

NOTICE OF MEETING

October 18, 2012
10:00am – 1:30pm
Exceptions and Exemptions Task Force
Sequoia Room
2420 Del Paso Rd. Suite 105
Sacramento, CA 95834
(916) 575-7230

The Landscape Architects Technical Committee (LATC) will hold an Exceptions and Exemptions Task Force meeting as noted above. The agenda items may not be addressed in the order noted and the meeting will be adjourned upon completion of the agenda which may be at a time earlier than that posted in this notice. The meeting is open to the public and held in a barrier free facility according to the Americans with Disabilities Act. Any person requiring a disability-related modification or accommodation to participate in the meeting may make a request by contacting John Keidel at (916) 575-7230, emailing latc@dca.ca.gov, or sending a written request to LATC, 2420 Del Paso Road, Suite 105, Sacramento, California, 95834. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Agenda

- A. Call to Order – Roll Call
- B. Public Comment Session
- C. Approve May 24, 2012 Exceptions and Exemptions Task Force Meeting Summary Report
- D. Review Exceptions and Exemptions Task Force Charge
- E. Review Research Follow-up Items from the May 24, 2012, Exceptions and Exemptions Task Force Meeting:
 - 1. Landscape Architect Registration Examination (LARE) Examination Specifications
 - 2. Examples of Exceptions and Exemptions Laws From Other States
 - 3. Additional Supporting Material Relevant in Clarifying BPC 5641
 - 4. Suggestions of Proposed New Language or Amendments to Business and Professions Code (BPC) Section 5641
- F. Discuss BPC Section 5641, Chapter Exceptions, Exemptions and Possible Action
- G. Determine Future Exceptions and Exemptions Task Force Meeting Date

Adjourn

Please contact John Keidel at (916) 575-7230 for additional information related to the meeting. Notices and agendas for LATC meetings can be found at www.latc.ca.gov.

Agenda Item A

CALL TO ORDER – ROLL CALL

Roll will be called by Exceptions and Exemptions Task Force Chair, Linda Gates.

EXCEPTIONS AND EXEMPTIONS TASK FORCE ROSTER

Linda Gates

Christine Anderson

Pam Berstler

Dan Chudy

Mona Maggio

Baxter Miller

Larry Rohlfes

Sheran Voigt

Agenda Item B

PUBLIC COMMENT SESSION

Members of the public may address the Exceptions and Exemptions Task Force at this time. The Task Force Chair may allow public participation during other agenda items at her discretion.

Agenda Item C

APPROVE MAY 24, 2012 EXCEPTIONS AND EXEMPTIONS TASK FORCE SUMMARY REPORT

The Task Force is asked to approve the attached May 24, 2012, Exceptions and Exemptions Task Force Summary Report.

SUMMARY REPORT

CALIFORNIA ARCHITECTS BOARD **Landscape Architects Technical Committee**

Exceptions and Exemptions Task Force
May 24, 2012
Sacramento, California

Task Force Members Present

Linda Gates, Chair, Landscape Architect (arrived approximately at 10:20 a.m.)
Christine Anderson, Chair, Landscape Architects Technical Committee (LATC)
Pamela Berstler, President-Elect 2012, Association of Professional Landscape Designers (APLD) California Chapter
Dan Chudy, Building Official, Community Development Department, City of Riverside
Mona Maggio, Executive Officer, Board of Optometry
Baxter Miller, President, California Council/American Society of Landscape Architects (ASLA)
Larry Rohlfs, Assistant Executive Director, California Landscape Contractors Association (CLCA)

Task Force Member Absent

Sheran Voigt, Vice President, California Architects Board (Board)

Staff Present

Doug McCauley, Executive Officer (EO), Board
Vickie Mayer, Assistant EO, Board
Don Chang, Legal Counsel, Department of Consumer Affairs (DCA)
Trish Rodriguez, Program Manager, LATC
John Keidel, Special Projects Coordinator, LATC
Jacqueline French, Enforcement Coordinator, LATC

Guests Present

Ramie Allard, APLD
Kim Larsen
Laura Morton, APLD
Lisa Port, National Advocacy Chair, APLD

A. Welcome and Introductions

Christine Anderson called the meeting to order at 9:45 a.m. She advised that Chair Linda Gates would be taking over the meeting once she arrives. Ms. Anderson welcomed and thanked everyone for attending the meeting.

