

OREGON STATE LANDSCAPE ARCHITECT BOARD (OSLAB)

MEETING MINUTES

February 17, 2012

Association Center, 707 13th St. SE, 2nd Floor, Conf. Room "A"

Members Present:

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

Members Absent:

Public Member (vacant)

Staff Present:

Christine Valentine, Administrator
Kyle Martin, AAG, DOJ* (*as noted in minutes)

Visitors (*as noted in minutes):

Caitilin Pope-Daum, Oral Exam Candidate
Nopporn Kichanan, Oral Exam Candidate
Arthur Graves, Landscape Architect

WORK SESSION

Convene Meeting/Agenda Review

At 9:04 AM, Chair Olsen convened the work session. The Board reviewed the revised agenda for the day, which involved changes to the quarterly meeting agenda but not the work session. Administrator Valentine explained that two candidates were belatedly scheduled for oral exams in the afternoon. Chair Olsen asked if there were any comments on the revised agenda. A question was asked about when the Board would talk about filing board member positions, and this was pointed out on the work session agenda. Hearing no further discussion about the agenda, Chair Olsen proceeded to open discussion of the first work session agenda item.

Planning for Board Membership Transitions

Administrator Valentine explained that the Governor's Office generally requests applications for a board position be submitted 60 days prior to when the term of the current member is to expire. Second terms for Member Stout and Vice Chair Van Wormer end on 6/30/2012. This means that applications should be into the Governor's Office within the month of April, i.e. before the next Board meeting. She asked if Board members know of RLAs that might have the interest, time and temperament to serve on the Board and that could be approached about board membership. The Administrator offered that the Board could also include a brief note in the spring newsletter, but this may not be timely enough to ensure applications from that action alone. She stated that 4 to 5 application for the two RLA positions would be a good goal to ensure the Governor's Office has some choice when considering applications for these Board positions.

Chair Olsen offered that maybe the Board needs to send a challenge letter to a targeted list of RLAs. He and Administrator Valentine noted that the Board needs to do some work to recruit applicants as the Governor's Office does not have enough staff capacity or specific knowledge of the industry. Board Member Stout suggested that each Board member approach some potential candidates. For example, he has some contacts in the Portland area that he could talk with about potential RLA candidates and may have a possible candidate for public member position that is vacant. Board Member Pellitier offered that the Board needs at least one of the new RLA members to be from the Portland area since that is where the population is centered and thus also where the most RLAs work from.

Board Member Wright asked if Board Members Van Wormer and Stout could continue to serve beyond 6/30/2012 if replacements cannot be appointed by then. Administrator Valentine commented that she thinks this would occur automatically if the Governor has not yet appointed replacements. She noted that the LA statute does not limit a board member to 8 years. The limit of two terms has evolved as good practice and Governor's Office policy. Board Member Pellitier mentioned a concern about the lack of knowledge the Board will face, at least temporarily, when Board Member Stout and Vice Chair Van Wormer leave the Board. He noted their years of professional experience and knowledge of the Board. He asked if there might be a way to have a transition period where the incoming members could benefit from the experience of outgoing members. All agreed that it would be ideal to have a one meeting overlap of the incoming and outgoing members.

Board Member Pellitier noted that it helped him to come to a meeting before applying for Board membership. Chair Olsen and Administrator Valentine mentioned that the idea of inviting candidates to this meeting was considered, but there was not sufficient time to identify and invite RLA applicants to this meeting.

Board Member Wright asked when other Board members reach the end of their second terms. Administrator Valentine went over the dates for second term. The Board decided that it would be good to identify extra RLA candidates if possible so that the Board is prepared for when members finish second terms in June 2013. The Board also asked the Administrator to check with the Governor's Office on whether there is a way to better stagger the term dates. This would help the Board avoid having multiple members leaving at the same time and therefore make transitions easier on all.

Administrator Valentine commented that the Board also has the continuing problem of having a public member position vacant. She has talked to 3 or 4 individuals about the public member position. Two individuals were fairly confident that they would apply to the Governor's Office. However, the Governor's Office has not reported any applications received. No further contact from these individuals has occurred, and the Administrator stated that she assumes the individuals changed their minds or had something come up when discussing with the Governor's Office. The Governor's Office has not responded to the Administrator's last couple of inquires about the public member position or the pending need for two new RLAs to be appointed. She will continue her efforts to coordinate with that office. The Board then discussed whether finding another public member in the Salem vicinity would be best as this would make it easier for that person to help out with activities in the Board office. A question asked was whether there was anyone in the COSA organization (i.e. that OSLAB rents space from) that would be interested in serving as a public member.

