

**OREGON LANDSCAPE ARCHITECT BOARD
MEETING MINUTES**

May 12, 2006

Sunset Center South Conference Room
1193 Royvonne Avenue SE, Salem, Oregon 97302

Members Present

Gladys Biglor, Vice Chair, Public Member
Paul Kylo, Public Member
Andy Leisinger, Chair, Landscape Architect
Ron Nichols, Public Member
David Olsen, Landscape Architect (first meeting)
Mel Stout, Landscape Architect
Tim VanWormer, Landscape Architect

Staff Present at the Board Meeting:

Susanna Knight, Board Administrator

Others Present at the Board Meeting

Applicants for Initial Landscape Architect Registration

(12:30 PM to 1:00 PM)

Jonathan Beaver
Allison Rouse

Registrants to Reinstate Landscape Architect Registration

(1:00 PM to 1:30 PM)

David Curtis, #L407
Mark B. Ferris, #L108

Chair Leisinger convened a working session of the Board at 8:30 AM preceding the Board meeting.

- ✓ **Financial Audit Status:** The Board was joined by the following staff of the Secretary of State's Audits Division: Ryan Dempster, Audit Manager; Raul Valdivia, Principal Auditor; and Brandon Weber, Staff Auditor. They updated the Board on the status of the biennial financial audit currently in progress. Dempster stated that the objective of the audit is to issue an Opinion Letter for the two years ending June 30, 2005. Due to the fraud investigation of the former Board Administrator, the Audits Division chose to complete the financial audit rather than contracting the audit as is the standard with semi-independent Boards. The auditors anticipate issuing an "unqualified opinion" on the financial statement by the end of May, as inappropriate activities were recorded by the former Administrator and are reported in the financial statement as expenditures. The auditors stated that the Findings will note deficiencies, as they occurred during a "greater part" of the two years of the audit period. Dempster suggested that staff with accounting background could be a plus but encouraged the Board to seek assistance in the bookkeeping arena. The Board questioned the magnitude of the financial audit bill through March (\$11, 232) and Dempster stated that billing on this audit was suspended at the end of the March bill. Dempster does not anticipate additional billing for this audit. He stated that he had informed the Board representatives in the entrance conference for the Financial Audit about the 200 hours he anticipated would be logged by the Audits Division.
- ✓ **Continuing Education** Stout shared ideas about the auditing process which is effective July 1, 2006. He stated that 24PDH in a two-year cycle is the average across the country but he offered that the Board could have future discussions about the number of PDH required for health, safety, and welfare (hsw) credit. Stout suggested that sometime in the future, the Board could consider reducing the number of hours required in the "HSW" category. Biglor stated that the average across the country is where we should be and that the Board should

make no changes until the process has run a cycle and is evaluated. *Stout* stated that the Board will determine what percentage of the PDH requirement must be HSW hours. The Board concurred and then discussed submitting their logs for audit as a trial event.

- ✓ **Landscape Architect (LA) vs. Landscape Designer (LD)** *Stout & Leisinger* reported that they had attended the two Portland Garden events, one at the Expo and one at the Convention Center in February. Many exhibitors were providing services that Landscape Architects are registered to provide. The question was then raised: What is it that defines the practice of Landscape Architecture? *Stout* offered that an LD can do conceptual plans and generic plant lists but cannot specify materials, detail pieces of a plan, or provide specs of any kind. Are conceptual master plans in the grey area? What is the threshold? *VanWormer* asked for clarification of ORS 671.310 (5): What is specification? He also asked: What is shop plan? *VanWormer* offered that the threshold is HSW. *Stout* offered that “scale” defines. Discussion ensued. *Stout* offered that perhaps biddable documents is the threshold. For contractors to bid on a plan, it must be specific. Discussion ceased so that the scheduled Board meeting could be convened.
- ✓ **Business Licensure** No discussion time remained for this item.

Chair Leisinger called the meeting to order at 10:35 AM. *Knight* requested the addition of two agenda items: 7.B. Old Business LAC 06 05 101, OBAE OAR 806-010-0075; 8.C. Correspondence: LAC 06 05 096 (3 pages). The agenda was accepted with the two additions.