B. Discuss Purpose of Task Force

Ms. Anderson opened the discussion by reading, “The Exceptions and Exemptions Task Force is charged to determine how the Landscape Architects Technical Committee can ensure clarity about Business and Professions Code (BPC) Division 3, Chapter 3.5, Article 3, section 5641 Chapter Exceptions, Exemptions, and ensure that these provisions protect the public.” She then noted that the first charge of the Task Force would be to define who the public is and how clarity is determined and defined. She stated that the Task Force is here to discuss and understand exactly what BPC section 5641 is before moving on.

Dan Chudy stated that from the perspective of a building official, the protection of the public is a very broad range, from any human being, whether it is a property owner or passerby, to the protection of the public in regards to structures. Mona Maggio concurred with Mr. Chudy’s comment.

Pamela Berstler asked what about land design is an issue regarding public health, safety, and welfare. She asked if building code requirements brought the practice of land design to that level. She further asked if there were no associated building code provisions, would there be any land design issue that affects the public health, safety, and welfare. Mr. Chudy commented that his opinion is that if there is not an associated code, then there typically is no jurisdiction or authority over it, but working under that umbrella, there could also be potential hazards associated such as drainage issues, disabled accessibility issues, and the designing of overhead structures or retaining walls. He stated that codes to address proper design exist when potential hazards have been identified.

Baxter Miller stated that the public is not only the public today or the client, but includes everybody from the point of design to the point at which what was created is destroyed and replaced with something else. He indicated that the key to the entire process is that landscape architects are accountable to the regulations. He commented that his understanding of the current exceptions and exemptions is that landscape designers can design. Ms. Berstler acknowledged the shared understanding of conceptual drawings and when an unlicensed person can design. She added that with changes that have occurred such as in advertising, the way the Practice Act is written and applied, affects the understanding of how landscape design is practiced and therefore an unlicensed person can potentially be subject to the enforcement of narrow laws.

Ms. Anderson pointed out that this brings the Task Force back to the issue of clarity. She stated that landscape architects have a clear responsibility to protect the public. She further stated that determining clarity in regards to landscape design means providing clarity for the meaning of tangible objects and conceptual drawings. Larry Rohlfes concurred and stated that the key is clarity about exceptions and exemptions and ensuring the provisions protect the public. Ms. Berstler asked if this would require the Task Force to create a list that would specify what services are acceptable for unlicensed persons to perform and then having the list updated every year. Ms. Anderson noted that the question for the Task Force is how we ensure clarity.

Ms. Maggio asked if the LATC had discussed amending the exceptions and exemptions language. Doug McCauley responded that LATC had not. Ms. Maggio asked if there was something specific or complaints that generated the need for the Task Force. Mr. McCauley responded that the LATC received complaints several years back wherein the law was not

properly applied and LATC recognized and rectified the situation and took into consideration the need to consider the current language. He further stated that the LATC committed early on to establish a Task Force of diverse parties to examine the current language.

Ms. Maggio asked about the nature of the complaints. Mr. McCauley responded it was a combination of issues and gave an example of a situation wherein photographs of completed projects potentially gave the implication that construction documents were prepared for the project by unlicensed persons. He stated LATC ultimately clarified that there are no statutes or regulations regarding photographs. Ms. Anderson stated complaints could come from anyone and the complaint could initially be perceived as totally unfounded or have total merit of a potential violation, but the law obligates LATC staff to thoroughly investigate all complaints. She further stated that there have been issues when a licensee comes across a project and realizes that an unlicensed person may have designed it unlawfully.

Mr. Rohlfes asked if the mission of the Task Force is to ensure that the provisions are clear or investigate changing the provisions. Ms. Anderson responded that the mission is both. She stated that the first order of business is to ensure clarity and next would be to address whether the Practice Act currently protects the public. Ms. Berstler suggested that in order to respond to the industry's ever-changing environmental needs, the process cannot only be rearranging words or adding words to the unlicensed person's exemption. She commented on the need to look at the exemption in a new light by looking at numerous scope work, other models, other practice acts that have addressed similar issues, and other states that are changing their practice acts instead of modifying an old act. Mr. Chudy stated that at one time, building codes took the "laundry list" approach and then had to steer away from specific lists because so many situations did not fit neatly onto the list; codes ultimately started utilizing generic definitions. He further stated that sometimes very specific lists, create more questions than they solve.

