

OREGON LANDSCAPE ARCHITECT BOARD
MEETING MINUTES
May 11, 2007

Members Present: Paul Kylo, Public Member
Andrew Leisinger, Vice-Chair, Landscape Architect
Ron Nichols, Public Member, Treasurer
David Olsen, Landscape Architect
Mel Stout, Landscape Architect
Timothy Van Wormer, Chair, Landscape Architect

Members Absent: Vacant Public Member

Staff Present: Susanna Knight, Administrator
Kyle Martin, AAG (10:00 AM to 10:55 AM)

Guests Present: John Pellitier, LA

The quarterly meeting of the Oregon State Landscape Architect Board was called to order by *Chair VanWormer* at 9:00 AM in the Conference Room of Sunset Center South, 1193 Royvonne Avenue SE, Salem, Oregon. The meeting was preceded by an 8:30 AM Administrative Rules Hearing on the 2007-09 Board Budget.

Chair VanWormer welcomed the following applicants in attendance for an oral interview as the final step for their initial Landscape Architect registration: Brian Caldwell, Laura Herbon, Wayne Iazzetti, Shawn Kummer, Michael Rose, Andrew Sheie, and Elizabeth Thorstenson. Applicants introduced themselves and the Board Members likewise. The Board then questioned the candidates about 1) the difference between the laws (ORS) and the rules (OAR) that govern the Board; 2) continuing education requirements for landscape architects; and 3) stamping documents. The Board counseled the applicant group about giving back to the professional community. Board Member *Stout* advised the group to keep their rules and laws handy and to remember that it is their responsibility to keep their registration current. He also stated that the Board needs the registrants' support. Board Member *Kylo* directed the new applicants to the CODE OF PROFESSIONAL CONDUCT which are ethics guidelines for registrants. He reminded registrant to avoid conflicts of interest; practice honesty; and bring violations of the laws or rules to the Board's attention. *VanWormer* added that the Board has a regulatory role and it is important for registrants to know the law and to recognize the need to self-police. *Administrator Knight* empowered the registrant's to submit information which could assist in regulating the practice and to read the quarterly newsletter which informs registrants about the latest in the regulation of the practice. *Board Member Stout* directed the group to view the web site. *Board Member Leisinger* stated that other individuals employed by their company should be encouraged to register in Oregon if they are currently registered in another state. The group also discussed that various jurisdictions interpret the landscape architect's role differently and that Board should play an outreach role to educate these jurisdictions. The meeting with the new registrant group concluded at 9:33 A.M.

Knight requested that correspondence LAC 07 05 174 (an email request to the Board regarding the requirement to appear before the Board for reinstatement) be added to the agenda under 5.f. *Kylo* moved to approve the agenda with the addition and with flexibility. *Seconded and passed: Kylo, yes; Leisinger, yes; Nichols, yes; Olsen, yes; Stout, yes; and VanWormer, yes.*

1. MINUTES:

A. *Kyllo* moved to approve the minutes of the February 7, 2007, Board meeting with one correction: under the Administrative Rules report, change Division 15 to Division 22. *Seconded and passed: Kyllo, yes; Leisinger, yes; Nichols, yes; Olsen, yes; Stout, yes; and VanWormer, yes.*

B. *Kyllo* moved to approve the minutes of the March 9, 2007, Board meeting as presented. *Seconded and passed: Kyllo, yes; Leisinger, yes; Nichols, yes; Olsen, yes; Stout, yes; and VanWormer, yes.*

2. ADMINISTRATIVE MATTERS:

A. *Knight* directed the group to Appendix I, the Board Administrator Report. There were no questions about the report. *Knight* informed the Board that the new computer is currently being installed and reminded Board Members that the voting deadline is June 1, 2007, for the CLARB Nominating Committee Elections. *Knight* also directed the Board to Appendix I, Addendum A, which summarized the status of HB 2117. The Oregon Landscape Contractor Board (OLCB) submitted HB 2117 to the legislature and a piece of the Landscape Architect statute will be revised through this bill. Should this bill pass, OLCB will identify an individual as a Landscape Professional, not a Landscape Contractor. The title Landscape Contractor will refer to the business itself, not the person. Due to opposition this week by the Landscape Designers, dash amendments will probably revise the Landscape Professional term to Landscape Construction Professional.

