

**OREGON LANDSCAPE ARCHITECT BOARD**  
**MEETING MINUTES**  
August 10, 2007

**Members Present:** Paul Kylo, Public Member  
Ron Nichols, Public Member, Treasurer  
David Olsen, Landscape Architect  
John Pellitier, Landscape Architect  
Mel Stout, Landscape Architect  
Timothy Van Wormer, Landscape Architect, Chair  
Susan Wright, Public Member

**Staff Present:** Susanna Knight, Administrator

**Guests Present:** Tomomi Watanabe, New Candidate for Registration [present at 9:00 AM]  
Margarett Harrison, Requesting Reinstatement of Registration [present at 10:00 AM]  
Jim Figurski, LA, CLARB President, Former Member of OSLAB [arrived at 11:40 AM]  
Daniel Edwards, Examination Candidate [arrived at 1:00 PM]

**CALL MEETING TO ORDER:** *Chair VanWormer* called the meeting to order at 9:00 AM and welcomed John Pellitier, Landscape Architect and Public Member Susan Wright as new members to the Board. The appointment date for both new members was effective May 14, 2007.

**ORAL INTERVIEW:** Tomomi Watanabe joined the Board for an oral interview. *VanWormer* stated that this oral interview is the final stop for registration as a Landscape Architect in Oregon and invited all Board Members to introduce themselves to Ms. Watanabe. *VanWormer* then stated that Landscape Architects are self-policing and are required to report concerns of the practice to the Board. He offered that serving on the Board in the future is a way of giving back to the profession and then asked the candidate about her understanding of the continuing education process. Ms. Watanabe replied that this is also her question as she is aware of this requirement but could not locate specific details about continuing education. Board Member *Stout*, Chair of the Continuing Education Committee, offered that information about continuing education can be located in the Oregon Administrative Rules (OAR), Chapter 804, Division 25. In particular, Section 20 discusses Continuing Education Standards and a Structured Educational Activity is identified as an activity that is structured, has a qualified leader or trainer, includes a time element, and provides evidence that the Landscape Architect participated in the activity. *Stout* also directed the candidate to the lead article in the June 2007 newsletter on the Board's web page which contains the current updates about the regulation of continuing education and also recommended that the candidate review prior editions of the newsletter where continuing education questions are answered. The candidate was also quizzed about the Code of Professional Conduct, use of the registrant stamp, ORS vs. OAR, and the business registration requirement. *Kylo* moved to approve Ms. Watanabe's registration as a Landscape Architect in Oregon. Seconded and passed. *Kylo*, yes; *Nichols*, yes; *Olsen*, yes; *Pellitier*, yes; *Stout*, yes; *VanWormer*, yes; and *Wright*, yes. *Van Wormer* congratulated Ms. Watanabe and presented her with a wall certificate and a letter of approval.

1. **APPROVAL OF BOARD MINUTES:** *Kylo* moved to approve the minutes of the May 11, 2007, Board meeting with minor spelling corrections. *Seconded*. *Stout* inquired about updates on actions from the minutes. *Knight* stated that each Board Member should be following up on

their action items to assure they are completed and those that are not should be forwarded to the Old Business section of the next meeting. Motion passed. *Kyllo*, yes; *Nichols*, yes; *Olsen*, yes; *Pellitier*, yes; *Stout*, yes; *VanWormer*, yes; and *Wright*, yes.

## 2. ADMINISTRATIVE MATTERS:

A. **Administrator Report:** Board Administrator *Knight* referred the Board to Appendix I in which she asked for direction on numerous items.

- The Board offered names of numerous Landscape Architects who could be willing to serve as experts in compliance review. *Stout* offered that their time could be granted PDH credit for assistance in establishing the “Findings of Facts”.
- The Board discussed options for achieving an outcome of ongoing Emeritus registration without going to the Legislative body.
- The Board asked that the newsletter be issued both in paper and in electronic format at this time and approved the addition of counties and cities as recipients of the newsletter. A statement as to why cities and counties are being provided with the document should be included in the next newsletter.
- *Van Wormer* inquired about the follow-up procedure for delinquent businesses as two are posted in the report. *Knight* informed the Board that both are aware of their business status and should either wish to reinstate, the Administrative Rules provide the procedure and payment requirements.
- *Knight* offered that the following twelve businesses have been added to the business registration roster since the last Board meeting: ESA; AKS Engineering & Forestry LLC; EDA Land Planning; Lloyd D. Lindley, ASLA; SR Design LLC; Uchiyama Design Studio; Eileen Obermiller; Marlene Salon Landscape Architect; Laurence Ferar & Associates Inc.; Aron Faegre, Landscape Architect; Big Sky Landscaping; and Meeks Design Group.
- *Knight* distributed W-4’s to all Board Members and reminded them that they are eligible for a \$30 stipend for attendance at the meeting. The payment is run through a payroll process and the W-4 is necessary. Members were asked to complete and turn in the document to staff.
- Final language of SB 544 was distributed to the group. This bill was passed in the 2007 Legislative session and directs Department of State Lands to complete a feasibility study on certification of wetland scientists. The Board would like to track this process and offer input.