MINUTES: *Kyllo* moved to accept the minutes of the February 10, 2006 Board meeting. *Seconded and passed.*

ADMINISTRATIVE MATTERS:

- ✓ *Knight* distributed a copy of a Friday, April 14, 2006 article from The Oregonian titled “Ex-state employee sentenced to prison”. *Biglor* inquired if her follow-up questions about the sentencing of the former administrator had been addressed. *Knight* stated that the Board’s attorney recommended seeking answers from the District Attorney’s office and this has not yet been done.
- ✓ *Knight* directed the Board to the itemization of the March bill from the Secretary of State Audit’s Division (SSAD) totaling \$11,232.00. *Biglor* inquired if she had understood that the representatives from SSAD stated that the billing was frozen at this amount; no more additional charges would appear for this financial audit. The board confirmed that this is what they also understood.
- ✓ *Knight* directed the Board to the Revenue & Expense Report from 7/1/2005 to 4/28/2006 which shows a net income of \$34,494.83 for the first 10 months of the biennium. The Board then reviewed the Balance Sheet as of April 28, 2006 showing a checking account balance of \$75,919.98. The Board has an outstanding \$21,000 liability for Board administration from 12/1/2004 through 6/30/2005.
- ✓ *Knight* distributed the spreadsheet indicating the total billing for the fraud audit at \$28,808.00. Through May 1, 2006, the Board has paid \$13,000 of this audit charge. The current outstanding liability for this audit is \$15,808.00.
- ✓ *Knight* distributed a budget update for the 2005-07 biennium. At the end of 10 months which represents approximately 42% of the biennium, the Board has expended approximately 31% of the budgeted dollars for Services and Supplies. In addition, they have paid \$29,139.00 in loans and past due bills.
- ✓ *Knight* stated that the workload of the Landscape Architect Board is much greater than she had projected. Files have not been purged; record retention has not been honored; database

information has not been kept updated; property has not been inventoried. This backlog of incomplete work, added to the expected workload listed here, has led to much staff time dedicated to the Landscape Architect Board: a quarterly newsletter; timely updates of Administrative Rules; longer Board meeting agendas to deal with practice concerns, continuing education updates, compliance issues, meeting with registrants, applicants, and other professionals. *Knight* presented budget information requesting the Board to dedicate an additional \$11,779.00 for the second year of the biennium for making the half-time position a full-time position. Based on the current budget projections, this can occur within the currently approved budget.

- ✓ Seven additional businesses have been recently registered as listed here:
 - Skate Parkitecture, L208, 11/14/2005
 - Vala-Christensen Landscape Architecture, L209, 11/21/2005
 - Land Architects, L210, 12/20/2005
 - D.A. Hogan & Associates Inc., L211, 2/2/2006
 - Stemmer Gardens, L212, 2/23/2006 (name change 5/9/2006 to Classic Design and Construction)
 - Macdonald Environmental Planning, P.C., L213, 3/22/2006
 - Grou p MacKenzie Engineering Inc, L214, 4/12/2006.

COMMITTEE REPORTS:

INTERNAL AFFAIRS SUB-COMMITTEE

- ✓ *Biglor* distributed a document as follow-up to the Legislative Fiscal Office (LFO) report titled 2004 REVIEW OF SMALL REGULATORY AGENCIES. The document lists each deficiency noted in the 2004 report and the Board action that has transpired to correct the deficiency. The Board recommended that this document be forwarded to the Legislative Fiscal Office and to the co-chairs of the Joint Legislative Audit Committee.
- ✓ *Biglor* stated that an exit strategy is now needed for three current Board members (*Biglor*, *Kyllo*, and *Leisinger*). Each had requested an extension of their Board appointment to see the Fraud Audit of the former administrator to a conclusion. Now that the Secretary of State Audit's Division has released the report on the Fraud Audit, *Biglor* suggested the following tenure for Board membership: through November 30, 2006, *Biglor*; through June 30, 2007, *Kyllo*; through December 31, 2007, *Leisinger*.
- ✓ *Biglor* stated that staff should create a booklet for each Board member to be available at the Board meeting. The booklet should contain 1) statutes and rules; 2) registrant list; 3) policies. *Knight* stated that rules and laws are provided to each Board Member when they join the Board. Board members need to keep a personal copy in their Board notebook for writing notes of clarification or recommendation. The rules and laws should always be with each Board member, not only available during the Board meeting. The Board discussed the need to post the registrant list on the website rather than providing a paper list to each Board member. *Knight* will get that information on the web. Policies set by the Board should also be maintained in each Board Member's meeting notebook where they can be used for reference purposes.