B. *Knight* directed the group to Appendix II of the Board Administrator Report where all registrant information since the last Board meeting is listed and noted that 13 new businesses have been added since the last meeting. *Stout* asked that the roster of landscape architect businesses be listed on the web site.

C. One registrant, John D. Simpson, has been added to the *inactive* roster of the Board since the last Board meeting (Appendix II).

D. *Knight* reported during the Budget Update for the 2005-07 Biennium that the Board has approximately \$33,000 in net income for year two of this biennium through April 17, 2007. *Olsen* inquired if line item #1100 on the budget report included the recent \$2,500.00 civil penalty. *Board Assistant Marilou Arrobang* stated that the civil penalty had not yet been received when the financial statement was prepared, so the current line item represents only delinquent fees in the second year of the biennium through April 19, 2007. The civil penalty payment will be reflected in the next report.

At 10:00 AM, *Chair VanWormer* read the following statement and invited John Pellitier to remain for the Executive Session of the Board:

Per **ORS 192.660 (2)(f)** the Oregon Landscape Architect Board will now meet in executive session to discuss information that is exempt from public inspection. 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 will return to open session and welcome the audience back into the room.

At 10:53 PM, *Chair VanWormer* closed the Executive Session and stated for the record that no action is required from the Executive Session. AAG Martin departed at that time. The public was invited back into the meeting room. The Board recessed the meeting until 11:00 PM.

3. COMMITTEE REPORTS

A. ADMINISTRATIVE RULES COMMITTEE: *Nichols* directed the Board to the draft language changes for OAR 804-025-0020, Continuing Education Standards. The draft language was suggested by the Continuing Education Committee and reviewed by the Administrative Rules Advisory Committee (ARAC). The ARAC supported the revisions but there was concern from a committee member that the some of the additional continuing education opportunities might abate the continuing education requirement. *Stout* stated that he supports the additional opportunities for the three hour requirement other than 9 hours for health, safety, welfare, as he has observed the successful use of these additional types of credits over the past year in the audit process. Registrants are required to validate (document in writing) what they learned and how it is of value toward their landscape architect work. *Nichols* stated that there was also support from the ARAC for reducing continuing education requirements for those on the upper end of the years of practice spectrum. If a registrant has twenty-five years of consecutive registration as a landscape architect, they may renew with 4 hours of independent reading which must be documented.

Nichols stated that the ARAC is in the process of working on the rules for the Landscape-Architect-in-Training; Emeritus status; and the Code of Professional Conduct. He asked Board Members to review the Code of Professional Conduct as it is currently presented in the Administrative Rules and provide suggested change by June 15, 2007. *Stout* noted that a customary practice such as purchasing a lunch or taking chocolates or an apple to a potential client could be a violation OAR 804-050-0001 (2) since any of these do have value.

Nichols also reported that he recently acquired two additional committee members.

Kyllo moved to accept the report of the Rules Advisory Committee. *Seconded*. During discussion, *Kyllo* clarified that this motion does not includes the approval of any continuing education rule revisions. *Motion passed: Kyllo, yes; Leisinger, yes; Nichols, yes; Olsen, yes; Stout, yes; and VanWormer, yes.*

B. CONTINUING EDUCATION COMMITTEE: *Stout* informed the Board that the committee met and reviewed information of three audited registrants. *Stout* then moved to approve the following audits: #070, #150, and #087 upon receipt of additional information. *Seconded and passed. Kyllo, yes; Leisinger, yes; Nichols, yes; Olsen, yes; Stout, yes; and VanWormer, yes.*

