

**OREGON LANDSCAPE ARCHITECT BOARD**  
**MEETING MINUTES**  
August 14, 2009

**Members Present:**

Robert Edwards, Public Member  
Ron Nichols, Public Member, Treasurer  
David Olsen, Landscape Architect  
John Pellitier, Landscape Architect  
Mel Stout, Landscape Architect, Vice Chair  
Timothy Van Wormer, Landscape Architect, Chair  
Susan Wright, Public Member [arrived at 9:30 AM]

**Staff Present:**

Susanna Knight, Administrator

**Guests Present:**

Kaitlin Beatty [12:00 PM to 1:45 PM]  
Matt Koehler, RLA [12:15 PM to 1:45 PM]  
Andrew Leisinger, RLA [12:00 PM to 1:45 PM]  
Chelsea Schneider, RLA [11:30 AM to 1:45 PM]  
Ron Singh, PLS [8:30 AM to 9:45 AM]  
Matt Triplett [10:20 AM to 3:45 PM]

The quarterly meeting of OSLAB was preceded by an 8:30 AM work session.

**Electronic Signatures:** Ron Singh, PLS of ODOT was invited by the Rules Committee Chair to present information on electronic signatures. The Board indicated in May meeting discussions about the draft Administrative Rule on Signatures that it needed additional information about just what comprised a “digital signature”. Singh has been with ODOT for 30 years and his interest with “automation” efforts at ODOT goes back 25 years. He authored a document September 30, 2008 titled Digital Signatures for Engineering Documents. Singh stated that a “wet signature” does not prove identity but rather shows deliberation, agreement and consent. To prove identity, one must go to a Notary. The digital signature and the electronic signature are *not the same* and they mean different things. Electronic signatures are scanned images or typed notations. Digital signatures allow proof of the person and provide security, authentication and encryption. This is accomplished with a *Certificate of Authority*. A digital signature is to an electronic document as a handwritten signature is to paper. Singh stated that under the current stamping/signing procedure, there is only one original. In the electronic version, all “copies” are original as long as the digital signature is present! Once the original has been modified, the digital signature is invalidated and that particular electronic document is no longer an “original”. Singh closed with the observation that that Technology and Tradition are moving apart! He encouraged the Board to implement Administrative Rules that will support the new technology. At 9:45 AM, Van Wormer announced a 5-minute recess.

**Bylaws for OSLAB:** *Van Wormer* directed the Board to the draft TABLE OF CONTENTS for the Bylaws. The Board concurred that the outline submitted would address the needs of the Board. Information will be added to the Bylaws during the upcoming weeks and Board Members will be asked to review and provide comments to each section of the draft document. The Board will revisit the compiled document of draft Bylaws at the next Board meeting.

*Stout* requested the opportunity to make a comment about the digital signature. He suggested that OSLAB look at following OSBEELS lead and draft the Administrative Rule to identify digital signatures.

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*Chair Van Wormer* called the quarterly meeting of the Oregon State Landscape Architect Board to order at 10:00 AM and asked for additions or revisions to the agenda. *Knight* requested the addition of three items: two requests for reinstatement of Landscape Architect registration and one correspondence, LAC 09 08 204. *Stout* moved to approve the agenda as modified with two reinstatement requests and one additional correspondence. Seconded and approved unanimously. *Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Wright, yes; Van Wormer, yes.*

### **Reinstatement Requests:**

**1) Mark Dawson:** *Edwards* reported that he talked to Dawson who originally registered for a single project. Although the company does not regularly work here, the engineering firm is registered so he must also be registered. He resides in Massachusetts and requests reinstatement without flying out to Oregon. *Van Wormer* stated that as an alternative, he could apply by reciprocity. *Edwards* moved to grant reinstatement. Seconded and approved unanimously. *Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Wright, yes; Van Wormer, yes.* Continuing education information must be submitted along with the reinstatement fees.

**2) Ross Rooper:** Rooper's registration lapsed on 5/31/2009 as he was relocating from Montana to Oregon. *Olsen* moved to reinstate Rooper with payment of registration fee and late fee. Seconded and approved unanimously. *Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Wright, yes; Van Wormer, yes.* Continuing education information must be submitted along with the reinstatement fees.

*NOTE:* At 10:20 AM, Matt Tripplett, Board Member with the Oregon Landscape Contractor's Board (OLCB) arrived and was introduced by Board Member *Pellitier*.