[Board Member *Kyllo* was excused to attend a scheduled meeting for work.]

**ORAL INTERVIEW:** At 10:00 AM, Margaret Harrison joined the Board for an oral interview seeking to reinstate her Oregon registration for the practice of landscape architecture which lapsed in February 2007. Harrison stated that she had changed jobs and her former employer previously maintained her current registration. Ms. Harrison’s current boss accompanied her and accepted responsibility for failing to renew the registration within the 60 day window. As a practitioner and the bookkeeper, her boss explained that he did not complete this task as expected by Ms. Harrison. *Stout* moved to reinstate the registration of Margaret Harrison. *Seconded and passed.* *Nichols*, yes; *Olsen*, yes; *Pellitier*, yes; *Stout*, yes; *VanWormer*, yes; and *Wright*, yes. Harrison then indicated that she finds continuing education a bit confusing. *Stout* explained that the process continues to be

tweaked and changed as the Board discovers the associated issues and that Ms. Harrison should review the Administrative Rules to understand the process. Ms. Harrison stated that she supports continuing education, although Oregon is the only state where she is currently registered that requires it. As a Certified Arborist, she is intrigued by the continuing education requirement of that certificate when most states do not yet require continuing education of Landscape Architects. [Ms. Harrison and her boss then departed.] Discussion about the current Board policy requiring delinquent registrants to report to the Board should they wish to reinstate their registration in Oregon after the 60 day window has passed. The Board confirmed their concern about the violation of the law should registrants stamp documents when they do not have an active registration and confirmed their desire to maintain the current policy.

- B. **Update on Registration Status:** *Knight* directed the Board to Appendix II of the Board packet. The Board asked staff in the future to also list the state from which the registrant is receiving reciprocal registration and to include the total number of business registrations.
- The following seven new registrants by reciprocity have been added to the Board roster since the last Board meeting: Daniel Cable; David Nelson; Connie Reckord; Cheryl Barton; Jim Polston; John Scott; and Trent Grantham.
  - The following twelve new business have been added to the Board roster since the last meeting: ESA; AKS Engineering & Forestry LLC; EDA Land Planning; Lloyd D. Lindley, ASLA; SR Design LLC; Uchiyama Design Studio; Eileen Obermiller; Marlene Salon Landscape Architect; Laurence Ferar & Associates Inc.; Aron Faegre, Landscape Architect; Big Sky Landscaping; and Meeks Design Group.
- C. **Final Budget Figures, 2005-07:** *Knight* introduced staff assistant MariLou Arrobang to all of the Board and asked the Board to direct questions to her about the Final Budget figures and other financial paperwork in their packet. *Stout* again reminded the Board that it is important to pay close attention to the income for purposes of reducing the cost for business registration if it feasible. *Knight* stated that two budgeted figures, exam income and office expenses, from the 2005-07 budget were much higher than the actual figure at the end of the biennium and reminded the Board that the Budget Committee worked with 2004 calendar year actual expenses in budgeting these amounts, a period of time under the former administrator. *Knight* anticipates that the 2007-09 biennium should have more accurate figures in both of these categories.
- D. **Budget Update 2007-09 Biennium:** The first month of the new biennium shows the Board substantially behind in revenue versus expenses. This is because July is a very small renewal month, so expenses are much greater than revenue. Over the next couple months, this should balance out.

[Guest Jim Figurski arrived at 11:40 AM.]

### 3. COMMITTEE REPORTS

A. **ADMINISTRATIVE RULES COMMITTEE:** *Nichols* directed the Board to information in the packet about:

- Emeritus as a registration status. Because ongoing use of this title will require a statute change, a Legislative Concept must be developed to confirm this status. The Board supports the ongoing Emeritus status and directed staff to notify current Emeritus registrants about this information and to draft statutory language for implementation of this change.