Stout then offered additional recommendations and ongoing refinement to the continuing education process. The committee is recommending that Professional Development Hours (PDH) be presented on an annual basis during the renewal cycle. Registrants would be asked to certify via their signature on the renewal statement that they are up to date on the continuing education requirement. The Board will continue to pull 5% of processed renewals for audit and will review both the log and documentation of each audited registrant to determine if the continuing education requirement has been met. *Olsen* added that the purpose of this change is to streamline the audit process for staff and allow for annual policing

of the audit materials. *Stout* stated that staff needs to align the renewal date with the audit in order to confirm that PDH requirements are met before the annual registration renewal card is issued.

Kyllo moved to approve the draft changes to OAR 804-025-0020, Continuing Education Standards. *Stout* stated that this continues to be an evolving process. Motion *seconded and passed*. *Kyllo*, yes; *Leisinger*, yes; *Nichols*, yes; *Olsen*, yes; *Stout*, yes; and *VanWormer*, yes.

C. COMPLIANCE COMMITTEE: *Kyllo* reported that the civil penalty of \$2500.00 for CC#05-05-005 was received in the Board office so that case is now closed. He also reported that a newspaper article was recently provided anonymously to the Board office. A company was reporting on the addition of new Landscape Architects, however none of those listed in the article are registered with the Oregon Board. A letter was issued and a response is pending.

Nichols moved to accept the report of the Compliance Committee. *Seconded and passed*. *Kyllo*, yes; *Leisinger*, yes; *Nichols*, yes; *Olsen*, yes; *Stout*, yes; and *VanWormer*, yes.

D. INVESTMENT COMMITTEE: *Leisinger* stated that Board Members should refer to the Balance Sheet presented during the financial report of the Board to note that interest is accruing on the three CD's purchased by the Board. *Knight* informed the members that with the departure of *Leisinger* from the Board, second signature authority at Pioneer Bank is needed. *VanWormer* offered that perhaps staff should be authorized to sign checks. *Leisinger* responded that given the prior recent abuse history, he would be hesitant to allow this. *Stout* volunteered for signatory authority. *Kyllo* moved that *Stout* be given check signing authority as back-up the current signature of *Nichols*. *Seconded and passed*. *Kyllo*, yes; *Leisinger*, yes; *Nichols*, yes; *Olsen*, yes; *Stout*, yes; and *VanWormer*, yes.

E. LICENSURE REVIEW COMMITTEE: *Van Wormer* requested a motion to approve the seven candidates that attended the oral interview for initial registration by Examination at 9:00 AM [See Appendix III]. *Leisinger* moved to approve seven new candidates for registration. *Seconded and passed*. *Kyllo*, yes; *Leisinger*, yes; *Nichols*, yes; *Olsen*, yes; *Stout*, yes; and *VanWormer*, yes.

VanWormer reported that five new registrants have been approved for LA Registration by reciprocity since the last Board meeting. (See Appendix III).

VanWormer then distributed information about two special requests from applicants for examination.

- The first applicant has a certificate from UC Berkley's Extension Program in Landscape Architecture. *VanWormer* stated that the Board uses the LAAB certified process for honoring programs of Landscape Architecture because the Board cannot go to the schools and evaluate the program to determine if it meets the expected standard. *VanWormer* recommended that the Board deny this application for the LARE and inform the individual that he must work under the direct supervision of a Landscape Architect for an additional 6 months. When he can verify to the Board that he has completed three years of supervised experience under an LA, he may be approved for the examination. But he will still need three more of years experience under an LA after he passes the exam (two could be under an allied field) to be eligible for registration. *Stout* moved to approve *VanWormer's* recommendation. *Seconded and passed*. *Kyllo*, yes; *Leisinger*, yes; *Nichols*, yes; *Olsen*, yes; *Stout*, yes; and *VanWormer*, yes.