Chair Linda Gates commented on the importance of the Task Force working together to develop a definition that is clear so anyone that did not have the benefit of being a part of the Task Force will understand the intent of the definition.

C. Review Business and Professions Code (BPC) Section 5641 (Chapter Exceptions, Exemptions)

Ms. Gates opened the discussion by inviting Task Force members to review the existing exceptions and exemptions statutory language and examine what is working or not working. She further stated that the Task Force is open to reviewing Article 3 in its entirety, with the opinion that most of the interest lies with the definition of unlicensed activity. Ms. Anderson reiterated LATC's specific charge of the Task Force to review BPC section 5641. She further clarified that although the Task Force can discuss other areas of Article 3, any outcomes from the Task Force would be formulated as a recommendation to LATC and the Board for final approval. Ms. Gates concurred.

Ms. Gates asked members what areas of interest there were to address and discuss. Ms. Berstler responded that she would like to discuss the process of creating exemptions. She stated that landscape contractors have an exemption to produce construction drawings for projects and asked where the line is to distinguish when landscape contractors are practicing design outside of the exemption. She further stated that she could not see assessing each exemption individually as there will continue to be gray areas in each exemption and instead suggested creating an

additional exemption instead of rewording the current unlicensed person exemption. Ms. Gates responded that it might be possible to distinguish garden design and landscape designers to make it clearer and easier to ascertain parameters for enforcement purposes, but we must also recognize the fact that there are no criteria to become a landscape designer. Ms. Berstler noted that distinguishing the difference between the landscape architect and the landscape designer would make it clear that you would not have to be a landscape architect to perform certain functions that do not rise to the level of public health, safety, and welfare. Ms. Gates indicated that there is no clear definition in the public's mind and the Task Force has a responsibility to create those definitions for the public's protection. She further stated that the nature of becoming a landscape architect ensures a level of training and education and landscape designers are not required to reach a certain level, so there is no threshold to stop someone from calling oneself a landscape designer. Ms. Berstler responded that there is a wide variety of landscape designers, but APLD members mostly have degrees, experience, and certification from other organizations.

Ms. Gates asked Ms. Berstler if she knew of model law in other states. Ms. Berstler responded that she invited Lisa Port, the APLD National Advocacy Chair, to attend the meeting and provide comment, as she has gone through this issue in the State of Washington. Ms. Gates opened up the discussion to allow the public to comment.

Ms. Port introduced herself as a certified landscape designer and licensed architect. She stated that in 2009, after months of discussion and negotiations with the Washington chapter ASLA (W/ASLA) and other industry groups, they were able to develop language where the landscape architects gained a law that protects the profession, as well as the public, and did not negatively affect other landscape professionals. She further commented that since the law went into effect in July 2010, there have not been any disciplinary actions towards landscape designers related to the law. Ms. Port continued that the law includes exemptions for landscape design on residential properties, irrigation design, construction site supervision, and preparation of construction documents. She added that Washington does not have a landscape contractor's license. Ms. Berstler asked Ms. Port if there was a statewide license or certification for landscape designers. Ms. Port replied that they do not use the term landscape designer in any language and instead use the term landscape design because of the regulatory problem of not being able to enforce the term "landscape designer." Ms. Gates asked if landscape design had been defined and Ms. Port replied that it had not been defined.

Ms. Gates stated the role of LATC is not to protect the profession of landscape architecture, but to protect the consumer by preserving consumer choice in a manner where they do not endanger themselves, their neighbor's property, and the public. She also stated the mission is to find the point at which the consumer could be potentially at risk when the design is beyond plantings to include items such as arbors and structures. Ms. Berstler shared that items beyond plantings can only be installed and built by a licensed landscape contractor. Ms. Gates added that the homeowner could also build items and many homeowners use laborers to construct their projects.

Ms. Berstler commented on the need to recognize activities of landscape design as a profession because landscape designers are otherwise looked upon as "illegal" by not being a licensed profession. Ms. Gates reiterated that there is nothing to prohibit a person from calling oneself a landscape designer and there is a need to protect the safety of the most naive consumer when design projects involve items such as structures and altering drainage patterns that are a potential threat to public health, safety, and welfare.