**3) Beth Zauner:** Zauner was employed by Port of Portland and the Port handled her renewal. She explained that she left the Port almost two years ago but failed to change the mailing address on record in the Board office so she did not receive a renewal reminder. One month ago, she remembered her registration which had been delinquent since 8/31/2008. She has been unemployed since last February so would like the option of reinstating now or at a later date. *Olsen* stated that ignorance of the law is not good and an audit of continuing education is needed. *Olsen* moved to reinstate LA462 upon receipt of the annual fee and late fee and documentation of completion of 12 PDH; if not received and in place by 8/31/2009, then an additional \$250 and 12 hours documented PDH must be submitted. In addition, the registrant must read the CODE OF CONDUCT and write a Letter of Understanding to the Board. *Seconded.* Additional discussion ensued. *Pellitier* stated that he is thrown off by a registrant practicing without registration; a "kinda forgot" situation should not occur; the Board needs acknowledgement that both the OAR and ORS have been read and that confirmation of this individual's understanding of when and when not to stamp is included. *Knight* informed Zauner that the Board has civil penalty authority of up to \$5000 for each violation, which would include any document stamped without current registration. The motion was unanimously approved: *Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Wright, yes; Van Wormer, yes.*

Zauner departed at 10:35 AM.

*Chair Van Wormer* announced that the Board would now move into Executive Session to discuss Compliance Cases currently under review and 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 under **ORS 192.660(2)(l)** and **ORS 671.338(1)(b)** which allows the Board to consider information obtained as part of an investigation of registrant or applicant conduct. 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 12:02PM, *Van Wormer* stated that the Board will now return to regular session and invite the public back into the room.

*Van Wormer* welcomed the invited luncheon guests, the ASLA Regional Chairs and the ASLA Representative to OSLAB, and confirmed that each received a luncheon agenda. During lunch, the discussion topics included

- ✓ ASLA membership: what are the requirements? Is there a landscape architect standard?
- ✓ ASLA leadership: Koehler indicated that the section chairs are developing a strategy for a paid staff person to coordinate the local efforts as the organization is currently all volunteer and much time is invested by the volunteers.
- ✓ Continuing education: *Stout* stated that Landscape Architects are the eyes and ears helping with continuing education. ASLA can assist by watching out for ethical issues, accreditation issues, and raising the visibility of the profession. The Board audits 5% of the registrant pool and names are selected quarterly. *Schneider* shared that *Knight* attended a High Desert meeting with a presentation on continuing education. *Stout* stated that section Chairs play an important role in facilitating CEUs. Koehler asks the Board to consider increasing credit hours for ASLA Executive Committee members as they are putting in lots of hours. *Olsen* asked that a letter be written to OSLAB rationalizing this request. *Stout* stated that it is difficult to set credits to everything imagined. The OAR is clear that if you make the justification, an event may possibly count for additional CEU.
- ✓ Compliance: In response to the Board update regarding Yellow Page (YP) advertisements under the Landscape Architect category by non-registered individuals, *Leisinger* stated that he received a letter from the Architect Board as his company was listed under Architects in the YP even though he had not authorized the entry. *Schneider* inquired about issues of compliance. *Leisinger* suggested that landscape designers at trade shows may be offering services of landscape architecture. *Knight* asks ASLA to submit brochures, business cards, etc. located on tables at shows that might bring non-registrants into compliance. *Van Wormer* stated that an RLA must turn in violations to the Board. Koehler asked that *Knight* write an email to the Section Chairs about LA regulation and also send the OLCB contact information.
- ✓ Closing remarks: *Van Wormer* requested that an annual Outreach opportunity be convened with ASLA Section Chairs to keep the communication lines open. He reported that the Board is working on digital signature information for the Administrative Rules to meet the electronically transmitted needs of technology. Support of digital signatures was confirmed by the ASLA leadership present at the meeting.

The luncheon meeting concluded at 1:38 PM. *Van Wormer* recessed the group until 1:45 PM.

**1. MINUTES:** *Edwards* moved to approve the May 8, 2009, meeting minutes as presented. Seconded and approved unanimously. *Edwards*, yes; *Nichols*, yes; *Olsen*, yes; *Pellitier*, yes; *Stout*, yes; *Wright*, yes; *Van Wormer*, yes.

