

OREGON LANDSCAPE ARCHITECT BOARD
MEETING MINUTES
November 12, 2010

Members Present:

Ron Nichols, Public Member, Treasurer
David Olsen, Landscape Architect, Board Chair
John Pellitier, Landscape Architect
Timothy Van Wormer, Landscape Architect, Vice Chair
Susan Wright, Public Member

Staff Present:

Marilou P. Arrobang, Registration Specialist

Guests Present for Oral Interview from 10:30 AM to 10:55AM:

Lisa Goorjian Duh, Brookley Duke, Arica Duhrkoop-Galas, Luke Grandlund, Arthur Graves, Lara Heasley, Kaitlin North, Lessa Racow, Michael Shippey, Timothy Strand & Sean Stroup

Members Absent

Robert Edwards, Public Member
Mel Stout, Landscape Architect

Other Guests:

No other guests.

Chair Olsen called the meeting to order at 9:00 AM in Conference Room A of The Association Center, Salem, Oregon. The Chair inquired if there were any additions to the agenda. An Addition agenda item was added under New Business, D. 2011- 2013 Biennium Budget Draft. Van Wormer moved to approve the agenda as amended. *Seconded and passed. Nichols, yes; Olsen, yes; Pellitier, yes; Wright, yes.*

1. MINUTES:

A. *Olsen* moved to approve the minutes of the August 13, 2010 Board meeting. *Seconded and passed. Nichols, yes; Olsen, yes; Pellitier, yes; Van Wormer, yes; Wright, yes.*

COMPLIANCE REPORT: Chair *Wright* reported that there are no pending cases. A new complaint from a Registered Landscape Architect was brought to the attention of the Compliance Committee. Maria Cahill, operating under GreenGirlPDX, might be advertising herself as a Landscape Architect w/o registration. Compliance Chair *Wright* thinks that Maria Cahill may have crossed the boundary and therefore is seeking input from the Board. John Pellitier requested that a copy of the complaint and information about Maria Cahill be forwarded to him. Pellitier will contact the Landscape Contractor Board to alert them of Cahill's operation. Olsen and *Wright* requested that they be provided with the correspondence. *Wright* also requested that she be provided with contact information for the Engineering Board and Architect Board. Staff is also directed to research on the criteria for offering continuing education to contractors. Staff is also directed to assign a compliance case number for Maria Cahill. No action was taken on this item at this time.

2. ADMINISTRATIVE MATTERS:

Administrator Report (Appendix I).

- Vice Chair, Tim Van Wormer reported on behalf of the Administrator.
- Van Wormer reported that OSLAB had no representative at the August, 2010 CLARB Annual Meeting.
- SIBA Meeting is scheduled on November 16, 2010 and staff will be attending said meeting.
- No meeting for the Compliance Committee, Rules Advisory Committee and Continuing Education Committee.
- Van Wormer also reported that the June 2010 LARE Graphics exam result was released on August 16, 2010. Passing rate for Section C is 66% and pass rate for Section E, is 45%. The Redline review was also conducted by staff on November 1, 3 and 4, 2010. Five candidates availed of the Redline review.
- The LARE will again be administered in December, 2010. Van Wormer will proctor on December, 13 and Susan Wright will proctor on December, 14, 2010.
- The OSLAB Newsletter was issued on 9/10/2010. The next newsletter is scheduled to be released not later than December 31, 2010. Wright will create a table reporting compliance cases for posting in the newsletter. Wright will submit report not later than December 15, 2010 with copy to Board Chair, David Olsen. Olsen will also write an article on Knight's retirement.
- Updates for 2009-11 Biennium: The Board reviewed the Budget versus Actual figures. No questions raised by any Board Member. Van Wormer requested for a conference call sometime in January regarding 2011-2013 draft budget with Nichols and Arrobang.
- Check Log: *Van Wormer* moved to approve the check log containing check #3488 to #3513 and #10085 to #10091. *Seconded and passed. Nichols, yes; Olsen, yes; Pellitier, yes; Wright, yes.*

The Board went on break from 10:25 – 10:30AM.

At 10:30AM the Board started the Oral Interview. Chair Olsen introduced himself to the 11 candidates for initial registration. Board Members then introduced themselves and identified their Board responsibilities. The candidates then introduced themselves. A question and answer portion followed. After the discussion, Chair Olsen moved to approve registration as a Landscape Architect for Brookley Duke, Lisa Goorjian Duh, Arica Duhrkoop-Galas, Luke Grandlund, Arthur Graves, Lara Heasley, Kaitlin North, Lessa Racow, Michael Shippey, Tim Strand, and Sean Stroup. Nichols, yes; Pellitier, yes; Van Wormer, yes; Wright, yes. Olsen issued certificates and letters and Board Members exchanged greetings and congratulations.

At 11:30AM, Board members proceeded to the Board office for a conference call with Dawn Zanto, of Mead & Hunt. Mead & Hunt is a registered business with OSLAB. Ms. Zanto was requesting clarification on the definition of an "officer" as stated in ORS 671.318. Per ORS 671.318, an "officer" of the business entity means an individual owning, operating, or employed by the business entity in Oregon and having the authority on behalf of the business entity to enter into contracts for landscape architectural services and to otherwise make decision regarding the execution and outcome of such services." Mead & Hunt's Landscape Architect on Record is registered in Oregon but no authority to sign and enter into contract. The officers with authority to sign and enter into contracts are not Registered Landscape Architects in Oregon and are out-of-state. No answer was given to

Ms. Zanto at the conference meeting. The Board will do a further research on this and staff was directed to solicit the opinion of CLARB on this issue. Staff must report to the Board on this not later than December 15, 2010.

