

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 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.