**2. COMPLIANCE REPORT:** *Wright* reported as follows:

- a) **LACC#09-05-031:** Ongoing research is occurring before this case can close.
- b) **LACC #09-05-032:** *Wright* moved to send a closing letter to the registrant confirming that no business registration is required if the Landscape Architect is working on sovereign land but if the registrant takes on any Oregon projects on non-sovereign land, the business name must be registered with the Board. Seconded and approved unanimously. *Edwards*, yes; *Nichols*, yes; *Olsen*, yes; *Pellitier*, yes; *Stout*, yes; *Wright*, yes; *Van Wormer*, yes.
- c) **LACC #09-05-034:** *Wright* moved to close this case by issuing a letter to the registrant confirming that no business registration is required as long as the registrant is not pursuing business or practicing in Oregon. Seconded and approved unanimously. *Edwards*, yes; *Nichols*, yes; *Olsen*, yes; *Pellitier*, yes; *Stout*, yes; *Wright*, yes; *Van Wormer*, yes.
- d) **LACC #09-05-035:** Ongoing investigation into this violation precludes closing at this time.
- e) **LACC #08-10-020:** Ongoing investigation into this violation precludes closing at this time.

### **3. ADMINISTRATIVE MATTERS**

- A. **Board Administrator Report:** Knight reported the following as follow-up to the written report:
  - ✓ Sandra Gonzalez, Clair Lewis and Philip Meyer were selected by the Board to serve on the CLARB Nominating Committee.
  - ✓ The CLARB Region V phone meeting will convene on Thursday, August 20, 2009 at 1:00 PM.
  - ✓ The Compliance Committee met on August 5, 2009.
  - ✓ The SIBA group is engaging the same lobbyist from the 2009 legislative session to continue monitoring semi-independent legislation.
  - ✓ A non-budgeted bill of \$411.00 for year one of the 2009-11 biennium was paid to the Administrative Rules Unit (ARU). This is a new assessment from just passed legislation to fund the Secretary of State's ARU office. The assessment is based on calculated usage of the ARU by OSLAB.
  - ✓ The Secretary of State, Audits Division, has secured the audit company for the 2007-09 audit. The Board was informed that the audit bid is \$9025. This is about double what the audit charge was for the 2005-07 audit period.
  - ✓ *Pellitier*, *Olsen*, and *Van Wormer* confirmed participation at the CLARB Annual Meeting convening in Seattle September 10, 11, and 12. Knight will also be in attendance.
- B. **Action List** including May 8, 2009 Meeting Actions: The Board reviewed the Action List and asked Members were asked to follow-up on any tasks assigned to them.
- C. **Final Budget Figures for 2007-09 Biennium:** A detailed two-page spreadsheet reflecting the adopted vs. actual budget for the just closed biennium was presented with a carryover amount of just over \$42,000.
- D. **Budget Updates for 2009-11 Biennium:** A detailed breakout of budget categories was presented on the two-page spreadsheet. With only one month into the first quarter of the new biennium reported, projections about revenue and expenses cannot be made. By the November 2009 meeting, a pattern may be developing.

- E. **Check log:** *Edwards* moved to approve check #3275 to #3319 and check #10051 to #10057. Seconded and approved unanimously. *Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Wright, yes; Van Wormer, yes.*
- F. **Business Registration Update** (See Appendix I): Six new businesses were added in the past three months.
- G. **Inactive Registrants** (See Appendix I): Three registrants were approved for inactive registration in the past three months.

#### 4. COMMITTEE REPORTS

**A. ADMINISTRATIVE RULES COMMITTEE:** *Nichols* directed the Board to minor revisions provided from Counsel to three previously discussed rules. The Rules Advisory Committee previously worked through the initial revisions and no members indicated issues with the minor changes provided here.

- a. *Nichols* moved to approve the following as presented: OAR 804-020-0003, Application; OAR 804-022-0025, Emeritus; and OAR 804-030-0000, Seal of the Landscape Architect. Seconded and approved unanimously. *Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Wright, yes; Van Wormer, yes.*
- b. *Nichols* reported that a redraft of the SIGNATURE rule will be prepared following the presentation by Ron Singh during the Work Session.
- c. *Wright* reported that she will provide rule suggestions for the sole proprietorship business so that it becomes clear for the Compliance Committee. *Pellitier* inquired about business registration fees. *Van Wormer* stated that this would be a New Business discussion item for the next meeting. The BUDGET COMMITTEE will discuss this issue before the next meeting.