Chair Olsen summarized an Action Plan as follows:

For RLA positions, each RLA Board member will:

- identify the type of person he/she thinks would be the best fit for RLA positions
- next try to identify potential candidates that fit that description
- reach out to those individuals through phone calls and other means
- submit the list of possible names to Chair and Administrator by March 5
- share a letter of solicitation with these individuals, which will include information on how to apply. (Chair will draft and work with Administrator to finalize this letter. Letter will be ready mid to late March.)

For Public Member position, each Board member will:

- Identify potential candidates for the public member positions
- Consider looking for retirees with public sector experience, interest in areas related to LA or that would bring other valuable business skills to the Board

Focus Areas Proposed:

- Stout – junior and senior principles in LA, retirees for public position
- Wright – office managers and CPAs for public position
- Nichols – contact local universities for ideas about public position
- Pellitier – local LA practitioners (small businesses), retirees for public position
- Van Wormer – public sector RLAs, especially those working at the city of Portland and Metro regional government
- Olsen – RLAs in federal employment, other RLAs working outside Portland Metro area

Landscape Architecture Practice

Chair Olsen opened discussion of the second work session agenda item regarding LA practice. Administrator Valentine explained that the idea here was to allow the Board time to discuss the issue of practice overlap between the LA and Landscape Contracting industries and brainstorm about possible options for the Board to somehow better define and address this difficult issue. She suggested that the Board might start by recapping what it has done in the past and then think about information needs and possible strategies for approaching this issue. She noted that staff hears periodic rumblings from registrants about practice overlap issues and that she is not presently aware of any defining compliance cases or other situations that have provided clarity around the practice overlap issue. She also said another option would be to obtain written advice from the AAG about how practice overlap is addressed in the LA statute for discussion in a future executive session.

Administrator Valentine also shared that she recently learned that the CA board is starting a taskforce to look at practice overlap issues with the LC industry. This effort is apparently the result of a series of compliance issues in that state involving LC licensees. She asked if any board members have contacts on the CA board to learn more about how CA is approaching this problem. The Board did not express interest in researching the CA effort.

The Board proceeded to discuss the following topics:

- The Board inquired about the nature of calls and other communications the office receives regarding LA and LC practice overlap. Administrator Valentine provided a high

level overview of the type of inquiries but did not have an actual list of individual inquiries to share.

- The Board discussed whether practice overlap issues may be more of an issue for those RLAs working in small businesses. The Board postulated that practice overlap may be a bigger concern to RLAs operating as sole proprietors since big design offices are working in a different part of the market where LCs cannot easily compete. The roles of LA doing residential work may also intersect more often with LC licensees. The Board members wondered about how many LCs are doing full construction plans and specifications and discussed a need for more clarity about what RLAs vs. LCs can or cannot do. The Board recalled that in previous meetings with the LC Board the representatives of the LC Board made it clear that their position is that LC licensees can do construction plans and specifications.
- The Board confirmed its position has been that LCs can design if they also build/install but cannot do construction documents and specifications. The Board discussed its view that design/build by LC licensees is ok but not design only and not construction documents and specifications. Board members felt that OSLAB has a strong case for this position due to the education, exam and experience requirements that individuals must demonstrate as the necessary qualifications to earn registration in LA, i.e. show they have the skills and knowledge to ensure the protection of health, safety, and welfare in the preparation of construction plans and specifications.
- The Board noted that a unique challenge for RLAs in Oregon is that the LC law here is stronger than in other places in the USA and thus there are more issues about practice overlap between these professions. The Board noted that there are also many more LC licensees than RLAs, and more money involved in that industry compared to LA in Oregon. CLARB and other states generally have said this is not much of an issue elsewhere in the USA. The Board discussed a variety of issues related to practice overlap such as whether the LC Board is now licensing landscape designers, the bonding required for LCs, and the uncertainty about whether many LCs are preparing construction documents and specifications.
- The Board needs to focus on protection of public health, safety, and welfare. The Board discussed whether economic times could exacerbate the practice overlap issue or instead slow down any efforts of LC board or others to expand LC practice. The Board briefly discussed the idea of a taskforce to look at practice overlap issues and suggested that perhaps the focus should be on other ways to define what each type of licensee can do. This might not be limited to just addressing plans and specifications. The Board wondered if some very clear distinctions could ultimately be made such as how the architects have a square footage standard for determining when an architect must be involved in building design vs. a construction contractor.
- The Board discussed that the way to address practice overlap is likely by following through on compliance and being sure to assert the Board's position on construction documents and specifications. OSLAB must be vigilant about the "line in the sand" between LA and LC practice. The Board may need to remind RLAs that they have a duty to report potential violations as there is a limit to how much the Board can oversee health, safety, and welfare issues on its own. All agreed that the Board may need to direct more