• The second applicant has no experience working under the supervision of a landscape architect (LA). He has over seven years working under the supervision of a PE as of 4/26/2007, but no credit is allowed for such supervision unless the candidate has met the examination requirement. In order to meet the examination requirement, the applicant must work under the direct supervision of a LA for three years. This experience along with the two years credit for a BA in English, will provide the five year requirement for examination eligibility. *VanWormer's* recommendation is to deny this application for examination and inform the individual that he must begin working under the direct supervision of a Landscape Architect in order to sit for the LARE. When he has three years of supervised experience under an LA, he may apply for the examination. Then the applicant will need three more of years experience under an LA after he meets the examination requirement (two years supervised experience could be under an allied field registrant). *Leisinger* moved to accept the recommendation as presented. *Seconded and passed. Kyлло, yes; Leisinger, yes; Nichols, yes; Olsen, yes; Stout, yes; and VanWormer, yes.*

This concluded the morning session of the meeting. The Board recessed for lunch.

At noon, the Board recessed for lunch and a celebration of Andy Leisinger. The appointment of Leisinger's replacement is imminent. Former Board Members Hal Beigley, Portland, and Gladys Biglor, Bend, joined the Board for lunch. A plaque presented to Leisinger stated the following:

"Time is the greatest gift one can give." Thank you to a volunteer extraordinaire for your over 10 years of service to the Oregon State Landscape Architect Board. 7/1/1996 to 5/15/2007.

An email note from former Board Member Jim Figurski was read to all. Figurski conveyed how much he

"appreciated working with Andy over the years. He displayed incredible patience and perseverance in dealing with our former board administrator and I can't think of anyone I would rather have at my side when appearing before a legislative oversight committee. I am sure the board will miss him."

Chair VanWormer thanked Leisinger on behalf of all the Board Members for his faithful service to the Board. Members reflected on events from the past decade during which *Leisinger* served and thanked him for his commitment to the Board.

VanWormer reconvened the meeting at 1:00 PM.

OLD BUSINESS

A. 2007-09 Final Budget: *VanWormer* stated that the Board must continue discussing the fee issues but no change will be made for this biennium to the fee structure. The Board needs to be on firm financial footing before any reduction in business fees is considered. The Board must keep doing outreach. As exposure to the practice of landscape architecture via booths at shows increase awareness, more compliance issues will arise. Compliance issues require input from the Attorney General's office which means the cost of regulating increases. *Leisinger* stated that he sees the business fee as a cost of doing business for a sole proprietor such as himself. The Board cannot attempt to break this fee into a big firm vs. little firm. *Stout* stated that the Board must continue to provide value such as a web page and a newsletter for the fee paid.

B. Landscape Architect update at ODOT: *Knight* reminded the Board that a letter was previously written to ODOT encouraging the use of landscape architects. The information regarding a job opening for a landscape architect provided to the Board for informational purposes merely confirms that ODOT is seeking to fill a current position with a landscape architect.

C. Phone meetings via INTERCALL: *Knight* reported that the Board used this company to convene the March 9, 2007, telephone meeting of the Board. The Board agreed that this telephone meeting arrangement worked quite well, the Board is happy with it, and they support the continued use of this telephone meeting method. *Knight* reported that the Continuing Education Committee also successfully met via the INTERCALL and this method is available should other committees of the Board wish to use it.