Ms. Berstler stated that consumers are asked to engage in activities of water conservation and low impact design. Mr. Miller responded that homeowners are exempt on their individual residences with limits on building, and that the Architects Practice Act specifically states what the exemption is limited to in terms of number of buildings on properties. He further stated the clarity is to make sure the consumer understands the services they are going to receive in terms of the limitations of what designers can do, since they are not regulated, and to make clear to the consumer when the law requires the services of a licensed landscape architect.

Ms. Berstler asked Mr. Miller to clarify a homeowner's requirement to install best management practices and how the homeowner decides which is best and how to implement. She also asked why landscape designers are unable to help. Mr. Miller replied that landscape designers are able to help and can advise, but the key to the process is the expectation of the homeowner to have recourse if the design does not meet codes and are then unable to hold landscape designers accountable at the state level since they are not regulated. Ms. Berstler stated that if there was an issue that a landscape designer's plan was not accepted by a local jurisdiction, the consumer could go to the Board and complain that the plan did not conform to the standard plan. Mr. Miller stated the key to the entire process is to make it as clear as possible for the public to know their rights and to educate them on what services are within the scope of a licensee or unlicensed person.

Ms. Berstler asked how licensed architects deal with the residential exemption for standard construction, as she believes there is a similarity. Mr. McCauley responded that it is important to recognize the history of the provisions. He stated the Board previously regulated building designers and when that profession was deregulated, the exempt area language was developed as part of that solution, which made it a unique situation. Ms. Berstler stated that she is referring not only to the language, but also the idea of design drawings that may include items such as pathways with a six-inch step, elevation, and the materials involved, and whether it would bring it to the level of impacting health, safety, and welfare. If not, she indicated that the consumer should have a choice to hire someone to prepare those types of drawings who is not a landscape architect. Mr. McCauley commented that part of that was the outcome of deregulating the profession and part of the logic was that work on single-family dwellings up to a fourplex, two stories, and a basement would be regulated by building officials through the plan check and inspection process.

Ms. Anderson stated that she is concerned that some jurisdictions allow landscape designers to perform work up to a certain dollar amount, using a monetary basis as the requirement for licensure. She explained that this is concerning because a landscape designer could create a design that could include something that might be detrimental to the public's health, safety, and welfare. She further stated that because some jurisdictions allow that type of waiver, they have no other way to regulate it and the local jurisdiction defers back to our law to govern based on the dollar figure.

Mr. McCauley stated the area with most consumer harm and complaints usually involve consumers who may be unaware of contract requirements, regulatory elements, the ins and outs of the profession, and how to manage projects versus better-informed consumers that may be repeat clients and public agencies. Ms. Berstler stated there are other factors to look at in regards to coordinating projects and pointed out that other states have agreed that a reasonable exemption would be a project that would require three or fewer licensed design professionals. She further

stated the elements that fall within landscape design that do not require the level of licensure is vast and growing.

Ms. Gates stated there is a need to look at the issues that exist today and the need for the residential consumer to have more choice working with landscape designers on projects that do not require a licensee stamp. Ms. Anderson stated the issue was primarily residential landscape design brought about by the discussions of the Scope of Practice and Exemptions and Exceptions Task Force in 2002 and subsequent change to the law, which resulted in complaints. She stated there is a need to look at the data to determine if anything in the law precludes the landscape designer from doing their work or to determine if there is a clarity issue. Ms. Berstler stated that if it is determined to be a clarity issue, then there is a need to look at the other exemptions that are not clear.

Ms. Berstler stated she would like to look at the exemption for landscape contractors where the exemption exceeds the design ability given within their license. Mr. Miller commented that the Contractors State License Board would address that issue. Ms. Gates commented that it goes back to a consumer protection issue and landscape contractors go through the rigors of licensure with the regulation that landscape contractors build without causing harm. Mr. McCauley remarked that Ms. Berstler might be trying to make the point wherein a landscape contractor prepares the design and does not end up doing the construction as well. Ms. Berstler agreed and stated that type of situation brings the landscape contractor into the unlicensed category. Mr. McCauley stated LATC would potentially take action in that type of a situation unless the landscape contractor was able to demonstrate that it was a holistic contract or the client did not end up allowing the contractor to do the construction. Ms. Gates stated the design is not valid unless the landscape contractor builds it and there is a definite need for clarity in that type of a situation.