- The Code of Professional Conduct [OAR 804, Division 50]. *Nichols* reported that during the Advisory Committee’s review of the draft language, he was provided with CLARB’s Model Rule for the Code of Conduct. *Nichols* assured the Board that although the language is not verbatim, all of the issues reviewed in the CLARB Model Code are incorporated into the Board’s Code. He informed the Board that revisions to the Code were primarily formatting and organizing issues. In organizing the Code, three different headings have been added. Under the header RESPONSIBILITY TO THE BOARD, new language is included. The Board discussed the language and struck the phrase “or promise anything of value” under OAR 804-050-0010(2); inserted “only” after the word will in OAR 804-050-0010(8); added the word examination under OAR 804-050-0005(5); and asked that the title Landscape Architect be capitalized throughout. *Stout* moved to approve the Code of Conduct with the above revisions. *Seconded and passed. Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; VanWormer, yes; and Wright, yes.*
- Per the recommendation of the Board’s Attorney, the information about LAIT is now under review by the committee and will be on the next Board meeting agenda.

**B. CONTINUING EDUCATION COMMITTEE:** *Stout* reported that this committee is in a period of adjusting to an annual renewal audit so there has been no audit during the past quarter. At the November 2007 Board meeting, names for auditing will be selected from those registrants renewing in July, August and September. He again reminded Board Members that continuing education cannot be claimed if it is an activity that is part of the normal course of work. However, if you are taking an organized, structured class with new information and a designated instructor and attendance is taken, this can count for your PDH even if it is during your work day. *Knight* inquired as to the interpretation of OAR 804-025-0010 which appears to exempt new registrants from continuing education for the first two years of registration. *Van Wormer* stated that he interprets it the same and then recognized the visitor, Jim Figurski, to participate in the discussion. Figurski informed the Board that continuing education was intended to begin immediately upon becoming registered. *Van Wormer* directed the Rules Committee to review OAR 804-025-0010 and revise it to correctly inform of the intent.



At 12:25 PM, the Board broke for lunch. Paul Kyllö returned from a scheduled meeting during lunch and was subsequently honored by the Board for his eleven years of service. Gifts of appreciation and a plaque was presented to recognize his time with the Board which was engraved with the following:

Thank you for your eleven years of volunteer service.  
 We are sad to let go, but it is time!  
 We will miss  
 Your humor  
 Your keen insight, and  
 Your skill in achieving reasonable actions.

Words of appreciation were spoken by former Board Member Jim Figurski as well as others. Former Board Members Hal Beigley, Gladys Biglor, and Andy Leisinger were unable to attend but sent written words of appreciation. The Board anticipates that Kyllö’s replacement will be named shortly.



At 1:15 PM, the Board resumed the meeting.

**HEARING:** Daniel Edwards joined the Board to discuss a decision made at the May Board meeting regarding the eligibility of his education toward the examination entrance requirement and to discuss the use of his experience as a Landscape Contractor to count toward Landscape Architect experience for purposes of meeting the experience requirement upon passing the examination. The Board explained that only LAAB certified schools can receive full credit for meeting the examination requirement. UC Berkley's Extension Program in Landscape Architecture is not certified by LAAB. Therefore credit for that degree cannot be granted. Edwards expressed his disappointment as this program would be acceptable if he were in California. The Board again confirmed that if Edwards continues working under a Landscape Architect for the next 6 months, he would be eligible for the December LARE for which he has applied and is approved on condition. Edwards offered that OAR 804-010-0005 was different when he applied for the examination and work under "allied fields" could be recognized toward meeting the experience requirement. *Van Wormer* stated that at such time as Edwards has completed the examination requirements, the Board will review the experience he submits for meeting the registration requirement and a decision will be made. Edwards stated that his CA-Berkley education is exceptional and it is disheartening to be set back in the eligibility requirement as his employer wants him to be registered. *Pellitier* stated that "perseverance is a great quality and the contributions of your landscape contracting work cannot be taken away from you. Each of us is on our own personal journey." Edwards left the meeting at 2:05 PM.