energy and financial resources to compliance to arrive at more clarity regarding practice boundaries.

- The Board next talked about options for setting up a more robust compliance committee. Questions discussed included the following. Should individual Board members be assigned individual cases to research and prepare for full Board discussion? Can legal advice to support the “line in the sand” position of the Board be firmed up? What does the Board need to do to address public meeting requirements if the composition of the compliance committee changes? Is it possible to add registrants from outside the Board to the compliance committee, similar to the rules committee? Will the Board need to bring on a professional investigator in some capacity if the Board takes on more compliance work? What are the options for securing part-time investigator help? How will the Board fund additional work on compliance, as reliance on civil penalties is not prudent? Should the Board tap some of its contingency funds for this additional compliance work? The Board concluded that further research and discussion would be necessary.

To wrap up this discussion, Board Member Stout stated that he would entertain a motion about making compliance a priority for the Board. Board Members Wright and Pellitier stated that they are ready to participate in concerted conversation about developing a revised and more pronounced approach to compliance work. The Board decided that the Administrator would research committee options and sidebars with the AAG. Board Member Wright will work with the Administrator to arrange for a teleconference meeting on this issue sometime prior to the May Board meeting. All agreed that the Board could announce plans about any revamped compliance efforts in a future newsletter.

Registration & Reciprocity Rules

Chair Olsen opened discussion of the draft rules revisions for OAR 804-022-0005 and OAR 804-022-0010. The Board was joined at this time by its AAG, Kyle Martin. Administrator Valentine directed the Board to the rules document in the packet. She explained that revision to the rules summary and draft rules incorporate suggestions made by the Board’s AAG. She encouraged the Board to carefully consider the AAG advice while suggesting that the proposed changes were relatively minor but nonetheless important. She also asked the Board if there was more they would want to add to the rulemaking summary on the issue of the new reciprocity path being deemed substantially equivalent to the Board’s standard registration requirements. The Board’s AAG commented that he reviewed the draft rulemaking summary and thinks it is good and will be helpful if questions arise down the road.

In discussing the rulemaking summary, Chair Olsen stated that he is ok with the draft rule summary but thought the Board should further discuss whether the appropriate timeframe is 10 years. Vice Chair Van Wormer stated that he thinks 10 years is reasonable. His view is that if the person has less experience than that, then the individual should be able to find the supervisor to sign off on work experience. If the Board goes with something like 5 years, then he believes many applicants will not bother trying to show supervised work experience. AAG Martin provided a framework for how the Board might determine if 10 years is appropriate. The Board discussed and decided to stick with 10 years as being substantially equivalent to the years required for supervised work experience. The Board also discussed whether it wanted to make any other changes to the proposed rule summary but confirmed the draft was sufficient.

The Board next discussed the proposed revisions to the rules. In that discussion, the Board discussed a variety of issues and asked for a few additional revisions to the draft rules as were documented on a revised draft by the Rules Committee Chair/Treasurer Nichols.

- Verified that the rule is clear that the Board is the one that gives the oral exam.
- Change 804-022-005 to use the term oral exam and not both exam/interview, per statute.
- Remove the word initial and related language from the title and first section of 804-022-0005 as this word is unclear; make necessary punctuation changes.
- Remove the phrase “of the application” in 804-022-005(3)
- Confirmed that language about 2 years under engineer and architect is OK without further revision.
- Confirmed that do not need to specifically say that supervising RLA from other state signing work experience form must be in good standing because Board can confirm registration status.
- Considered whether the term work experience should be defined in rule to further clarify what is required by the Board and decided this is not necessary at this time as the combination of application forms and licensure review committee review has been sufficient.