Oral Interviews for Reinstatement of Registration, 1:10 PM

- The Board was joined by Ilze Jones. Ms. Jones appeared before the Board to seek reinstatement of her registration to practice Landscape Architecture. Ms. Jones explained that perhaps her renewal form was not received due to a missing suite number. *Leisinger* inquired about whether the problem has been rectified. The renewal has been delinquent since 2003. Several others from her company are registered in Oregon, as the company is currently working on a long-range plan for the Portland Zoo. She stated that with 40 employees and several registrations, things happen. *Olsen* inquired if Ms. Jones was aware of the continuing education requirement. Jones responded that she was. *VanWormer* asked to go back to a previous question about Jones & Jones having other LA's in Oregon and asked: You have not worked on any projects in Oregon since 2003 when your registration lapsed? Jones: correct. *Olsen* stated that he was now confused. Jones stated that she believes Keith Larsen is registered in Oregon. *Leisinger* moved to reinstate Ilze Jones' Landscape Architect registration here in Oregon as she has met all requirements for reinstatement. *Seconded*. *Nichols* inquired about whether a plan is in motion to avert this situation in the future. Ms. Jones stated that for 38 years this has been routinely done but the paperwork was not delivered to her office. *Motion passed*. *Kyllo*, yes; *Leisinger*, yes; *Nichols*, yes; *Olsen*, yes; *Stout*, yes; and *VanWormer*, yes.

- Jessica Dole joined the Board to seek reinstatement of her registration. She explained that she works with the US Forest Service in the Willamette National Forest. *VanWormer* asked Ms. Dole to explain why her registration lapsed. Ms. Jones explained that her father died in November, the same time that her registration was to have been renewed, and she is just now pulling things back together. *VanWormer* confirmed that this was not an address issue. *Leisinger* stated that the Board understands these situations occur but the Board must still maintain their process for reinstatement. Dole stated that the renewal and the death were concurrent and the registration is not required for her federal job. She supports registration, so she maintains her registration even though it is not mandated by her federal position. *Leisinger* moved to reinstate Jessica Dole's registration. *Seconded and passed*. *Kyllo*, yes; *Leisinger*, yes; *Nichols*, yes; *Olsen*, yes; *Stout*, yes; and *VanWormer*, yes.

- Patrick Sweeney joined the Board to seek reinstatement of his registration. His current employment with the City of Portland began in January 2007. He is a 1990 grad of Penn State and did landscape design in New Jersey and Pennsylvania before moving to Oregon. He completed requirements for registration in 1999 while working for Walker and Macy. *VanWormer* inquired as to what has happened since June 2003 when his license became delinquent. Sweeney explained that he moved to Parson Brickenhoff [PB] around 2002. He then presented a copy of a check from PB dated May 30, 2003, and issued to OSLAB which validated his \$225 payment of fees through June 2004. This payment was never posted to his database account. Sweeney assumed that PB continued to pay his annual fees. But when he moved to the City of Portland, he contacted the Board office about his status

and he discovered that he was delinquent. The Board discussed Sweeney's fees currently due for reinstatement. *Kyllo* moved to rescind the \$100 delinquent fee for this year due to his prompt attention when he realized his registration was delinquent; and to credit the \$225 annual fee and \$100 delinquent fee for 2003 for which proof of payment was presented; and thereby require a total payment of \$1130 to bring the Sweeney registration current through 11/30/2007. *Seconded and passed. Kyllo, yes; Leisinger, yes; Nichols, yes; Olsen, yes; Stout, yes; and VanWormer, yes.*

• **LAC 07 05 175:** The Board discussed the registrant's request to reinstate his registration without attending a meeting in Oregon as he resides in Colorado. *Olsen* stated that this registration is four months in arrears, not four years. *Kyllo* moved to reinstate the registration with payment of fees and late fees. *Seconded.* The Board discussed that each case is an individual situation. Question called. *VanWormer, no; Leisinger, no; Kyllo, yes; Nichols, yes; Olsen, yes; Stout, yes.* Motion passed. *VanWormer* confirmed that the policy is that staff will continue to schedule registrants in to a Board meeting oral interview for reinstatement of their registration.

The Board also discussed the oral examination/interview for new registrants. *Leisinger* stated that it is the one chance for new LA's to meet the Board, but the Board should hand them a certificate and welcome them before they leave. *Nichols* sees the interview as a formality but does see the need to have structure. *Olsen* does not see the need to put candidate on the "hot seat", but rather it should be a time to "shake their hand and hand them a diploma"! *VanWormer* asked that the wall certificates be prepared for future Board meetings to be awarded while the candidates are in attendance.

