

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Landscape Architects Board

Regulation/Package Title: 2015 Rule Review

Rule Number(s): 4703:1-1-03, 4703:1-3-01, 4703:1-3-02, 4703:1-3-03, 4703:1-3-08,

4703:1-4-01, 4703:1-4-02, 4703:1-4-03, 4703:1-4-04, 4703:1-4-05, 4703:1-4-06,

4703:1-5-01, 4703:1-5-02

Date: 9/23/2015

Rule Type:

No Change 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.

Please include the key provisions of the regulation as well as any proposed amendments.

4703:1-1-03: Describes the Certificate of Qualification for individuals and the Certificate of Authorization for firms. No changes are proposed.

4703:1-3-01: Describes the Seal, how it is used, its specifications and the use of electronic seals and signatures. No changes are proposed.

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4703:1-3-02: Describes the qualifications for the Firm Certificate of Authorization and the renewal procedure. *Proposes to eliminate the requirement in section in (B) (5) that firms supply the board with copies of their articles of incorporation. The board feels these documents are not necessary to determine eligibility.*

4703:1-3-03: Describes naming conventions for firms. No changes are proposed.

4703:1-3-08: Defines the prohibition of improper contacts. No changes are proposed.

4703:1-4-01: Defines Personal Confidential Information. No changes are proposed.

4703:1-4-02: Describes procedures for accessing personal confidential information (PCI). No changes are proposed.

4703:1-4-03: Describes the valid reasons for accessing personal confidential information. No changes are proposed.

4703:1-4-04: Lists the federal statutes governing personal confidential information. No changes are proposed.

4703:1-4-05: Describes the restrictions governing, and logging of, access to PCI via computer systems. No changes are proposed.

4703:1-4-06: Discusses the appointment of an employee to be in responsible control of the board's PCI, how a person can inspect their own PCI, how abuse is investigated, and how access is monitored. No changes are proposed.

4703:1-5-01: Describes how meeting notices are made available. No changes are proposed.

4703:1-5-02: Describes how the Board goes about adopting rules. No changes are proposed.

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

4703:1-1-03: Promulgated Under: [119.03](#); Statutory Authority: [4703.02](#); Rule Amplifies: [4703.07](#), [4703.08](#)

4703:1-3-01: Promulgated Under: [119.03](#); Statutory Authority: [4703.02](#); Rule Amplifies: [4703.12](#); 4703:1-3-02:

4703:1-3-03: Promulgated Under: [119.03](#); Statutory Authority: [4703.02](#); Rule Amplifies: [4703.10](#), [4703.12](#), [4703.13](#), [4703.14](#), [4703.18](#)

4703:1-3-08: Promulgated Under: [119.03](#); Statutory Authority: [4703.33](#); Rule Amplifies: [4703.41](#)

4703:1-4-01: Promulgated Under: 119.03 ; Statutory Authority: [4703.02](#); Rule Amplifies: [1347.15](#)

4703:1-4-02: Promulgated Under: [119.03](#) ; Statutory Authority: [4703.02](#); Rule Amplifies: [1347.15](#)4703:1-4-03:

4703:1-4-03: Promulgated Under: [119.03](#) ; Statutory Authority: [4703.02](#); Rule Amplifies: [1347.15](#)

4703:1-4-04: Promulgated Under: [119.03](#) ; Statutory Authority: [4703.02](#); Rule Amplifies: [1347.15](#)4703:1-4-05:

4703:1-4-06: Promulgated Under: [119.03](#) ; Statutory Authority: [4703.02](#); Rule Amplifies: [1347.15](#)

4703:1-5-01: Promulgated Under: [119.03](#) ; Statutory Authority: [4703.02](#); Rule Amplifies: [4703.02](#)

4703:1-5-02: Promulgated Under: [119.03](#) ; Statutory Authority: [4703.02](#); Rule Amplifies: [4703.02](#)

3. Does the regulation implement a federal requirement?

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? N/A

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)?

The above regulations are required by the Ohio Revised Code.

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

No measurable outcomes exist. Success can be measured by compliance with the regulation.

Development of the Regulation

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

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Stakeholder comment was sought from the Board's registrants and the professional association, 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?

See attached. Only two comments were received, neither of which would alter the board's proposals.