**C. COMPLIANCE COMMITTEE:** Chair *Kyllo* reported the following:

- The information provided about LACC #05-01-002 was follow-up information. The Board Administrator wanted to be certain the Board was aware of the threat to issue a complaint against the Board.
- The Board received a written response for both LACC #07-01-001 and LACC #07-02-003. The company stated that an "overzealous marketing" department had mistakenly identified employees as Landscape Architects although not registered with the Board. *Kyllo* moved to issue a Letter of Acknowledgement thanking the company for their response and restate the requirement of registration for anyone identified as a Landscape Architect. *Seconded and passed. Kyllo, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; VanWormer, yes; and Wright, yes.* It was noted that an individual working in a company that is contacted by the Board must respond separately from any company response.
- A written response was received from the respondent in LACC #07-02-004 explaining that he is not registered in Oregon but is registered in other states. *Kyllo* moved to close the case by issuing a letter thanking the person for responding to the Board and reminding the person that practice in Oregon and using the title in Oregon requires registration with OSLAB. *Seconded and passed. Kyllo, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; VanWormer, yes; and Wright, yes.*
- *Kyllo* stated that he has more concern about the respondent in LACC#07-02-004 as staff left a voice message requesting a written response and July 27, but no response has arrived. This individual has already been on the Board's radar screen two previous times and has not taken responsibility for the use of the title Landscape Architect. *Knight* was directed to call the respondent and then follow-up with a letter. This case remains open.
- *Knight* then presented the Board with summary information on LACC#05-01-001 and reviewed her concerns about this case with the Board. *Kyllo* suggested that the Board

acquire an expert opinion on the number of violations in the brochure and then fine each instance of violation. *Figurski* offered to serve as the expert, in particular because he was on the committee for this case while on the Board, and offered the following as violations of the practice:

1. Specifications for Design Service;
2. Structural plans;
3. Structural specifications;
4. Construction details;
5. Lighting specifications;
6. Irrigation specifications;
7. Supervision services; and
8. The graphic art with the title "Technical Expertise".

*Kyllo* moved to pursue civil penalties against the individual of \$5000 each for eight different violations of the practice of landscape architecture in a published brochure totaling \$40,000. *Seconded and passed. Kyllo, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; VanWormer, yes; and Wright, yes.*

- *Van Wormer* inquired about the replacement for *Kyllo* who currently chairs the Compliance Committee. *Stout* recommended that *Wright* be appointed to this chairmanship as she has had work experience in a multi-disciplinary practice office. *Van Wormer* appointed *Wright* as the new Compliance Committee Chairperson.

**D. INVESTMENT COMMITTEE:** *Knight* stated that with the departure of Andy Leisinger as a Board Member, there is currently no chair for this committee. *Nichols* suggested that the Board Treasurer serve as the Chair for this. *Van Wormer* appointed the Treasurer to serve as the Chair of this Committee. *Knight* directed the Board to the paperwork identifying Monday, August 13, 2007, as the renewal date for the Board's 6-month CD. The Board agreed that any CD interest should be rolled over into the new CD, and if the CD must be in rounded increments, funds from the checking account should be added to the interest to meet the requirement.

**E. LICENSURE REVIEW COMMITTEE:** *Van Wormer* stated that the Board previously approved one new registrant and the reinstatement of another. In addition, the following individuals have been approved for registration since the last meeting: Cheryl Barton, Daniel Cable, Trent Grantham, David Nelson, Jim Polston, Connie Reckord, and John Scott.

#### 4. OLD BUSINESS

**CLARB Annual Dues:** *Knight* directed the Board to the page titled MEMBER BOARD ANNUAL DUES and expressed concern about the reduced fees offered to the Board in lieu of requiring the CLARB Council Certificate for registration. *Stout* inquired of Guest *Figurski* how this came to be. *Figurski* stated that CLARB is returning some of the funds that they receive in acquiring the Council Record. It is a cost sharing and revenue sharing proposition. He also stated that many states do not participate, as they are required to review any application materials. CLARB is providing a service to members. The CLARB Record makes no judgment; it is just a composite of a Landscape Architect's history whereas the CLARB Certificate guarantees that the candidate has met the state requirement. *Van Wormer* stated that staff recommends that applicants be allowed to apply either with a CLARB Council Record or by directly applying to the Board, as staff reviews the entire Council Record even if there is a certificate. Information contained in Board meeting correspondence outlined the amount of cost to obtain a Council Record. *Figurski* stated that he finds

the CLARB Record a valuable service. *Stout* stated that he sees no reason for the Council Record to be required rather than optional and moved to make the CLARB Council Record an optional requirement for reciprocal registration. *Seconded and passed. Kyлло, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; and Wright, yes.*

## 5. CORRESPONDENCE

**A. Request to Revise Business Fee Structure** [LAC 07 05 183]: The Board concurred that this is the same concern they have been hearing but they cannot differentiate with the size of a company. They appreciated the input from the Landscape Architect and reiterated that the fee structure and amount is still on the table. Should the Board make it through the biennium in good financial condition, the fee structure will be revisited. *Van Wormer* stated that the compliance side of the Board needs to get rolling to know what actual expenses really are.