Administrator Valentine reminded the Board that if it is ready to proceed with rulemaking notice for OAR 804-022-0005 and OAR 804-022-0010, then a formal motion directing the Administrator to initiate formal rulemaking will be needed in the quarterly meeting.

Administrator Valentine and Chair Nichols also informed the Board that they have run into some procedural issues related to future engagement of the rules committee. These issues will be discussed as part of the Rules Committee report in the Quarterly Meeting if time allows.

Chair Olsen adjourned the Work Session at 11:40 AM and called for a fifteen minute break before starting the Quarterly Meeting.

QUARTERLY BOARD MEETING

At 11:57 AM, Chair Olsen opened the Quarterly Meeting. He formally welcomed visitor Arthur Graves, RLA, to the meeting. He explained that Mr. Graves would need to leave the meeting during Executive Session but otherwise welcomed his participation. Mr. Graves said he understood about Executive Session, and the Administrator offered that he could stay in the Board office during that time.

COMPLIANCE REPORT

Wright/Valentine

Review/Determine if Action required on outstanding and new compliance cases (Executive Session)

Chair Olsen convened an executive session to allow for discussion of investigatory materials and counsel with the Board’s AAG in accordance with ORS 671.338 and 192.660. The Board discussed all open cases and two pending cases but made no final decisions while in Executive Session. At 1:17 PM, Chair Olsen announced that the Executive Session was ended and the Board would resume with regular session. The Board’s guest was invited to rejoin the Board,

and the Board proceeded to make the following decisions with respect to compliance cases considered in Executive Session:

LACC # 09-11-005: *Chair Olsen made a motion for the Board to issue an order withdrawing notice and expedite renewal paperwork for this individual. Board Member Van Wormer seconded the motion. Hearing no discussion, Chair Olsen called for a vote, and all approved.* The Administrator was asked to call the respondent ASAP the following week to explain the Board's decision and the timeline for license renewal.

LACC #11-08-001: *Board Member Wright made a motion for the Administrator to work with the AAG on drafting a Notice of Intent (NOI) to assess penalty of \$2000 for work in landscape architecture without registration and authorize the Administrator to schedule a teleconference as necessary to facilitate Board action on this case. Chair Olsen seconded the motion. Hearing no discussion, Chair Olsen called for a vote, and all approved.* The Board clarified that it would like the teleconference meeting to occur prior to the next regularly scheduled meeting.

LACC #11-09-002: *Compliance Chair/Board Member Wright motioned to close this case as the issues have been resolved by action of the respondent. Vice Chair Van Wormer seconded. Hearing no discussion, Chair Olsen called for a vote, and all approved.* The Administrator will notify the respondent that the case is closed.

LACC #11-11-003: The Board did not make a motion with respect to this case, determining that the investigation must continue to gather additional information.

LACC #12-01-004: *Compliance Chair/Board Member Wright motioned to close this case as the respondent has adequately explained the advertisement and taken action to have this corrected. Chair Olsen seconded. Hearing no discussion, Chair Olsen called for a vote, and all approved.* The Administrator will notify the respondent and the complainant that the case is closed.

Potential New Case 1: The Board determined that opening a compliance case was not warranted at this time as the issues seem to have been voluntarily resolved by the subject business.

Potential New Case 2: The Board directed the Administrator to issue an outreach letter about the LA title and practice act. The Compliance Committee will make a decision about opening a formal compliance case dependent on the response to the Board's outreach letter.

Compliance Process – Technical reviewer update, technical reviewer form, Compliance Committee status, etc.

Compliance Action Plan: *Board Member Stout motioned to have the Board make compliance a top priority by creating an organizing committee to look at preparation of a compliance action plan and possible new structure for the Compliance Committee. Treasurer Nichols seconded the motion. Hearing no discussion, Chair Olsen called for a vote, and all approved.* The Administrator will research legal issues and prepare information for a possible committee meeting and discussion at the next regularly scheduled work session.

Peer Reviewers: Administrator Valentine noted that a few RLAs expressed interest in being technical reviewers in response to the article in the winter newsletter. She has not yet had time

to compile the list of RLAs or to seek volunteer forms or other background materials from these individuals. She noted that it may be best to wait and see how the Board's work on the compliance action plan evolves as this could have implications for the role of technical reviewers.

