

OREGON LANDSCAPE ARCHITECT BOARD
MEETING MINUTES
May 14, 2010

Members Present:

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

Staff Present:

Susanna Knight, Administrator
Kyle Martin, AAG, Business Services Unit [8:30 AM to 9:20 AM]

Guests Present for Oral Interview from 10:30 AM to 11AM:

Nicole M. Ankeney
Ann E. Leishman
Jacqueline A. Robertson

Other Guests:

No other guests.

Chair Van Wormer called the meeting to order at 8:30 AM in Conference Room A of The Association Center, Salem, Oregon and announced the Board would enter into Executive Session. The Chair 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)(f).

“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, the Board may meet in public session to make a decision under ORS 183.482(6).”

The Executive Session concluded at 9:20 A.M. The Chair announced a 10-minute break.

Work Session: OAR 804-022-0020: Van Wormer directed the Board to the first agenda item for the Work Session and deferred to the Chair of the Rules Advisory Committee (RAC). *Nichols* reported that additional revisions occurred with OAR 804-022-0020. The RAC asked that the rule include the requirements for reinstatement during the first 60 days following the renewal date which is now added under (2)(a)(b). At the last Board meeting, it was agreed that delinquent individuals should sign a form of non-practice prior to returning to active status. That requirement is incorporated into the rule and the draft form is completed for the Board’s review. *Nichols* also asked for guidance on implementing the examination requirement. *Edwards* offered that the Board did not wish to put a lot of definition around the examination. The Board agreed that the examination could change depending upon the delinquent period and that it would generally be an oral examination.

Van Wormer inquired about the history of adding the form. Knight reported that at the February meeting the Board asked that a form be developed. The Board then asked about the process when renewal notices are issued. 1) Renewal Notice is issued six weeks before expiration of registration, the fifteenth of the month. 2) There is a 30-day grace period. If the renewal is not received, an email goes out alerting the registrant that a late fee must accompany the renewal form. 3) After 60 days, a certified letter is issued explaining that the status is delinquent and that they can no longer practice. If the post office's certified card is not received in the office documenting delivery of the letter, staff follows up with a phone call. Instead of requiring individuals to sign a form of non-practice he Board asked that a statement at the top of the 60-day delinquent letter inform the registrant that they can no longer practice. This will be the notice to the registrant so a signed form of non-practice would not be used. *Olsen* inquired whether reinstatement should occur after one year. The current rule allows a 5-year window for reinstatement of a delinquent registration.

The Chair announced a five-minute break.

At 10:35 AM, the Chair inquired if there were any additions to the agenda. The following were added to the agenda: 5.D. LAC 10 05 139, Refund request and 5.E. LAC 10 05 140, ASLA inquiry about PDH documentation. *Edwards* moved to approve the agenda as amended. *Seconded and passed. Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.*

Oral Interview: Chair *Van Wormer* welcomed three candidates for initial registration. Board Members introduced themselves and identified their Board responsibilities. The candidates then introduced themselves. A question and answer period followed. Discussion items included design/build firms; project management; responsibility for timely renewal; delinquent registration and retaking exams; continuing education and required period for retaining PDH logs; ASLA and OSLAB; regulation of the practice; registrant's responsibility to uphold the standards and report violations to the Board.

Olsen moved to approve registration as a Landscape Architect for Nicole M. Ankeney, Ann E. Leishman and Jacqueline A. Robertson. *Seconded and passed. Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes. Van Wormer* issued certificates and letters and Board Members exchanged greetings and congratulations.

1. **MINUTES:**

A. *Olsen* moved to approve the minutes of the February 5, 2010 Board meeting. *Seconded and passed. Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.*

B. *Stout* moved to approve the minutes of the April 21, 2010 telephone meeting. *Seconded and passed. Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.*

At 11:35 PM, the Board entered Executive Session. *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 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, the Board may meet in public session to make a decision under ORS 183.482(6).”

At 12:05 PM, the Board returned to the public session. The Chair announced that no action occurred during Executive Session. The Chair announced a Lunch break until 12:30PM.

2. COMPLIANCE REPORT: Chair *Wright* reported that numerous cases were opened from information reported in Bend’s Cascade Business News. Non-registered businesses were identified as providing Landscape Architect services on numerous projects.