Ms. Gates stated the discussion is bringing about action items such as retitling, how to provide consumer protection, consumer choice on a residential scale, and landscape contractor clarification and asked the Task Force members if there were any other action items. Ms. Maggio asked if the members should look at the language in other states. Ms. Gates concurred and included looking at model law as well. Mr. Miller stated the challenge is the unknown history of how other states got to the laws that they have as each state gets there differently from each other. Ms. Gates agreed that each state gets there by a different story, but how they got there is interesting as they may have found a way to say something that is exactly the way we would want to say it.

Ms. Anderson commented that she would like to see how other states outreach to consumers, and then craft an outreach campaign to consumers that are most affected. Ms. Berstler stated it would be helpful to find out what a landscape architect does that is unique to the license as most examples they find are of consumers needing services that do not require a licensed professional.

D. Review and Discuss Background Material from 2002 Scope of Practice and Exemptions and Exceptions Task Force

Mr. Rohlfs stated the first step is to look at what was decided in 2002 leading to the Figueroa bill and determine if what was decided back then needs to be changed and if not, the next step would be to determine how clear it is.

Mr. Rohlfes questioned the need for a broader exemption for designers and the necessity to change the law to make it clearer, or whether the issue could be addressed with a simple opinion letter by the LATC. Mr. Miller responded that there would need to be a bill to change the law and you run the risk of having other issues addressed in the bill. He also stated that we could not reject the idea that the law may already be perfectly clear. Ms. Berstler stated that in light of the enforcement actions, it has become clear what the intent and letter of the law is, but it is not in step with the reality of the current marketplace and it is not protecting the consumer by limiting what the landscape designer can do. Mr. Miller stated that Ms. Berstler is talking about the fundamental nature of the license as opposed to clarity, which is what the purpose of the group is to ensure.

Ms. Anderson stated the members have an obligation to consider the items done in 2002. She further stated LATC defines it as a clarity issue as there were many complaints resulting from the 2002 law that brought about the question of whether there was a problem with the law and whether we are now up to date, ten years later, with the current practice. Ms. Gates stated the Task Force is not tasked to protect the license, but to look at the challenges of BPC section 5641.

Ms. Anderson suggested beginning with BPC section 5641 and to discuss the exempt areas as well as whether the language sufficiently protects the public. Mr. Miller commented that if landscape contractors are working beyond their scope, the issue is something that may extend beyond the exceptions and exemptions provided in BPC section 5641. Don Chang reiterated that when landscape contractors exceed the scope of their license by design only, the LATC should focus on BPC section 5641. Ms. Gates asked Ms. Berstler her opinion of how BPC section 5641 could be fixed and Ms. Berstler suggested adding another exemption.

Ms. Berstler asked if there would be any discussion regarding certification or licensure and Ms. Gates replied that it is not within the power of the Task Force to do so. Ms. Gates commented on the need for the discussion to be brought back to determining the challenges of interpreting BPC section 5641.

Mr. Rohlfes questioned how it was determined single family residential was singled out for the exemption. Ms. Gates stated the objective was to provide the consumer more choices as more consumers were requiring services to shape their landscape. Mr. Rohlfes asked if the current language accomplishes health and safety concerns that are paramount (such as drainage, retaining walls above three feet, and overhead structures), and if not, there might be a need to change the language. He further stated that it is not clear to him how a commercial landscape is different from a residential landscape and proposed that it could be discussed. Ms. Gates asked Mr. Chudy, as a building official, whether the language works. Mr. Chudy responded that it works, but prefers the language used in BPC section 5537 of the Architects Practice Act as it refers back to conventional construction parameters and is clear on what can and cannot be designed. He further stated if the design is within the parameters, then anyone can prepare the plans, but once the design is outside the parameters, a licensee is required.

Mr. Miller asked Mr. Chudy whether it becomes the responsibility of the building department once they sign off on plans. Mr. Chudy responded that it is the responsibility of whoever signs the plans whether it is the owner of the property, a contractor, an architect or a landscape architect. He further stated that in the case of a landscape architect, the stamp does not suffice if it exceeds the construction parameters of the code.

Ms. Gates stated one of the issues was the confidence that the person constructing the items such as deck systems, retaining walls, and trellises would ensure to adhere to codes. Mr. Chudy stated those types of items require permits, but there are exemptions for retaining walls less than three feet in height from the footings and structures and for storage sheds less than 120 square feet. Mr. Miller stated more jurisdictions are putting more into the permit process within the last ten years that has provided more clarity in terms of what homeowners can or cannot do. Ms. Anderson stated that while there are some cities that are very clear about it, we also have to look to the cities that are not as sophisticated in their building department practices in reviewing codes.