LICENSURE REVIEW COMMITTEE: *Van Wormer* reported that three new registrants have been approved via reciprocity since the last Board Meeting.

- 1) Cynthia Denny, LA594, 2/10/2006
- 2) John L. Wong, LA595, 2/10/2006
- 3) Yoshifumi Yano, LA599, 4/13/2006

The Board recessed at 12:00 PM for lunch. Chair Leisinger reconvened the Board at 12:30 PM.

Initial Registration: *Chair Leisinger* welcomed two new applicants for initial LA registration by examination in Oregon, Jonathan Beaver and Allison Rouse. The Board informally visited with them about the rights and responsibilities of registration in Oregon as a Landscape Architect. *Kyllo* moved to approve Beaver and Rouse for registration as Landscape Architects in Oregon. *Seconded and passed. Biglor, yes; Kyllo, yes; Leisinger, yes; Nichols, yes; Olsen, yes; Stout, yes; VanWormer, yes.*

Reinstate registration: Mark Ferris, Portland and David Curtis, Santa Barbara (via telephone) joined the Board requesting reinstatement of their LA registration. Ferris explained that his prior work location failed to forward his renewal information. The Board stated that it is his responsibility to keep his registration current even if the renewal reminder fails to reach him. Address changes must be directed to the staff so mailings can arrive in a timely manner. Curtis indicated that he had moved around in 2004 looking for employment and was low on money. He thought the payment with a letter had been submitted in 2005, but when doing his taxes in February 2006, he discovered that no check had been received in the Board office. *Stout* inquired regarding their knowledge of continuing education.

Stout moved to approve licensure for Curtis and Ferris informing them via letter of their responsibilities. *Seconded and passed. Biglor, yes; Kyllo, yes; Leisinger, yes; Nichols, yes; Olsen, yes; Stout, yes; VanWormer, yes.* The Board determined that any registrant requesting to reinstate their registration must appear at a Board meeting unless the Board concurs that there is a justified hardship.

Request for Emeritus Status: *Biglor* moved to approve the request for emeritus status for Charles Torrence, LA#097. *Seconded and passed. Biglor, yes; Kyllo, yes; Leisinger, yes; Nichols, yes; Olsen, yes; Stout, yes; VanWormer, yes.* A letter must be included stating what he can and cannot do with an emeritus registration. *Knight* inquired about using a procedure whereby emeritus requests are processed by staff and new emeritus are reported at the following Board meeting. The Board concurred with this procedure.

ADMINISTRATIVE RULES COMMITTEE: *Nichols* thanked the Board for the opportunity to serve as chair of the Rules Committee and shared that he takes this responsibility seriously. He directed the Board to the handouts that were included in the Board packets for four rule changes.

- ✓ **Business Section:** The proposed final language for Division 35 was reviewed and discussed by the Board. The Board concurred that if these developed rules do not adequately address questions at some future time, the text can be revised. *Kyllo* moved to approve the language as provided for Division 35. *Seconded and passed. Biglor, yes; Kyllo, yes; Leisinger, yes; Nichols, yes; Olsen, yes; Stout, yes; VanWormer, yes.*
- ✓ **Definitions:** The Board discussed the three new definitions being added to Division 3. The Board concluded that in the definition of Business entity, the 'or' should be 'and any' and the following words should be deleted: 'formed for the purpose of'. *Biglor* moved to approve the three definitions with the revisions to the definition of business entity. *Seconded and passed. Biglor, yes; Kyllo, yes; Leisinger, yes; Nichols, yes; Olsen, yes; Stout, yes; VanWormer, yes.*
- ✓ **Selection of Board Members:** OAR 804-001-0014 would require that a registrant be registered for five years before appointment to the Board and live in the state of Oregon for a specific period. Following a discussion of this rule, the Board agreed that any Board member must have lived in Oregon for three years preceding membership on the Board. *Biglor* moved to accept the language that requires registration for five years preceding appointment and residency for three years preceding appointment. *Seconded and passed. Biglor, yes; Kyllo, yes; Leisinger, yes; Nichols, yes; Olsen, yes; Stout, yes; VanWormer, yes.*

- ✓ **Model Rules of Procedure:** *Biglor* moved to adopt the January 1, 2006, Model Rules of Procedure under the Administrative Procedures act for the Landscape Architect Board for OAR 804-001-0005. *Seconded and passed. Biglor, yes; Kyлло, yes; Leisinger, yes; Nichols, yes; Olsen, yes; Stout, yes; VanWormer, yes.*

Leisinger recessed the Board for a five minute break from 2:15PM to 2:20 PM.