The conference call meeting adjourned at 12:00NN. The Board went to lunch from 12:00NN to 1:00PM.

3. COMMITTEE REPORTS

A. ADMINISTRATIVE RULES COMMITTEE: *Nichols* reported that there is no pending Administrative Rules (OAR) action being considered at this time.

- **B. CONTINUING EDUCATION COMMITTEE:** *Olsen* submitted the CEC Report and Recommendations on behalf of Mel Stout to the Board. All six audited registrants, with renewal period of April, May and June, 2010 passed the audit. *Wright* moved to approve the CEC recommendations. Seconded and passed. *Nichols*, yes; *Olsen*, yes; *Pellitier*, yes; *Van Wormer*, yes.

Four registrants were drawn for audit for the renewal months of July, August and September, 2010.

C. INVESTMENT COMMITTEE: *Nichols* reported that the Board's cash amount with Pioneer Trust Bank, including the six CD's is still within the maximum \$250,000.00 FDIC insured amount.

D. LICENSURE REVIEW COMMITTEE:

- *Van Wormer* reported that in addition to the eleven new registrants for initial registration approved at today's meeting, reciprocity applications continue and four new registrants were added during August and September.
- *Van Wormer* reported that seven business registrations were added to the business roster since the last Board meeting.
- Two registrants have delinquent registration over 60 days. (See Appendix II).
- *Van Wormer* also informed the Board that *Mary Bedard* is sitting for the LARE Section E in December, 2010.

E. OTHER:

1. Liaison to OBAE: *Olsen* reported that he made contact with the Architect Board regarding OSLAB's interest in participating in the Reference Manual for Building Officials. *Carol Moeller*, Administrator of the Architect Board stated that this publication is being worked on by both the Engineering Board and Architect Board. The manual gets updated every other year unless there were no significant changes. The current revision to this manual is nearing completion and is under the control of OSBEELs. Since it is so close to publication, OSLAB will work towards the next revision in 2011.

2. Liaison to OLCB: *Pellitier* reported that he has strong concerns after reading minutes from OLCB regarding their desire to define and regulate rooftop plantings. OSLAB has not yet taken up this distinct area of expertise and he believes it is of major concern to the health, safety and public welfare of Oregonians which because of the complexity of areas/layers of expertise, requires a joint discussion by the three primary

professions responsible for the actual design and the resulting implications to health, safety and public welfare regarding environmentally designed rooftop gardens, eco wall planting, storm water-HVAC- cooling recirculation systems, etc. In the same way most Oregon municipalities require the three professions to work jointly in areas such as Planned Unit Developments, this is a distinct area which could have dire public/private sector consequences due to a building's many structural, environmental and aesthetic considerations which need to be developed and communicated and monitored. The State Engineering Board and Architect Boards should be contacted to set up a preliminary meeting by our Board. Staff is directed to provide contact information for OSBEELS and Architect Board.

5. CORRESPONDENCE

A. LAC 10 10 225: A public citizen is inquiring if there is any type of felony that would hinder or may cause denial of registration. The Board does not have any knowledge about felony. The OAR and ORS do not specifically list felony. The Board directed staff to respond to the letter and enclose a copy of the OAR and ORS.

B. LAC 10 10 239: A public citizen is inquiring if OSLAB has a law pertaining to structures and construction. Since the email is not very clear on what was really asked from the Board, Van Wormer volunteered to call the sender.

6. OLD BUSINESS

A. Action List: Van Wormer distributed the OSLAB Action List and worked on updating the list. Board members identified in the list discussed their intent to assist.

B. Biennial Report: No input about the report was submitted into the record. Staff followed up with Van Wormer if the meeting requested by the Legislative Fiscal Office (LFO) was completed. Van Wormer confirmed that this meeting has not yet transpired and requested staff to give him again the contact information for the LFO.

C. Bylaws: On hold until a new Administrator is hired.

7. NEW BUSINESS

A. Mentoring Aspiring Landscape Architects: Ron Nichols, Chair of the Rules Advisory Committee will refer this to the Rules Advisory Committee.

A discussion about eligibility to re-take the LARE exam was opened. The Board directed staff to research on maximum number of times an applicant for LARE can sit for the exam. Board Members thought that there was a rule drafted and passed that after 10 times of failing graphic exams, Section C and E, an applicant may no longer re-apply. Staff Arrobang informed the Board that she was not aware of such rule and therefore allowed applicants to re-apply even if the maximum 10 times of failure was reached.

B. Board Meeting Schedules for 2011. Scheduled Board meeting dates for 2011: February, 4, 2011, May 13, 2011, August 12, 2011 and November 18, 2011. These dates are subject to change based on Board Member's availability.

C. OSLAB Main Contact Person to CLARB: Staff provided Board Chair Olsen, the contact name for CLARB.

8. ANNOUNCEMENTS:

- A. Next LARE Dates: December 13 & 14, 2010. Van Wormer volunteered to serve as proctor on December 13th. Wright volunteered to serve as proctor on December 14, 2010.

9. ADJOURNMENT: Chair *Olsen* adjourned the meeting at 3.15 PM.

Respectfully submitted,

Marilou P. Arrobang
Registration Specialist