Technical Reviewer Form: Administrator Valentine indicated that she has not had the time to work further on the technical reviewer form. She asked if Board members wanted to work on the form or if she should first ask the AAG for advice about the form. The decision was to hold this project for now to see how the compliance action plan evolves.

Delegation of Authority: Administrator Valentine informed the Board that the AAG suggested the Board consider delegating authority to administrator for carrying out certain compliance actions per direction of the Board. This would include delegated authority to prepare settlements, notices and orders for Board consideration and to execute and sign settlements, notices and orders that have been approved by motion of the Board. She explained that this type of delegation could help protect the Board from procedural challenges in the event of a case where the Administrator completed such work for the Board but without explicit delegated authority. The Board could motion to have a delegation of authority document prepared for the Chair's signature. Alternatively, the Board needs to be careful about how it words motions directing staff to take action in specific cases and have the Board Chair or Vice Chair sign all final documents. The Board decided to maintain the status quo.

MINUTES:

All

Board Member Stout asked if anyone had questions or comments on the minutes from November 18, 2011, and the Board briefly discussed. *Board Member Stout then motioned that the Board approve the meeting minutes as drafted for the November 18, 2011. Board Member Pellitier seconded the motion. Hearing no discussion, Chair Olsen called for a vote, and all approved.*

ADMINISTRATIVE MATTERS:

Valentine

- a. **Administrators Report**, including updates on contracts, purchases, reports, office administration, training, SIBA, State of Oregon efforts, etc.

Administrator Valentine referred the Board to the report included in the meeting packet. She noted that the report serves as a comprehensive summary of issues she thought could be of interest to the Board. Some of these issues will be specifically discussed as agenda items so she will not focus on those at this time. Chair Olsen had the group go through the report section by section. Administrator Valentine answered questions related to sections on new public notice requirements, proposed staff training, check scanner, financial audit, and CLARB-related activities. Vice Chair Van Wormer addressed his participation in Design Professionals Day at the Capitol in relation to the Legislative update provided in the Administrators Report.

The Administrator was asked to research whether Board members could also attend the DOJ trainings and to verify that OSBGE would agree to split the costs for staff training as both boards would benefit.

Administrator Valentine next asked the Board to consider the summary of staff research on estimated costs for providing registrants with the ability to pay for renewals online by credit

card. She reminded the Board that the research was done in response to customer requests to pay online and emphasized that staff has not been investigating full online renewals, just this first step of offering online payment as a convenience for registrants. Full online renewal would take a lot more time and money to develop the necessary database and web functionalities. She stated that staff needs direction from the Board about whether to proceed towards implementation of online payment. The Board discussed but did not make a final decision about implementation. The Board directed the Administrator to test the waters further with registrants via sharing information and requesting comments in the next newsletter.

Chair Olsen called for a break at 2:15 PM and reconvened the Board at 2:21 PM.

b. Budget Updates: Totals for 2009-11 Biennium, Status for 2011-2013 Biennium
The Board reviewed the quarterly budget reports. Chair Olsen stated that he had no comment outside of discussion the Board just concluded regarding the option of offering online payment capability to registrants. Treasurer Nichols noted that the Board has not been spending the anticipated amounts on AAG fees or a professional investigator.

c. Approve Check Log
The Board reviewed the quarterly check log. *Vice Chair Van Wormer motioned to approve check log for #3658-3693 and #10110-10114. Chair Olsen seconded the motion. Hearing no discussion, Chair Olsen called for a vote, and all approved.*

d. Updated Renewal History
The Board reviewed the renewal history.

COMMITTEE REPORTS

Administrative Rules Committee: *Treasurer Nichols, in his capacity as Rules Committee Chair, motioned for the Board to accept the revised draft of rules OAR 804-022-0005 and OAR 804-022-0010 titled Version III with changes written in during the work session and to direct the Administrator to initiate formal rulemaking notice. Vice Chair Van Wormer seconded the motion. Hearing no discussion, Chair Olsen called for a vote, and all approved.* Nichols provided the annotated version of the draft rules approved by this motion to the Administrator for the public record.

Treasurer Nichols and Administrator Valentine determined that updates on the Rules Committee role and related issues for the rulemaking process would be deferred until the next meeting due to time limitations. They stated that they would keep working on this and be prepared to present at the next quarterly meeting.