Wright moved to close the following cases: LACC #10-03-007; LACC# 10-04-008; LACC#10-04-009; LACC #10-04-010; LACC #10-04-011; LACC #10-04-012; and LACC #10-04-013. The businesses have responded to the Board’s concern and acknowledged that they are not offering landscape architecture services and the newspaper made the reporting errors. *Seconded and passed. Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.*

Wright moved to close LACC#09-05-035 due to the delinquent status of both the RLA and the company. *Seconded and passed. Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.*

Van Wormer suggested that the format for reporting compliance cases be discussed as it was listed on the Work Session agenda. *Wright* suggested that a spreadsheet format with the open and close date, complaint number, issue, and resolution be posted on the web page. *Edwards* inquired about posting delinquent registrants. *Wright* reported that delinquent registrants were listed in the last newsletter. *Van Wormer* added that the complaint list should be posted on the web quarterly.

3. ADMINISTRATIVE MATTERS:

A. Administrator Report (Appendix I). CLARB reported numerous updates at the Dallas meeting in February, including a change in CLARB’s Redline Review process. A CLARB survey revealed that candidates wanted more time between the Redline Review and the exam date. CLARB has made changes and the candidates now submit Redline payment directly to CLARB rather than through the Board. CLARB is using a new approach in preparing the Redline. These changes allow for the Redline to occur almost a month sooner than previously. *Wright* reported her concern about a candidate’s anger expressed during a recent Redline review at the office. The Board confirmed that it wishes to continue the Redline Review process. *Wright* also reported that CLARB is changing the exam start time to 9AM with the December 2010 administration. *Van Wormer* offered that at the Dallas meeting, Region V held a good ‘welfare’ discussion and viewed welfare as sustainability as much as economics.

Proctors are needed for the June 7 & 8 Administration of the LARE.

B. Updates for 2009-11 Biennium: The Board reviewed the Budget versus Actual figures. Staff noted that the budgeted income dollars for initial firm renewal was \$10,800 but the total should have been \$2250. The budget amount for firm renewal fee is inflated by \$8,550. However, the actual firm receipts in year one of the biennium are substantially under what is budgeted. The Revenue and Expense Report through May 3, 2010 reveal that the income is \$11,000 behind the expenses with about two months remaining in year one of the biennium. Renewals are down about 2.5% in the biennium.

C. Check Log: *Nichols* moved to approve the check log containing check #3410 to #3458 and #10071 to #10077. *Seconded and passed. Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.*

4. COMMITTEE REPORTS

A. ADMINISTRATIVE RULES COMMITTEE: *Nichols* directed the Board to the rule revisions and report that the Rules Advisory Committee (RAC) reviewed the drafts and offered input.

1. OAR 804-022-0020, Reinstatement of Delinquent Registration: *Nichols* reported that the discussion during the Work Session determined that no signed document would be required so this would be removed from the draft rule. *Nichols* moved to revise the draft presented to remove 3(a)(B) and renumber #3 to accommodate the change. *Seconded.* Additional discussion: *Olsen* expressed concern about the five year window to reinstate for delinquent registrants. Motion passed. *Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.*

2. OAR 804-025-0030, Documentation of PDH: *Nichols* explained that this rule is presenting the process for documenting PDH. Both the RAC and the Continuing Education Committee (CEC) provided input to this draft rule. CEC Chair *Stout* offered that clarification of documentation is important and he supports this rule. *Van Wormer* observed that the rule allows flexibility to acquire the validation of participation. *Stout* stated that the registrant must seek documentation. *Van Wormer* noted that a registrant must have proof of attendance. *Nichols* noted that OAR 804-025-0010(4) allows 120 days if any PDH is disallowed. *Stout* recommended leaving that as is. *Nichols* moved to approve the language in OAR 804-025-0030. *Seconded and passed. Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.*

3. OAR 804-025-0035, Audit of PDH: *Nichols* reported that the draft language was reviewed by both the RAC and the CEC. *Stout* noted that the 21 day response period solves the problem of a timely response. *Edwards* noted that if any PDH is disallowed, the registrant has another 120 days as previously discussed. *Nichols* moved to adopt OAR 804-025-0035 which outlines the audit procedure. *Seconded.* During additional discussion, *Nichols* pointed out that OAR 809-025-0010(3) includes an audit statement. *Stout* suggested that the Board leave that rule as is for now. *Motion passed. Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.*