**B. CONTINUING EDUCATION COMMITTEE:** *Stout* distributed a written report and informed the Board that no conference call was held as the all audited registrants completed the information correctly. *Wright* moved to accept recommendation from the Compliance Committee to accept audit information from the following: 136, 144, 148, 182. *Seconded and approved unanimously. Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Wright, yes; Van Wormer, yes.* *Stout* also talked about carryover credits and stated that a change to the current process would require an Administrative Rule revision. He asked that an article about doing away with carryover hours be reported in the newsletter; feedback solicited; and tracking carryover hours remain on the table for future discussion by the Board.

**C. INVESTMENT COMMITTEE:** *Nichols* reminded the Board that a CD is in place to pay the insurance fee from DAS RMD. He stated that he is open for suggestions regarding the carryover dollars, including the purchase of a CD for the emergency fund of the Board. *Van Wormer* suggested consideration of a fee reduction. No action was taken pending a review by the Budget Committee.

**D. LICENSURE REVIEW COMMITTEE:** *Van Wormer*

- 1. Initial Registration by Examination: No applications via examination were received.
- 2. Approved for LA Registration by Reciprocity (See Appendix I): No applications by reciprocity were reviewed in the past quarter.

**E. OTHER:**

1. **Liaison to OBAE:** *Olsen* reported that he has not yet scheduled a visit to a meeting of the Architect Board. Knight suggested that a discussion be opened about the use of RLA on projects.

2. **Liaison to OLCB:** *Pellitier* reported that *Olsen* also attended the second meeting convened June 17, 2009 in Eugene and there was a marked difference in the two meetings. Topics included the professional overlap in municipalities in the southern part of the state and the work of the Landscape Architect as it relates to “plan”. *Pellitier* outlined to the group the components of “plan” as practiced by a Landscape Architect. *Pellitier* also read the following from the Administrator column of the June OLCB newsletter: “Landscape architecture and engineering firms in the planning and designing of the projects and landscape contracting businesses in the installation and planting. It [living walls] involves the installation of lawns, trees, shrubs, other nursery stock, drainage and irrigation and thus falls under the jurisdiction of the LCB.” *Olsen* offered that he learned from the meeting that it is important to continue a working relationship with OLCB. *Pellitier* stated that he was not convinced that additional meetings were necessary. *Olsen* stated that the word “plan” brought everyone to the table but he is not certain the group can come to a conclusion.

**Public Comment:** *Chair Van Wormer* recognized visitor Triplett and allowed five minutes of comment. Triplett stated that he had a moment of realization that Landscape Contractors know their limits. He stated that if work goes beyond what he knows, he contact the Landscape Architect. He liked how *Pellitier* went down the list of what comprises “plan” but noted that the impetus for closing the loophole in the statute came from Galbraith, RLA. He offered that designers also present a problem by not defining also. He offered that it is important to work this out before an Administrative Law Judge must adjudicate. He stated that the “plan” group should get together one more time, perhaps electronically. *Chair Van Wormer & Vice-Chair Stout* thanked Triplett for attending the meeting.

## 5. CORRESPONDENCE

**A. LAC 09 07 180** (Governor’s Board Consolidation Suggestions): *Van Wormer* suggested that the agenda for the 2010 session Legislative Session be found. Staff should contact the Board’s Policy Advisor and inquire of the status of this consolidation suggestion.

**B. LAC 09 07 186** (Possible Legislative Joint Committee): OSBEELS has proposed a collaborative plan amongst Architect, Landscape Architects and Landscape Contractors. *Van Wormer* suggested that perhaps a phone-in meeting could be arranged. Staff will follow-up with this plan.

**C. LAC 09 08 204** (Landscape Architects and stamping plans): This registrant is concerned about municipalities and firms that are not aware of the current requirement for Landscape Architects to stamp landscape plans. *Van Wormer* suggested that the individual that identifies such a violation should take responsibility to provide information about the regulation. Or, individuals should report violations to the Board for follow-up by the Board. *Wright* offered that the League of Oregon Cities (LOC) and the Association of Oregon Counties (AOC) are both venues where the Board could do outreach. *Wright* also advised that a letter should goes to those communities in the southern part of the state after 1/1/2010 when the loophole in the statute is closed. *Pellitier* asked if something should be sent to the City Attorney of each municipality. *Van Wormer* agreed to draft the letter. *Wright* suggested acquiring the City and County Attorney names from LOC and AOC.