Continuing Education Committee: Board Member Stout, in his capacity as Continuing Education Committee Chair, distributed the audit report for the quarter of July-September 2011 and went over it with the Board. He commended staff on the help they give to individuals with preparing documentation for audits. *Stout then motioned for the Board to approve the CEC report, approving all audits. Vice Chair Van Wormer seconded the motion. Hearing no discussion, Chair Olsen called for a vote, and all approved.*

Board guest Arthur Graves inquired about how RLAs are to document continuing education. The Board briefly discussed this with Mr. Graves, addressing what is laid out in rule and how

this is implemented by the Board. Mr. Graves suggested that the Board consider creating a form that RLAs could use to obtain signature of instructors to confirm participation in continuing education events. The RLA would be responsible for filling in the details of the event and obtaining the instructor or organizer signature. The Board thanked Mr. Graves for sharing this suggestion.

Investment Committee: Treasurer Nichols, in his capacity as Investment Committee Chair, provided an update. He reviews the bank and investment accounts every month, and the accounts has been staying fairly steady. This suggests that renewals are stable as there has not been a dip in Board income. The investments are not making much money but are available as a contingency fund. He commented that he thinks it is good that the Board did not raise fees when it was considering this prior to the current biennium. He also referred to the investment update included in the Administrator report. He then informed that Board that he asked the Board's investment advisor at Paulson Investments to look at whether there are any other investments the Board could pursue within the limits of state law. Administrator Valentine confirmed that statute does limit the types of investments allowed.

Licensure Review Committee: Vice Chair Van Wormer, in his capacity as Licensure Committee Chair, briefly reviewed the quarterly committee report with the Board. The report covered registrations by examination, reciprocity, business registrations, and inactive registrants. No specific questions were raised.

Administrator Valentine asked for the Board's consideration of two issues related to licensure review. The first was to have the Board look at the reinstatement process as currently defined in administrative rule. She handed out a copy of the relevant OAR and explained that staff had two cases that almost triggered the reinstatement process and thus had them reviewing the rule. Questions are whether the Board still requires an exam and whether all reinstatement requests must be approved by the full Board vs. the Licensure Review Committee. Vice Chair Van Wormer volunteered to work with the staff on ensuring that all have the same understanding of the process. He mentioned that these questions have come up before. He explained that the Board has required an exam, which has been an oral exam not a standardized written exam. This exam could be as simple as responding to a specific question from the board. The Board might also authorize one Board member to call the individual to conduct an exam by phone. The Board also intends for these requests to come before the full Board even if reviewed first by the Licensure Review Committee. The rest of the Board agreed, and no changes to the rule were deemed necessary.

Administrator Valentine then shared with the Board that staff has been noticing what seems like an increase in the number of individual RLAs listed in the database with residences in Oregon but without a work address. In the past, a change in work address or deletion of work address altogether on a renewal form has been a trigger for staff to inquire if the individual RLA is now working as a sole proprietor. With the current state of the economy, staff would like the Board's input on what role, if any, staff should play in verifying if individuals are unemployed or shifting to work as a sole proprietor. The issue is that sole proprietors need to have business registrations. However, staff is sensitive to not wanting to create the impression that the Board is trying to enforce selectively against those that are unfortunately unemployed in this tough economy. The Board felt that individuals could choose to not share work information if they only want correspondence sent to home and directed that staff not take any action to verify work status for these registrants at this time.

Report from Liaison to Oregon Board of Architect Examiners: Chair Olsen stated that he had nothing new to report, except for an update related to the Manual for Building Officials that would be covered under Old Business.

Report from Liaison to Oregon Landscape Contractors Board: Board Member Pellitier stated that he had nothing further to report beyond practice overlap issues as discussed in the AM work session.

Legislative Update/Day at the Capitol – Status Report: Chair Olsen noted that this was addressed under the discussion of the Administrator's Report.

CORRESPONDENCE

E-mail Inquiry –PDH for Electronic Publication, Teaching: Administrator Valentine shared an e-mail from an individual that has requested confirmation of professional development hours (PDH) for creation of DVDs. She referred the Board to the copy of the e-mail exchanges included in the Board packet. Administrator Valentine shared this request initially with CEC Chair/Board Member Stout. His opinion is expressed in the e-mail exchange, i.e. that a registrant needs to not just create materials but get those materials published or use them in a lecture. The Board discussed, and all agreed with Stout's assessment. The Administrator will respond to the registrant about the Board's evaluation.