5. CORRESPONDENCE

A. LAC 07 02 063: The Board discussed this request to honor experience acquired prior to meeting the LA education requirement. The Board recently clarified its position in Administrative Rules to reflect that examination admittance is contingent on meeting the education requirement and that experience must be gained after meeting the education requirement. This candidate will meet the education requirement with the issuing of her MLA. *Leisinger* moved that the experience time for this individual must be acquired following the bestowing of the MLA degree. *Seconded and passed. Kyllo, abstained; Leisinger, yes; Nichols, yes; Olsen, yes; Stout, yes; and VanWormer, yes.*

B. LAC 07 02 073: The Board discussed the registrant's statement that he would have used his name for his sole proprietorship to avoid the fee associated with the registration requirement as business. The Board clarified that the business name does not affect the business fee; sole proprietors must register their business with the Board regardless of the name of their business. The Board again noted this registrant's concern with the business fee, but agreed that no fee changes would occur at this time. They noted that the business fee is less than \$10 per month.

C. LAC 07 02 076: The Board discussed this concern about additional costs incurred because of the Board's CLARB Record requirement for applications for registration by reciprocity. The Board is sensitive to fee issues, but this is the current requirement in the Administrative Rules. The Board can consider this in the future.

D. LAC 07 02 078: This letter represents the concern of a Landscape Architect sole proprietor regarding the requirement for business registration. The Board duly noted this letter and directed staff to thank this registrant for the input. The fee issue will be addressed in the next budget cycle, but per discussions of the Board, no fee changes will occur at this time.

E. LAC 07 04 148: Mr. Robert D. Hosler, Landscape Architect #139, is requesting Emeritus status with the Board. *Leisinger* moved to approve Mr. Hosler for Emeritus registration. *Seconded. Stout* pointed out that this individual has an interesting work history having accepted work in Canada immediately upon receiving his degree from Oregon. He subsequently completed his examination in Oregon all the while being employed in Canada, and initially licensed with the Oregon Board on February 20, 1976. He remained in employment with the Canadian government for nearly 25 years, then completed the last nine years of his career with a company that worked on large interstate development projects, including the Detroit River Crossing between Canada and the US. *Motion passed. Kyлло, yes; Leisinger, yes; Nichols, yes; Olsen, yes; Stout, yes; and VanWormer, yes.*

6. NEW BUSINESS

The Board Administrator asked for direction regarding the distribution of any Final Order of the Board, sharing that this is public information and the Board may set policy for distributing such information. The Board concurred that they do not want such a notice posted on the web. An article in the newsletter without the name of the individual is sufficient for notification of the Board's action. Should anyone wish to view the document, it would be released via a request for a public record.

Olsen asked to briefly discuss the Redline Review schedule. Candidates from his office expressed concern about the lateness of the review. The Administrator offered to review that procedure and evaluate whether current procedures should be changed.

7. ANNOUNCEMENTS

A. National exams are scheduled for June 11 & 12, 2007, at Chemeketa Community College. *Leisinger* agreed to serve as a volunteer on June 11, 2007; Mr. Pellitier volunteered to serve June 12, 2007.

B. The next Board Meeting is regular meeting is scheduled for August 10, 2007, here in Salem. The Board should have two new members at that time, the replacement for the position vacated by Gladys Biglor and the replacement for Andy Leisinger. Staff is awaiting paperwork from the Governor's office.

C. *VanWormer and Knight* will be attending the CLARB Annual Meeting in Cleveland, Ohio on September 6, 7, 8, 2007.

8. ADJOURNMENT: *Chair VanWormer* adjourned the meeting at 2:45 PM.

Respectfully submitted,

Susanna R. Knight
Administrator

Minutes of the May 11, 2007, meeting were approved at the August 10, 2007, Board Meeting. Respectfully prepared, Susanna R. Knight
