shall maintain a copy of all statements made by the disputant.

(E) The board shall not place personal information into an interconnected and combined system, unless said system contributes to the efficiency of the agencies or organizations authorized to use the system in implementing programs which are required or authorized by law.

(F) The board shall not use personal information placed into an interconnect or combined system by another state or local agency or an organization, unless the personal information is necessary and relevant to the performance of a lawful function of the board.

(G) The board shall make available, upon request, all information concerning charges made by the board for reproduction of material contained in its personal information system.

Replaces: 4703:1-4-03

Five Year Review (FYR) Dates: 12/29/2015 and 12/29/2020

Promulgated Under: 119.03

Statutory Authority: 4703.02

Rule Amplifies: 1347.15

Prior Effective Dates: 09/01/2015

**4703:1-5-01 Meeting notice.**

(A) Any person may ascertain the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings of the board by:

(1) Writing the board office, whose present address is "77 South High Street, 16th Floor, Columbus, Ohio 43215-6108."

(2) Calling the board by telephone at area code 614-466-2316 during normal business hours.

(3) Contacting the board office in person during normal business hours.

(4) Visiting the calendar page of the board's website at [www.arc.ohio.gov](http://www.arc.ohio.gov).

(5) Via email notification.

(B) Upon request, any person may have his/her name placed on a list to receive advance notice of all meetings of the board.

(C) Any news media, so requesting in writing, will receive at least twenty-four-hour notice of the time, place and purpose of any special meetings of the board and will be notified immediately by telephone or otherwise, of the time, place and purpose of any emergency meeting of the board.

Effective: 4/20/2016

Five Year Review (FYR) Dates: 12/04/2015 and 09/01/2020

Promulgated Under: 119.03

Statutory Authority: 4703.02

Rule Amplifies: 4703.02

Prior Effective Dates: 8/1/74, 1/14/76, 11/25/77, 6/26/83, 1/1/95, 12/10/02, 4/1/08, 9/1/2010

**4703:1-5-02 Adoption of rules.**

(A) Prior to the adoption, amendment or rescission of any rule, this board shall give public notice thereof, as provided in section 119.03 of the Revised Code at least thirty days prior to the date set for public hearing. Notice shall be given in the register of Ohio. This notice shall include:

- (1) A statement of the board's intention to consider adoption, amendment or rescission of a rule;
- (2) A synopsis of the proposed rule, amendment or rescission, or a general statement of the subject matter to which the proposed rule, amendment or rescission relates;
- (3) A statement of the reason or purpose for adopting, amending or rescinding the rule.
- (4) The date, time and place of the hearing on the proposed action.

(B) The board shall provide copies of the notice of public hearing or the complete text of the proposed rule, amendment or rescission to any person who requests it at a fee not to exceed the cost of copying and mailing.

Five Year Review (FYR) Dates: 12/29/2015 and 12/29/2020

Promulgated Under: 119.03

Statutory Authority: 4703.33

Rule Amplifies: 4703.33

Prior Effective Dates: 09/01/2015