CLARB E-mail Inquiry – Council Record Marketing: Administrator Valentine directed the Board's attention to a request from CLARB for volunteer states to work with CLARB on marketing of the Council Record. She explained that she has not volunteered Oregon at this time as she felt the Board would need to decide if this was something it wanted to participate in. The Board discussed, and all agreed that OSLAB does not want to participate in the CLARB marketing campaign. The Board further decided that it should respond back to indicate that the Board has concerns about the expansion of CLARB's purpose beyond providing for a high quality exam. The Administrator was asked to work with the Chair and Vice Chair on a letter to CLARB.

Inquires about ASLA Professional Landscape Architect (PLA) Proposal: Administrator Valentine explained that staff has been fielding a few phone calls and received perhaps a half-dozen e-mails about the Board's position on the use of PLA as post-nominal letters. She asked whether the Board intends to issue any statement about the use of PLA by OSLAB registrants. The Board and Administrator discussed how statute and rules use the terminology RLA. The Board believes that registrants can use RLA, PLA, or both. Staff has not made any inquiries at this time with the AAG about possible legal issues. Board Member Pellitier offered that CLARB supported the ASLA PLA proposal and informed member boards of this at the 2011 annual meeting. He noted that many states use if not require RLA instead of PLA. Board Member Stout offered that the staff responses to date have been fine. The Board decided that it will take a neutral position on the use of PLA. Chair Olsen determined that staff did not need to respond in detail to CLARB on this issue.

ORAL INTERVIEWS

At approximately 3 PM, Chair Olsen welcomed candidates for licensure Caitilin Pope-Daum and Nopporn Kichanan to their oral interviews. He explained the process and how this is final part of the licensure process. The remaining Board members and staff introduced themselves. The Board members explained their backgrounds, roles on the Board, and asked questions of the candidates. The Board also took questions from the candidates. Topics covered with the candidates included: role of Board, continuing education requirements, statute/rules and code of professional conduct, role of compliance, opportunities for volunteering with OSLAB, and the Board's interest in having registrants weigh in with ideas related to the evolution of the practice.

Chair Olsen motioned to recognize the candidates as having met all requirements for licensure and to grant registration as RLA #762 and 763. Vice Chair Van Wormer seconded the motion. Hearing no discussion, Chair Olsen called for a vote, and all approved. The candidates were given their registration materials and warmly welcomed to the profession. Members exchanged congratulations with the new RLAs.

OLD BUSINESS

Building Officials Guide: OSLAB has been invited to join the Oregon Board of Architect Examiners to discuss the idea of including LA information in the next edition of the Reference Manual for Building Officials. The Board is apparently open to the idea but had some questions about the proposal submitted by OSLAB. Since that Board is also meeting today, the invitation is for their April 6th meeting. The Board directed the Administrator to accept the invitation. Chair Olsen will attend the meeting for OSLAB. He volunteered to put together a synopsis of what he would say and share this with staff. Board Member Pellitier indicated that he is also willing to attend.

Policies-Procedures Update:

Administrator Valentine distributed the correct version of the Operational Policies document and asked Board members to replace the incorrect version that had been included in the meeting packet. She then asked the Board Chair how he would like the Board to consider the various draft policies. He suggested that Board members should send any comments to the Administrator.

Administrator Valentine recapped that she is working to get some fundamental policies about Board operations prepared for ultimate approval by the Board. This effort is building off the idea of memorializing how the Board operates as was started in the operational policies effort. She referred to the discussion also at the November 18, 2011 meeting. She explained that semi-independent boards are responsible for adopting contracting, purchasing, and personnel policies at a minimum. Those policies require Board approval and then submittal to DAS. DOJ review is advisable prior to sending to DAS. She said there are other policies outside of contracting, purchasing, and personnel that she believes the Board should have in place, specifically related to financial matters. She also noted several recommendations from the recent financial review (next agenda item) that relate to updating or creating Board policies. These "other" policies require Board approval but do not need to be shared with DAS. Finally, she pointed out that she has not focused on personnel policies for OSLAB since the Board has only contract employees at this time. She is crafting updated policies that will have the Board continuing to largely follow relevant state policies.