Ms. Berstler stated her interest lies in a better understanding of where it is determined that designing is no longer landscape design and the services of a landscape architect are required. Ms. Gates replied it is the point at which the consumer is at risk and requires a level of guaranteed expertise. Mr. Miller stated the definition of the law is clear. Ms. Berstler replied that if Mr. Miller is saying the current definition clarifies what it is that a landscape architect can do that is different from a landscape designer, then the definition definitely needs to be changed. Mr. Miller disagreed and stated the question is whether it is a lack of clarity or a lack of scope.

Ms. Berstler asked what the process would be to come to the determination. Mr. Miller asked that Ms. Berstler first define the lack of clarity and then the discussion can begin on how to address clarity through things such as outreach, market studies, and surveys of consumers to deal with the lack of clarity, and if there is the desire to change the language then that would be a scope issue. Ms. Berstler asked whether a design that is a planting plan and arrangement of tangible objects would only be able to be residential and Mr. Miller responded that it would and again her question is about scope of a landscape designer and not clarity. Ms. Berstler stated the concerns are interpreting elements such as preparing drawings, sketches, conceptual design, and placement of tangible objects that are currently unclear. She further stated there is a need to not only make the interpretation more clear, but to also look into creating a broader exemption that includes all of the elements, as well as other issues that are currently confusing such as the clarification of single family dwellings. Mr. Chudy stated the exemption is clear and Ms. Berstler is possibly looking for the exemption to say something that it does not. Mr. Rohlfs said that if the exemption does not protect the public, determining clarity might be moot at this point. Ms. Gates commented on the need to determine whether the issues lie in the lack of clarification or whether to expand the scope.

Ms. Maggio commented on the fact that there are no regulations or title acts for landscape designers and that anyone can call oneself a landscape designer. She stated the concern at the consumer level is that a consumer may look at the landscape designer title and assume that a license has been obtained for the profession. She further stated that landscape architects by way of education, training, and the licensing examination have met certain qualifications that are regulated by the State of California. Mr. Miller added that landscape architects were regulated because there was a need.

Mr. Miller stated that codes apply to everyone whether they are licensed or unlicensed and as it relates to what we are discussing, we are comparing a guild that have ethical and educational requirements versus the State of California that regulates that in order to practice in this area, a standard has been created that has to be met. He further stated the need is to determine at what point does an activity not require regulation by the State. Ms. Berstler stated the definition now says that anything outside of planting plans and the placing of tangible objects requires the hiring

of a licensed landscape architect and feels it is unreasonable to ask that of a homeowner. Mr. Chudy disagreed with Ms. Berstler's interpretation of the exemption stating the consumer in a single family dwelling can do the project themselves or hire someone with no experience, but when a project entails building a structure, a permit is required and if the structure is not exempt then an architect or engineer would need to review it. He advised Ms. Berstler to refer to the beginning sentence of the exemption wherein it states, "This chapter shall not be deemed to prohibit any person..." from doing any of the things, that Ms. Berstler has concerns about. Ms. Anderson agreed with Mr. Chudy's assessment.

Ms. Gates commented the need of the Task Force to create action items for the next meeting. She asked the Task Force members to come back with ideas of how the exemption might be clarified. She further stated another action item would be looking at laws from other states. Mr. Miller replied that he would be able provide information on laws from other states. Ms. Anderson stated the Council of Landscape Architectural Registration Boards (CLARB) has a Determinants of Success Study that gives an understanding of what the scope of landscape architecture is and suggested that the Task Force could look at CLARB's occupational analysis as well.

Mr. Rohlfes commented that his opinion of clarifying the exemption would be determining the definition of construction detail or construction documents and asked Ms. Gates whether the proposition would be that the Task Force opens up the whole definition with ideas on how to rewrite the exemption. Ms. Gates replied that the Task Force will wordsmith and come up with other ideas with the intent of reviewing each members ideas before the next meeting.

Ms. Maggio asked if the Architects Practice Act defines documents and scope as detailed as what we are contemplating for landscape. Mr. Chang replied that things such as instruments of service are not defined. Ms. Maggio stated if that were the case, then she would have a concern with rewriting the exemption. She further suggested instead of changing the law specifically, we might want to steer in the direction of having it put into regulation because as the landscape profession evolves, it would be easier to make a change in regulation than in legislation. Ms. Gates stated it would be a good thing to discuss at the next Task Force meeting. She further commented that once we figure out what we want to do, we could then figure out the simplest way to achieve it.