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? If none, why didn't the Agency consider regulatory alternatives?

There are no alternatives; these rules are based upon statute.

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 practice 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.

Changes will be communicated to the licensees electronically and posted on the Board's website. Individuals with questions can call or email the Board for assistance.

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;

Registered landscape architects and landscape architecture firms.

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b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

The firm registration initial application fee which is \$125, and the renewal fee of \$100, are both established by statute. The application is brief and takes 20 minutes or less to complete.

c. Quantify the expected adverse impact from the regulation.

See item b. above. The board has fining authority, but does not issue fines for first time paperwork offenses.

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.

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

The requirements protect the public from dishonest or fraudulent behavior by individuals or firms.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

The rules are required by the Revised Code, which does not permit alternatives.

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 fine first time paperwork offenders. For example, firms found to be without a firm certificate of authorization are notified and staff helps them obtain compliance.

18. What resources are available to assist small businesses with compliance of the regulation?

Board staff is available to answer questions via phone or email; in addition, comprehensive information is provided on the Board’s website.

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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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4703:1-3-01 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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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 a notarized affidavit 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 be made to the board on forms provided for that purpose and 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) Notarized affidavit 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

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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) (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) (5)~~ 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) Notarized affidavit 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, 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.

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(F) Display of certificate.

The certificate of authorization shall be displayed at the firm's principal place of business where it can readily be viewed by the public.

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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.

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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.

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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 landscape architects board.

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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.

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- (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.

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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

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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.

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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. 552a., 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. 1232g(b)(4)(B).

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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:

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- (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.

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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,

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- (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.

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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 or facsimile at area code 614-644-9048 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.
- (B) On payment of an annual fee of five dollars any person may have his/her name placed on a list to receive advance notices by regular mail 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.

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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.

From: [Matthew Latham](#)
To: [Kobe, Amy](#)
Subject: RE: 2015 Rule Review Comment Period Now Open
Date: Thursday, June 25, 2015 4:47:28 PM

Thank you, Amy. My comment is that the rules are fine as they are. Are any changes being contemplated?

Thanks,

Matt Latham
mattheworion@yahoo.com

At Jun 25, 2015, 12:37:53 PM, Kobe, Amy wrote:

Comments are now being accepted on rules under review by the Ohio Landscape Architects Board.

The comment period is open through July 13, 2015. The rules are attached. Please send your comments to: amy.kobe@arla.state.oh.us. Thank you for your time.

Regards,

Amy M. Kobe, Hon AIA

Executive Director

Ohio Architects Board

Ohio Landscape Architects Board

www.arc.ohio.gov

77 S. High St., 16th Floor

Columbus, Ohio 43215-6108

Phone (614) 466-2316

Direct (614) 466-1327

Email: amy.kobe@arla.state.oh.us

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From: [Craig Cawrse](#)
To: [Kobe, Amy](#)
Cc: [Eugenia Martin, FASLA](#)
Subject: RE: 2015 Rule Review Comment Period Now Open
Date: Monday, June 29, 2015 9:02:45 AM

Hi Amy,

I've reviewed the 2015 Rules and they seem reasonable. I like the fact that access to personal information by Board members is strictly controlled and documented.

Craig Cawrse
License # 354

Craig E. Cawrse, FASLA
CEO

Cawrse & Associates, Inc.
549 East Washington Street
Chagrin Falls, OH 44022
440.247.7003x222
440.247.7143 fax
www.cawrse.com

From: Kobe, Amy [mailto:Amy.Kobe@arla.state.oh.us]
Sent: Thursday, June 25, 2015 12:38 PM
To: Craig Cawrse
Subject: 2015 Rule Review Comment Period Now Open

Comments are now being accepted on rules under review by the Ohio Landscape Architects Board. The comment period is open through July 13, 2015. The rules are attached. Please send your comments to: amy.kobe@arla.state.oh.us. Thank you for your time.

Regards,

Amy M. Kobe, Hon AIA
Executive Director
Ohio Architects Board
Ohio Landscape Architects Board
www.arc.ohio.gov
77 S. High St., 16th Floor
Columbus, Ohio 43215-6108
Phone (614) 466-2316
Direct (614) 466-1327
Email: amy.kobe@arla.state.oh.us

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