Staff has been able to locate evidence that the Board adopted DAS policies for contracting, purchasing, and personnel back in the late 1990s, but she has not been able to verify exactly what the Board intended as “DAS policies”, i.e. just rules or other administrative policies. She also has not been able to verify exactly what DAS administrative policies were in place at the time. Regardless, DAS rules and policies have gone through substantial revisions since that time so what the Board adopted is both out-of-date and difficult to follow. After talking with various experts in DOJ and other semi-independent administrators, she advises that the Board craft stand-alone policies, adopt these, and then periodically review and update them.

Financial Review Report/Board Response & Report to Legislature: Administrator Valentine presented the financial review report. This report summarizes the findings of the review of 2009-2011 financial records and Board procedures. She reminded the Board that a financial review is different than a traditional audit and so the report obtained this time does address things that were not covered in past audit reports. She further reminded the Board that the Secretary of State’s Office and Legislative Fiscal Office recommended that the semi-independent boards pursue financial reviews instead of audits this time.

Administrator Valentine next directed the Board to a summary table prepared by staff for the Board’s consideration that lists the recommendations from the review along with staff input. Overall, staff agrees with all but one recommendation and believes implementing changes to address the recommendations is prudent. There is one recommendation about passwords that is being discussed with the Board’s computer systems consultant to determine the best solution. She welcomed Board input, and this will be represented in a response letter that will be shared with the Secretary of State’s Office. The response letter will also be made part of the Board’s report to the Legislature.

The financial review is a key piece of the biennial report OSLAB must prepare and submit to the Governor, Legislature, and Secretary of State’s Office. A draft of that report is in the meeting packet. The Board did not have a chance to review and comment on the report for the 2007-2009 biennium and apparently wanted the opportunity to review a draft of the 2009-2011 report. Comments from Board members will be needed by early March. This will ensure sufficient time for editing, printing, and submittal of the report by or before the April 1 deadline. This deadline also takes into account that staff has to simultaneously finish the OSBGE report due on the same day.

Board Member Stout offered that he thinks the draft is a good start and that the report serves as an opportunity to educate legislators and others. He provided the Administrator with written suggestions for the compliance section on Section on page 5 of 9 to better emphasize the practice side of the statute and on page 7 of 9 to better explain the activities of the Board with more emphasis on regulation of the practice.

Chair Olsen asked the Administrator to verify that the various charts, tables, and financial data in the draft report are updated, and she did so. Chair Olsen then set a deadline of March 15 for Board members to have any comments on the draft report to the Administrator.

OSLAB Newsletter: Administrator Valentine noted that the winter newsletter is out and the spring edition is pending. The winter edition was issued in its new format, and staff received positive feedback to the new format. She welcomed guest articles and ideas for the spring edition

Action List Updates: Administrator Valentine noted that she would like to know if the Board prefers the action list to be sorted by date items are added to the list or status of items. The Board did not express a preference. She deferred to the Chair as to whether the action list would be reviewed in detail. The Chair asked that actions stemming from today's meeting be added to the action list and then sent out to Board members in the next week.

NEW BUSINESS

ASLA and OSLAB Relationship: Chair Olsen determined that this item would be held until the next quarterly meeting due to time constraints.

HB 3316 (2011) & Public Contracting by RLA: Administrator Valentine passed out a handout with background on HB 3316. Chair Olsen briefly explained what he understands about this bill which is now law. He encouraged board members to review the handout but determined that further discussion would be held until the next quarterly meeting due to time constraints.

PUBLIC COMMENT

The Chair noted that one public participant, not including the oral exam candidates, participated in the meeting. That individual was provided with opportunity to offer public comments earlier in the meeting, and no one else was at the meeting to offer comment during the time formally set aside for public comment.

ANNOUNCEMENTS

- News articles from Board Chair
- Office Closed - February 20 (Presidents Day)
- Next Meeting – Friday May 11

ADJOURNMENT

Chair Olsen adjourned the meeting at 4:07 PM.

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Respectfully Submitted,
Christine Valentine, Administrator

<p>The minutes of the February 17, 2012 work session and quarterly meeting were approved as presented at the May 11, 2012 Board meeting.</p> <p>Christine Valentine, Administrator</p>
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