

OREGON LANDSCAPE ARCHITECT BOARD
MEETING MINUTES
February 20, 2009

Members Present:

Robert Edwards, Public Member
Ron Nichols, Public Member, Treasurer
John Pellitier, Landscape Architect
Mel Stout, Landscape Architect, Vice Chair
Timothy Van Wormer, Landscape Architect, Chair
Susan Wright, Public Member

Members Excused:

David Olsen, Landscape Architect

Staff Present:

Susanna Knight, Administrator

Candidate(s) for Initial Registration Present:

No candidates

Guests:

Andrew Leisinger, RLA, Liaison to ASLA [arrived at 1:00 PM]

The Board meeting was preceded by a 9:00 AM work session. Both the work session and the Board meeting convened at The Association Center, Conference Room A, 2nd Floor, 707 13th Street SE, Salem, Oregon.

The Budget Committee (BC) of *Van Wormer* and *Nichols* presented a 2009-11 draft operating budget. A recent response letter from Department of Administrative Services/Risk Management Division (DAS/RMD) was also distributed. The DAS letter approved the Board's request for repayment of an insurance invoice over the next three biennia. The \$77,808 invoice is due against money awarded the Board in June 2006. Prior to the November 2008 meeting, the Board had no knowledge that repayment of any of the insurance award would be required.

The BC offered information about the 2009-11 draft budget as follows:

- Reduction of revenue: Based on the current economic climate, the BC anticipates a decline in registrant and business renewals and has reduced LA renewals by 5-6% each year and reduced business renewals by approximately 11%.
- Reduction of the biennial fee for business registration: *Nichols* reminded the Board that in the 2007-09 biennium, a few registrants urged the Board to consider adjusting the business fee and the Board agreed to take this request under consideration. Due to the unknown economic conditions, the BC cannot recommend a business fee reduction at this time. The BC will track the income status during the biennium to determine if a reduction in this fee could occur in the next biennium.
- Repayment to DAS/Risk Management for insurance award of 2006: A line item this large makes it very difficult to balance the budget. The BC recommends that this particular expense be addressed separately from the budget and that when the first invoice is received from

DAS/Risk Management for the repayment. Money received by the Board from DAS/Risk Management was invested by the Board in a CERTIFICATE OF DEPOSIT that will be used to repay DAS/Risk Management over the next 3 bienniums.

Discussion about the draft continued.

- ✓ *Wright* inquired about the possibility of increasing the Board Member stipend currently set at \$30 per Board meeting. The board discussed this possibility. The budget will include a stipend allowance of \$50 but the stipend will remain at \$30.
- ✓ *Van Wormer* spoke in support of maintaining a line item for Investigator so outside assistance can be sought in compliance review should the need arise. The Board also asked that public agencies be alerted through the newsletter to check the Board rosters to verify firm and individual licensure if they are receiving any bids from out of state Landscape Architects or landscape architecture firms.
- ✓ *Knight* reported that the Administration Fee reported in the draft budget remains under review due to current state discussions about the status of state wages. When the personnel budget is finalized, then the Administrative Fee for the 2009-11 budget will be known.

The Work Session ended at 10:00 AM and Chair *Van Wormer* announced a 10 minute recess.

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Chair Van Wormer called the quarterly meeting to order at 10:10 AM. He informed the Board that *Olsen* was excused from the meeting today and then asked for any additions to the meeting agenda. The following items were added to the meeting agenda:

- *Edwards* requested under Old Business, B. Reinstatement request for delinquent registration;
- *Knight* asked to include Correspondence, E. LAC 09 01 011 DAS/RMD Letters and F. LAC 09 02 045 I & II, Email inquiry about qualifying experience for examination.
- *Van Wormer* requested to add 7. New Business, E. The Plan Committee and F. Website, investigations.

Stout moved to approve the agenda with the additions. *Seconded and passed: Edwards, yes; Nichols, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes. Motion approved.*

1. MINUTES: *Van Wormer* inquired of staff as to why his revisions were not included in the November 14, 2008 draft meeting minutes. *Knight* stated that the revisions must have been missed, as only input from *Stout, Nichols and Wright* is acknowledged on the draft minutes. *Van Wormer* stated that the following four items were discussed and this should be represented in those minutes:

- OLCB was revising its OAR to align with its ORS where a landscape contractor can plan or install, but OSLAB will present its position into the record of the Administrative Rules Hearing; Common issues discussed included:
 - Landscape designers;
 - Issues with exemptions; and
 - An agreement to continue discussions between OSLAB and OLCB.

Nichols moved to approve the minutes with the inclusion of corrections previously offered by *Van Wormer*. *Seconded and passed: Edwards, yes; Nichols, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.*

2. ADMINISTRATIVE MATTERS:

A. **Board Administrator Report** (See Appendix I): *Knight* referred the Board to the quarterly report which outlines details since the last Board meeting and alerted the Board about HB 2057 which intends to remove three semi-independent Boards from that status. *Knight* is tracking this situation and will keep the Board informed. She reported that the presentation at the University of Oregon was well received and that *Jim Figurski*, RLA was also present. She identified her PowerPoint document to the Board and it was suggested that the document be given to *Andy Leisinger*, newly appointed ASLA liaison to OSLAB.