CONTINUING EDUCATION COMMITTEE: *Stout* directed the Board to the revised written update provided with the Board packet and pointed out that it is now time for the first continuing education audit.

- ✓ *Stout* requested one public member and one professional member to serve on the Continuing Education Audit Committee (CEAC). *Olsen* and *Biglor* agreed to serve.
- ✓ The Board had discussed auditing 5% of the registrants each quarter, approximately 5 registrants. Names for the July, August and September audits were randomly drawn.
- ✓ The question was raised as to whether the Board members should be audited. The Board agreed that all four members should be audited and they were requested to provide to the Board staff their continuing education materials within 20 days of May 12, 2006.
- ✓ The Board reviewed the Notice of Audit form provided in their Board packet.

COMPLIANCE COMMITTEE: *Kyлло* stated that the Board has one outstanding complaint up for discussion. Following the discussion, Board Members *Kyлло, Leisinger, and Nichols* agreed to convene a meeting with the Board's attorney to seek guidance in dealing with the disciplinary process.

OLD BUSINESS

- ✓ *Knight* asked if the Board planned to appoint a representative to serve as a liaison to the Landscape Contractor's Board Stakeholder Committee per LAC 06 01 013. *Leisinger* volunteered to serve in this capacity.
- ✓ *Knight* distributed LAC 06 05 101, a notice from the Architect Board regarding OAR 806-010-0075. *Leisinger* visited the Architect Board (OBAE) back in February questioning the intent of this rule revision. OBAE had received other inquiries about this revision, and subsequently determined to revisit this rule. Board Members are asked to visit the website as listed on the handout. Oral comments can be provided on Monday June 5, 2006, at the Architect Board office or written comments provided by that same day. *Leisinger* requested all Board members to go to the website and get back to him by Friday, June 2, with their input.

CORRESPONDENCE

- ✓ The Board received correspondence LAC 06 02 034 from APLD as a follow-up to their visit at the February Board meeting. The letter was distributed for informational purposes only.
- ✓ The Board received correspondence LAC 06 04 093 inquiring about eligibility for the LARE examination. *VanWormer* stated that he had met with the individual and that the individual wants to do landscape restoration and is doing such work in his current position. The Board noted that his education does not certify him to the LARE and he has no experience working under an LA. Based on OAR 804-010-0005, *Kyлло* stated that he is not allowed to sit for the exam.

NEW BUSINESS *Kyлло* suggested that the Board should consider *Knight's* request to hire an additional half-time staff. *VanWormer* agreed to work with staff to draft a job description and justification for the addition. A conference call can be convened when that information is compiled.

ANNOUNCEMENTS: Volunteers needed for proctoring the

- ✓ LARE, Section C, June 12, 2006, 8:00 AM to 1:15 PM at CCC: *Leisinger* volunteered to serve as the Board proctor on this Monday.
- ✓ LARE, Section E, June 13, 2006, 8:00 AM to 1:15 PM at CCC: *Olsen* volunteered to serve as the Board proctor on this Tuesday.
- ✓ *Leisinger* stated that he will be unable to attend the Board meeting scheduled for August 11, 2006. *Olsen* was unsure of his schedule. Staff is to seek an alternate date to the currently scheduled August 11, 2006 date. [As of these draft minutes, the Board will convene on Friday, August 4, 2006, at 8:30 AM in the Conference Room of Sunset Center South.]

ADJOURNMENT: *Leisinger* adjourned the meeting at 4:15 PM.

Respectfully submitted,

Susanna R. Knight
Administrator

Minutes as presented here were approved at the August 4, 2006, meeting of the Board.

Respectfully submitted,
Susanna Knight

August 10, 2006