4. OAR 804-003-0000, Definition of “in good standing”: *Nichols* informed the Board that in prior meetings, the Board discussed what made a registration “in good standing”. After that discussion, *Van Wormer* suggested that the term be defined in the rules. *Nichols*

asked the RAC about defining the term and the RAC concurred that a definition should be added. *Nichols* moved to approve the definition as presented. *Seconded and passed.* *Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.*

5. Housekeeping Matters: 804-035-010; 804-035-020; 804-035-0035: *Nichols* directed the Board to numerous housekeeping items.

- ✓ **OAR 804-035-010(c):** The rule requires that an affidavit of responsibility be submitted with the business application and signed by the Landscape Architect responsible for the work. The Board previously renamed the form to a Statement of Responsibility. *Nichols* moved to approve the name change in the rule and to also insert Registered with Landscape Architect. *Seconded and passed.* *Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.*
- ✓ **OAR 804-035-0020:** This revision is another housekeeping item changing affidavit to statement. It was noted that Registered should be inserted with Landscape Architect. *Nichols* moved to approve the changes. *Seconded and passed.* *Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.*
- ✓ **OAR 804-035-0035:** The Board previously changed business fees from a biennial submission to an annual submission. This is a housekeeping change in (3) and (4) to change biennial to annual. *Nichols* moved to approve the revision. *Edwards* asked that the motion be amended to include ‘for a Business Entity’ in the header of the rule. *Seconded and passed.* *Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.*

Olsen informed the Board that he recently received notification from the Washington Board of numerous rule revisions and noted that the term ‘you’ is being used. He inquired if anyone was aware of why this change was occurring. No one indicated any knowledge and staff was asked to inquire about this. *Nichols* responded that when he attended the rules training, the term ‘you’ was not acceptable.

B. CONTINUING EDUCATION COMMITTEE: *Stout* submitted the CEC Report and Recommendations before the Board. No objections were raised to those in compliance. The Board directed the CEC to call and encourage two registrants not in compliance to provide additional submittals. The Board also directed staff to contact the Assistant Attorney General regarding options when registrants fail to comply. *Stout* reported that the PDH log was revised so that a registrant can note upfront if reduced hours are submitted because of the twenty-five years of practice. This will assist the CEC in evaluating the registrant’s PDH. He stated that the CEC independently evaluates each PDH log and then meets with staff to discuss the outcome. With no other comment or direction by the Board, the report stands as presented.

C. INVESTMENT COMMITTEE: *Nichols* reported that meager interest continues to be earned on the CD investments as reported on the Balance Sheet. He reported that the CD with Paulson was called up by the FDIC. The amount has been reinvested in another CD through Paulson.

D. LICENSURE REVIEW COMMITTEE: *Van Wormer* reported that in addition to three new registrants for initial registration approved at the beginning of the meeting reciprocity applications continue and four new registrants were added during April. He also reported that nine business registrations were added to the business roster since the last Board meeting. One registrant moved to inactive status. (See Appendix II.)

E. OTHER:

1. Liaison to OBAE: *Olsen* reported that he is attempting to contact Dennis Pickler of the Architect Board. In reviewing the meeting minutes, he notes that Architects report violations by other Architects.

2. Liaison to OLCB: *Pellitier* reported that he continues to review information presented in the packet mailed to him. No issues have come up related to landscape architecture. The OLCB Administrator expressed concern about the Governor's release of a fellow SIBA Administrator.

5. CORRESPONDENCE

A. LAC 10 02 068: *Van Wormer* inquired of the CEC if the PDH presented by the individual in the reinstatement request is adequate. *Stout* reported that the CEC reviewed the logs presented from 2007, 2008 and 2009 and determined that the individual needs 9 HSW hours for the 2009 period. *Van Wormer* offered that the candidate has 120 days to acquire those. *Stout* reported that although enough credits were listed, they did not all qualify as HSW. In the first year log (2007), 30 credits were submitted; but carryover is allowed only to the subsequent year (2008). No HSW hours were posted on the 2009 log. If the individual can submit 2009 coursework (12/1/2008 to 11/30/2009) that meets HSW, the CEC can consider that. *Van Wormer* then directed the Board to the individual's request to waive late fees and asked the Board if it waives late fees. The Board acknowledged that it understands the basis for the request, but the Board does not waive fees. An individual is responsible to monitor his/her registration status. The Board acknowledged that it encourages the individual to move forward with reinstatement, as the requirements are almost met.