B. **Action List from November 14, 2008 Meeting and Addendum Action List:** *Knight* directed the Board to a few items as she was unclear as to the intent of the items. Clarification was provided for some outstanding items. Currently there is an Action List from the prior Board meeting and a compilation list of unfinished items. *Wright* asked to have both of these lists combined so that the Board would have only one list to review. The Board discussed health, safety, and welfare concerns surrounding designers and landscape contractors and concurred that the baccalaureate degree, the three-year mentoring program, and the rigid exams required of potential Landscape Architects provide adequate protection for the public. *Nichols* offered that the landscape contractors have a performance bond on completing the job to protect the customer. The Board also concurred that it needs to move on developing language for electronic documents, including stamping and signatures and that a newsletter article should inform registrants as to progress with this.

C. **Budget Update 2007-09 Biennium:** The Board reviewed the updates on the biennial budget; the Revenue/Expense report for the current fiscal year; and the Balance Sheet. No questions were entertained.

D. **Check Log:** The meeting notes do not reflect that Check Logs of #3197 to 3239 and #10038 to #10044 were approved.

E. **Business Registration Update** (See Appendix II): Ten new businesses have been added to the Board roster since the last meeting.

F. **Inactive Registrants** (See Appendix II): *Jeffrey Lakey* was approved for inactive registration on 1/31/2009.

At 11:35, the Chair recessed the Board for a 10-minute break.

At 11:45 AM, Chair *Van Wormer* read the following statement:

“The Board will now meet in executive session for the purpose of reviewing documents that are exempt by law from public inspection per ORS 192.660(2)(f) under ORS 671.338*.

Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision will be made in executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room.”

At 12:15PM, the Board returned to the public session and the Chair announced that during lunch, the Board would work through the compliance report.

3. COMPLIANCE REPORT: Chair Wright reported that staff had worked on numerous violations and moved to close the following cases as compliance has been met: LACC 07-12-009; LACC 08-04-005; LACC 08-04-006; LACC 08-10-023; LACC 08-10-024; LACC 08-10-0025; LACC 08-10-028; LACC 08-11-030. *Seconded and passed: Edwards, yes; Nichols, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.*

Wright reported that three cases would have follow-up phone calls to discuss options: LACC 08-10-022; LACC 08-10-026; and LACC 08-11-029. LACC 08-10-020 is pending and there will be no action at this time.

Wright then asked staff to consider acquiring the Word Perfect program as this is what she uses to complete her reports. Van Wormer thanked the Chair and offered “good job”!

4. COMMITTEE REPORTS

A. ADMINISTRATIVE RULES COMMITTEE: Nichols reported that no rule development occurred since the last meeting. Three rule revisions are in the queue: emeritus; electronic stamping; and the LARE requirements for pre-approval for Sections A, B, and D. Stout encouraged the committee to use verbiage for electronic stamping that already exists with other licensing boards.

At 1:00 PM, Andrew Leisinger, RLA, joined the meeting.

B. CONTINUING EDUCATION COMMITTEE: Stout reported that the Continuing Education Committee (CEC) reached consensus on carryover hours. He distributed his report and offered that the recommendation includes hours to carryover but that the decision could be contested if the registrant disagrees with the CEC decision. Edwards moved to approve the CEC report. *Seconded and passed: Edwards, yes; Nichols, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.* Stout also reminded the Board that the RLA stamp contains the date of initial registration.

C. INVESTMENT COMMITTEE: Nichols reminded the Board that the CERTIFICATES OF DEPOSIT are the Board’s rainy day fund. He suggested that the CD could be used to pay the first portion of the repayment of the Risk Management Division (RMD) assessment for the insurance repayment. Nichols offered that it is very important that the Board rightfully operate in a “fishbowl”. It is important that OSLAB does not have a large surplus of money tucked away but it is good that the Board created a rainy day account as now that money from the insurance payment can be called up to pay the huge RMD bill. The Board must be fiscally responsible and forthright.

D. LICENSURE REVIEW COMMITTEE: Van Wormer reported that three new registrants were approved through reciprocity. See Appendix II. No candidates applied for initial registration since the last Board meeting. Exam results were just released so candidates should be present for an oral examination for initial registration at the next Board meeting.

5. OLD BUSINESS

A. Quarterly newsletter: The Board discussed the various responses from registrants about the quarterly newsletter. Stout suggested that the newsletter include a statement that previous newsletters are available on the Board’s web page. The Board also concurred that a newsletter article should

address the business fee discussion held in the work session as well as the \$77,208 bill from DAS RMD that was addressed during the budget discussion.