Ms. Gates asked for the Task Force members to submit information to be included in the meeting packet for the next Task Force meeting by August 16, 2012. Ms. Gates requested that the information on the occupational analysis and practice law from other states be included in the next meeting packet.

E. Public Comment Session

Ms. Gates asked if any members of the public would like to address the Task Force.

Laura Morton stated she had been a part of the University of California, Los Angeles (UCLA) extension program for landscape architecture. She stated being part of the program led her to the realization that the level of education for a landscape architect was not something she was drawn to as the projects were on a grander scale and were more technical than what she was able to live up to at the time. She stated she found herself drawn to other aspects of the green industry and became a landscape designer. She stated there are many levels within the green industry and that

there is a need for another level for those professionals in the industry that have Bachelors and Masters Degrees in landscape architecture.

Ramie Allard stated she is on the APLD legislative committee and is a licensed C27 landscape contractor. She stated she is participating in the process of examining the code that is already in place to protect the health, safety, and welfare of the community and she appreciates that the APLD is able to be a part of the Task Force and participate in the discussion.

Ms. Gates asked Ms. Port whether she wanted to contribute anything further. Ms. Port commented on the fact that these types of discussions are happening nationwide. She further stated that finding out what other states are still grappling with and what solutions they have come up with will be interesting.

F. Select Future Meeting Dates

Exceptions and Exemptions Task Force meeting tentatively scheduled:

September 6, 2012, 9:30 a.m., Sacramento.

Adjourn

- **Chair Linda Gates adjourned the meeting.**

The meeting adjourned at 1:05 p.m. (approximate).

Agenda Item D

REVIEW EXCEPTIONS AND EXEMPTIONS TASK FORCE CHARGE

The Exceptions and Exemptions Task Force is charged to determine how the Landscape Architects Technical Committee can ensure clarity about Business and Professions Code (BPC) Division 3, Chapter 3.5, Article 3, section 5641 Chapter Exceptions, Exemptions, and ensure that these provisions protect the public.

During the May 24, 2012, meeting, the Task Force discussed that the charge of the Task Force is to ensure the provisions in BPC section 5641 are clear and this could include investigating possible changes to the provisions.

Agenda Item E

REVIEW RESEARCH FOLLOW-UP ITEMS FROM THE MAY 24, 2012, EXCEPTIONS AND EXEMPTIONS TASK FORCE MEETING:

- 1. Landscape Architect Registration Examination (LARE) Examination Specifications**
- 2. Examples of Exceptions and Exemptions Laws From Other States**
- 3. Additional Supporting Material Relevant in Clarifying BPC 5641**
- 4. Suggestions of Proposed New Language or Amendments to Business and Professions Code (BPC) Section 5641**

At the conclusion of the May 24, 2012, Exceptions and Exemptions Task Force meeting, members were asked to submit information to be reviewed and considered at the next meeting. LATC received the attached materials and they are presented for review and discussion by the Task Force.

ATTACHMENTS:

1. Council of Landscape Architectural Registration Boards (CLARB) Determinants of Success Research Study, October 2011
2. CLARB LARE Specifications
3. September 7, 2012, Letter from the Association of Professional Landscape Designers (including Washington State Landscape Architects Practice Act)
4. Dan Chudy, California Building Official, Suggestions to BPC Section 5641
5. Linda Gates, Landscape Architect, Suggestions to BPC Section 5641

Determinants of Success Research Study

*Identifying the Factors that Lead to
Successful Performance on the
Landscape Architect Registration
Examination*

*A Study Conducted by Professional Testing, Inc. for
the Council of Landscape Architectural Registration
Boards, October 2011*

Determinants of Success Research Study

Prepared by:

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Determinants of Success Research Study

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EXECUTIVE SUMMARY

Purpose of the Project

At this time, there is a lack of quantitative/qualitative data that identifies the determinants of candidate success on the Landscape Architect Registration Examination (L.A.R.E.). The principal goal of the research project is to define and, if possible, weigh the determinants for success on the L.A.R.E. and to provide greater insights for the profession and regulatory community on which to base policy, practice, and support decisions.