## 6. OLD BUSINESS

**A. SB147B:** The Board concurred that a Thank-you letter should be issued to OLCB for allowing OSLAB legislation in the OLCB bill to remove the exemption clause in ORS 671.321(1)(e). The revision to the OSLAB statute passed with SB 147B and will become effective 1/1/2010. The Board concurred that a letter should also be addressed to Andrew Leisinger, ASLA Liaison to OSLAB, who recognized that an opportunity might exist to get this change through in the 2009 Legislative Session. Through his efforts, OLCB was contacted and the amendment came about. The Board expressed appreciation to both parties for assisting in closing this loophole.

**B. Web address for business and registrant:** Individual registrant address information on the web page is now posted from the “business address” in the database for that registrant. If the registrant does not have a business address or if the business address is the home address, then that is the address that will be posted on the web page for the registrant.

**C. Election of Board Officers:** The slate of *Van Wormer*, Chair; *Olsen*, Vice-Chair; *Nichols*, Treasurer was presented to the Board. *Stout* moved to approve the slate. *Seconded*. *Pellitier* inquired of *Stout* if he was okay with this, as he currently serves as the Vice-chair. *Stout* confirmed that he was and *Knight* stated that she took all nominations, compiled them, and talked with various individuals in compiling the slate. *Van Wormer* offered that the Bylaws need to outline how the President is elected. This will be his last year to serve as Chair. The Board discussed the informal nature of the positions. *The slate was unanimously approved*. *Edwards*, yes; *Nichols*, yes; *Olsen*, yes; *Pellitier*, yes; *Stout*, yes; *Wright*, yes; *Van Wormer*, yes.

**D. Board attendance at CLARB, Seattle:** See information under 3.A., Administrator Report.

## 7. NEW BUSINESS

**A. 2011 Legislation:** *Knight* informed the Board that any Legislative Concept for the 2011 Session is due by April 2010. All Board Members are asked to carefully review the current statutes and evaluate the need to seek legislative change in any part. In particular, the Board was also asked to consider if the Emeritus status should be addressed through the statute.

**B. CLARB Meeting Ballot:** *Van Wormer* was nominated to serve as the delegate to the CLARB meeting in Seattle. *Wright* moved to approve *Van Wormer* as the Oregon delegate. *Seconded* and unanimously approved. *Edwards*, yes; *Nichols*, yes; *Olsen*, yes; *Pellitier*, yes; *Stout*, yes; *Wright*, yes; *Van Wormer*, yes. Board Members also submitted their individual choices for the CLARB officer ballot.

**C. Site Plan for Natural Playground:** The Board concurred that if a natural playground includes construction documents (design, details, specifications), then an RLA or associated design professional (Engineer or Architect) must be stamping and signing the plans. The Board would have to review an actual site plan of a natural playground to make a decision about stamping requirements. Anyone can do a schematic site plan; the threshold is turning the site plan into details with construction documents that effect health, safety, and welfare. The Board stated that the construction documents allow for anyone to build the design the same way.

## 8. ANNOUNCEMENTS

- A. CLARB Meeting, Seattle, September 10, 11, & 12, 2009
- B. Next Board Meeting date is November 13, 2009. Knight inquired if the Board should consider taking a quarterly meeting “on the road” during the next year.
- C. Next LARE Dates are December 7 & 8, 2009 with the exams administered here at the office location. Proctors will be solicited at the November meeting.

9. **ADJOURNMENT:** *Nichols* moved to adjourn the meeting at 3:45 PM. *Seconded* and unanimously approved. *Edwards*, yes; *Nichols*, yes; *Olsen*, yes; *Pellitier*, yes; *Stout*, yes; *Wright*, yes; *Van Wormer*, yes.

Respectfully submitted,

Susanna R. Knight  
Administrator

The minutes of the August 14, 2009 were approved as presented at the November 13, 2009 meeting of the Oregon State Landscape Architect Board.

Respectfully submitted,  
Susanna R. Knight  
Administrator