B. Lapsed Registration: *Edwards* reported to the Board that Sean Batty failed to renew his LA registration in the 60-day window following 11/30/2008 and is currently in a lapsed status. Batty was contacted by *Edwards* and Batty explained that he is completely in the fault but was not able to be present on this day to meet with the Board. He understands that both the annual fee and the delinquent fee must be paid and is requesting to be reinstated upon payment. Then he would appear before the Board at the next meeting. *Edwards* moved to activate the registration of Sean Batty now with the understanding that he would appear at the Board meeting in May for an oral examination. *Seconded and passed: Edwards, yes; Nichols, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes. Edwards* will contact Batty about attending the meeting.

6. CORRESPONDENCE

A. **LAC 08 12 025:** Registration in Oregon requires compliance with the Oregon Administrative Rules and Revised Statutes. The ASLA summary of provisions evidently does not properly represent Oregon's requirements. The person should be referred to Oregon's rules and laws.

B. **LAC 09 01 019:** If a Landscape Architect is seeking work in Oregon, the LA must have both an active registrant and the business name must also be active. The payment of the business registration must be current.

C. **LAC 09 02 022:** The California Governor had proposed removing the Landscape Architect Technical Committee (LATC). *Van Wormer* volunteered to write a letter if it is still needed. [Note: The California Governor subsequently signed the budget for the LATC.]

D. **LAC 09 02 026:** Although the Board would need more specifics about the Natural Playgrounds referred to in this correspondence, landscape contractors cannot prepare construction details and specifications and can only prepare conceptual designs. This issue is of concern to OSLAB and *Pellitier* will be in touch with this individual.

E. **LAC 09 02 045I & II:** The Board discussed this inquiry from a landscape contractor about another process for acquiring work experience other than under the direct supervision of registered professionals. The Board concurred that there is no other process.

F. **LAC 09 01 011:** This letter from DAS was in response to the Board's request to repay the insurance money over multiple biennium. The Board was granted payment over three bienniums. *Stout* moved to accept the DAS, Risk Management Division's offer for repayment over three bienniums. *Seconded and passed. Edwards, yes; Nichols, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.* Additional discussion was held about the possibility of joining a "pool" of other agencies to reduce the biennial insurance fee. Staff was directed to gather all information and bring it back in May.

7. NEW BUSINESS

A. **2009-11 Budget:** Based on the information presented and discussed during the Work Session, *Nichols* moved to approve a \$315,082 budget for the next biennium. *Seconded.* Additional discussion was held. *Pellitier* inquired about a possible increase in the Board Member stipend based on discussion during the Work Session. *Van Wormer* responded that a \$50 stipend would be discussed in May. *Motion passed. Edwards, yes; Nichols, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.*

B. Overlap of PE's and LA's: As follow-up from the November Board meeting, OSLAB was interested in knowing if overlap issues were about the scope of practice or the quality of the work. Contact with CLARB acknowledged that Kentucky and Missouri have had some issues. The Ohio Administrator presented a case study of this issue at the Spring Charleston meeting. *Stout* stated that where Landscape Architects can work with Professional Engineers, this is good!

C. Plain Language Plan: *Knigh*t asked the Board to review the PLAIN LANGUAGE PLAN (PLP) and apply the information to the current web page information. A discussion will be included in for the May 8, 2009, Board meeting. As part of the implementation of the PLP, by May 15, 2009, the Board is to evaluate the current web page information for compliance.

D. CLARB Region V Conference Call Report: *Van Wormer* reported that both he and the Board Administrator joined in on the February 19, 2009, Conference Call. Each state submitted a standard report and updated the region members on current issues. An agenda for the Charleston Region V meeting was developed.

E. Plan Committee: *Van Wormer* reported that a committee is being put together by OCLB to define the term "plan" used in OLCB's rule and law. *Van Wormer* stated that this discussion would be inclusive and he is hopeful that the OSLAB's concerns about health, safety, and welfare (HSW) in this overlap practice area will be addressed. Members from both OLCB and OSLAB will serve in addition to representation from the landscape designer and Landscape Contractor's community. *Olsen* and *Pellitier* will represent OSLAB.

F. Website: The Board discussed posting the compliance report on the web page. The Board agreed to have the compliance report posted to the website. *Stout* commented that other reports are part of the Board minutes. The Board concurred.

8. ANNOUNCEMENTS

A. LARE Exams are scheduled for June 8 & 9, 2009, in Salem, Oregon. *Wright* volunteered to proctor the June 8 date; *Pellitier* volunteered to proctor the June 9 date.

B. CLARB will convene in Charleston, S.C. for a national meeting on February 27 & 28, 2009. Both the Board Chair and the Board Administrator will be in attendance.

C. OSLAB 2009 Meeting Dates: The Administrator noted that the quarterly meeting dates are posted on the web and that the next meeting is scheduled for Friday, May 8, 2009, location to be announced.

9. **ADJOURNMENT:** The meeting was adjourned at 3:23 PM.

Respectfully submitted,

Susanna R. Knight, Administrator

<p>The minutes of the February 20, 2009, Board meeting were approved as presented at the May 8, 2009 Board meeting. Respectfully submitted, Susanna R. Knight Administrator</p>