**B. Request for Hearing for Application Reevaluation** [LAC 07 05 213]: This person attended the meeting and visiting with the Board at 1:15 PM. The Board appreciated his time and understood his concern. The current Board understands the definition of allied fields to be those of Engineering or Architecture.

**C. Clarification on Continuing Education Requirement** [LAC 07 07 233]: This registrant became a member in good standing upon attending the June Board meeting to answer questions and upon paying all back fees. The registrant is eligible for the 4 hour self study because she has been with the Board for 25 years.

**D. Request to Reinstate Registration** [LAC 07 07 237]: The Board discussed the 13 year lapse of this individual. *Olsen* directed the Board to ORS 671.376(4) which requires passing the LARE for reinstatement and leaves the Board with no option. After five years without registration, a lapse occurs. *Olsen* moved to apply ORS 671.316(4) and require that the registrant pass the LARE for reinstatement of the registration in Oregon. *Seconded and passed. Kyлло, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; and Wright, yes. Van Wormer abstained.*

**E. Continuing Education Request** [LAC 07 07 238]: The Board offered that this person should complete the log and document all the activities which he declared in his letter. Should he be selected for audit, the log is required, but if his coursework did not meet the requirement, he would be given a 120 day extension which would allow him to use the stated conference attendance to cover his continuing education requirement.

**F. Request to waive CLARB Council Record Requirement** [LAC 07 07 239]: In an earlier discussion under Old Business, the Board approved a change to the Administrative Rules which would now allow for reciprocal registration by either the CLARB Council Record or direct application.

## 6. NEW BUSINESS

**A. Approval of New CLARB Bylaws:** *Kyлло* moved to accept the bylaw changes as presented from CLARB. Other changes were suggested by *Stout*, but those must first go to the Bylaws Committee of CLARB for review. *Seconded and passed. Kyлло, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; and Wright, yes.*

**B. Report of CLARB Nomination Committee:** *Kyлло* moved that *Van Wormer* select CLARB Officers for the vote at the National Meeting in Cleveland, as he is serving as the Board delegate. *Seconded and passed. Kyлло, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; and Wright, yes. Stout* offered that CLARB should help ensure competency of practitioners rather than ensure, as this responsibility is charged to each state, not to CLARB.

**C. Statute Revisions for 2009 Legislative Session:** *Knight* will prepare draft language for the statute change which would authorize an Emeritus status of registration.

**D. Election of OSLAB Officers, OAR 804-001-0015:** *Kyllo* moved the following slate of officers:

- Tim Van Wormer, Board Chair;
- Mel Stout, Vice Chair;
- Ron Nichols, Treasurer.

*Seconded and passed. Kyllo, yes; Nichols, yes; Olsen, yes; Pellitier, yes; Stout, yes; Van Wormer, yes; and Wright, yes.*

**E. Reference Manual for Building Officials, January 2005:** The Board was interested in seeing this publication. *Wright* pointed out that an acknowledgement in the Commentary section at the back of the manual includes the Board of Landscape Architecture. The Board asked *Knight* to inquire about the next revision.

## 7. ANNOUNCEMENTS:

**A.** *Van Wormer* announced that both he and *Knight* would be attending the CLARB Annual Meeting in Cleveland, Ohio on September 6, 7, 8, 2007. This will be the first meeting for both of them.

**B.** *Van Wormer* announced that the next Board Meeting is scheduled for November 16, 2007, here in Salem, unless a special meeting is called up.

**C.** The next administration of the LARE national exams is December 3 & 4, 2007, in Salem, Oregon. Proctors for each will be needed. Board Members need to check their schedules for availability.

**8. ADJOURNMENT:** The meeting was adjourned at 3:50 PM.

Respectfully submitted,

Susanna R. Knight  
Administrator

Minutes of the November 16, 2007, OSLAB meeting were approved as presented at the November 16, 2007, meeting of the Board.

Respectfully Submitted,

Susanna R. Knight, Administrator  
November 19, 2007