B. LAC 10 03 086: A candidate is inquiring about "other experience" for registration. *Van Wormer* explained that the individual is trying to validate experience in landscape architecture for purpose of meeting the three year requirement for registration. He acknowledged that the Board will entertain what an applicant presents as 'other experience', but the applicant must verify how the experience was obtained.

C. LAC 10 04 108: A registrant submitted a comment about the posting of delinquent registrants in response to the recent newsletter listings. The Board supported staff's response that the status of individuals is reported because the Board relies on its registrants to report violations of the title or the practice. By posting registration status in the newsletter, the Board is notifying the registrant community about the eligibility to be practicing. If it is a registrant oversight to be in a delinquent status, colleagues can alert the individual.

D. LAC 10 05 139: A refund request was considered by the Board. The Board moved to refund a \$200 examination fee. *Seconded and passed. Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.*

E. LAC 10 05 140: The Board entertained an inquiry from ASLA about pre-approval of continuing education coursework. *Stout* responded that the Board does not pre-approve PDH. The Administrative Rules help to identify coursework requirements for eligibility. He also offered that the new rule approved today will clarify what constitutes documentation of PDH. Staff is not available on June 5, 2010, to attend a symposium, but the Board will consider another time to come and answer questions from the membership about the auditing process.

6. OLD BUSINESS

A. Action List: *Van Wormer* noted that he will try to complete a letter from the Board to cities by the next meeting. He asked the members to check for their name on the list and complete the action item.

B. Biennial Report: No input about the report was submitted into the record.

C. Statement of Non-practice: The Board agreed with the language of the new form titled: Statement of Non-Practice while in Inactive Status. Each request for inactive status must include a signed and dated copy of this form. The Board concurred that the Statement of Non-Practice upon Returning to Active Registration would not be implemented. The 60-day letter of Notice of Delinquent Status will inform individuals that they cannot practice when the registration is delinquent.

D. Bylaws: *Van Wormer* directed the Board to the draft Bylaws. He asked staff to provide the document to members electronically and asked members to provide comments back to staff.

7. NEW BUSINESS

A. Score Verification Procedure: Knight explained that the Board currently administers Redline Reviews of the CLARB examination as supported in the examination contract. CLARB also allows in the contract to provide a Score Verification. However, the Board must decide if it would allow a Score Verification. A candidate must submit a payment equal to the amount of the examination which is then submitted to CLARB with a request to verify the candidate score. If the failing score is overturned, CLARB refunds the fee for Score Verification. *Olsen* moved to approve Score Verification requests submitted by failing examination candidates. *Seconded and passed. Edwards, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; Wright, yes.*

B. Emeritus Registration upon approaching five years: Because the statutory authority for Emeritus registration is through the inactive registration process, the Board determined that an Emeritus registrant must become active with the payment of the current active fee before the end of the five-year period. The registrant may immediately request Emeritus status again, pay the annual fee for Emeritus status, and request a refund of the annual

active fee. By implementing this procedure, the inactive statute is being properly implemented for Emeritus registration.

Olsen inquired about the document from the Work Session titled Restraint to Practice Case Histories. *Van Wormer* clarified that CLARB is working with ASLA to distribute the form as it compiles information about case histories. *Van Wormer* asked that the survey information be forwarded on to Board Members and ASLA Chairs in Oregon.

8. ANNOUNCEMENTS: The meeting concluded with the announcement of the next meeting date of August 13, 2010, at the Board Conference Room. The next administration of the LARE is June 7 & 8, 2010. Members are asked to contact staff if they can volunteer to proctor on either date.

9. ADJOURNMENT: Chair *Van Wormer* adjourned the meeting at 3:30 PM.

Respectfully submitted,
Susanna R. Knight
Administrator

The minutes of the May 14, 2010 Board meeting were approved as presented at the August 13, 2010 Board meeting.

Respectfully submitted,
Susanna R. Knight, Administrator