Research Methods

This study consisted of three phases. During the first phase, the research team interviewed members of three specific stakeholder groups via telephone. The results of the phone interviews were used to develop the survey in phase two of the study. The survey was administered after four separate administrations of the L.A.R.E. over the course of one year. The final stage of the study was the statistical analysis, whereby the data collected from the electronic survey was analyzed to determine what factors best predict successful performance on the L.A.R.E.

Overall, five statistical models were analyzed based on the five areas that were identified as contributing to successful performance on the L.A.R.E.: Education Factors, Work Experience Factors, Preparation Factors, Skills Factors, and Testing Environment Factors

Key Findings

Education and work experience factors seemed to have the greatest impact on candidates' performance on the L.A.R.E. Preparation and skills factors contributed to successful performance on some of the exams, while testing environment factors had little to no impact on candidates' performance.

Education Factors

The level of education obtained by exam candidates positively impacted both Sections A and B of the L.A.R.E. The higher the level of education obtained by exam candidates, the better they did on the Section A and B exams.

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For the Section C exam, those who obtained a degree from an program accredited by the Landscape Architectural Accreditation Board (LAAB) or the Canadian Society of Landscape Architects (CSLA) scored much higher (on average, 212.98 points higher) than those who obtained a degree from a nonaccredited program.

Candidates who took college courses in Planting Design or History of Landscape Architecture scored higher on the Section E exam.

Work Experience Factors

Work experience factors contributed to successful performance on all but the Section C exam. The number of years spent working in landscape architecture had a negative impact on both the Section A and B exams, indicating that the longer one waited to take the Section A or B exams after graduation, the lower the performance on those two exams.

Diversified work experience contributes positively to successful performance on the L.A.R.E. Experience in stormwater management and governmental work experience had a positive impact on the Section A exam, experience in planting design had a positive impact on the Section B exam, experience in institutional projects had a positive impact on the Section D exam, and experience in large-scale residential and land planning had a positive impact on the Section E exam.

Preparation Factors

Sections A, C, and E were impacted by preparation factors. Candidates who studied alone were more successful on the Section A exam, and candidates who split their time studying both alone and in groups performed better on the Section C exam. Those who utilized the ASLA practice problems scored higher on the Section C exam than those who did not utilize the ASLA practice problems. Lastly, the longer the amount of time spent studying, the better the performance was on the Section E exam. For every one month increase in time spent studying, exam candidates scored on average 69.56 points higher.

Skills Factors

In terms of perceived skill, those who considered themselves “technical thinkers” scored higher on both the Section B and D exams. Those who identified themselves as having good spatial reasoning skills performed higher on the Section B and E exams. More time spent drawing on a computer had a positive impact on the

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Section C exam, while more time spent designing by hand had a positive impact on the Section E exam.

Key Takeaway

Based on the findings of this study, candidates should consider the following actions to optimize their performance on the L.A.R.E.:

- Obtaining a landscape architecture degree from an LAAB- or CSLA-accredited institution.
- Taking the L.A.R.E. closer to college graduation rather than waiting to gain more years of experience in landscape architecture.
- Gaining *diversified* experience in the years spent working in landscape architecture.
- Increasing study time both alone and in groups.
- Utilizing the ASLA practice problems.
- Spending time drawing on a computer, but designing by hand.

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INTRODUCTION

Landscape Architect Registration Examination

The Landscape Architect Registration Examination (L.A.R.E.) is designed to determine whether applicants for landscape architectural licensure possess sufficient knowledge, skills, and abilities to provide landscape architectural services without endangering the health, safety and welfare of the public.

At the time of this study, the L.A.R.E. consisted of five interdependent sections: three multiple-choice sections and two graphic response sections. Accordingly, the multiple-choice sections (A, B, and D) are administered each year in March and September at computer-based test centers throughout the United States and Canada. The graphic response sections (C and E) are administered each year in June and December and consist of 11"×17" vignette problems that require a drafted solution.

The content of the L.A.R.E. is based on a job analysis survey of the profession of landscape architecture. The survey was sent to approximately 6,000 licensed landscape architects across the United States and Canada. Survey respondents were asked to rate a series of tasks, knowledge areas, and competencies that are required of landscape architects to protect the health, safety, and welfare of the public during the practice of landscape architectural services. The tasks, knowledge areas, and competencies that were considered important for the protection of health, safety, and welfare of the public form the basis for the L.A.R.E.

Section A – Project and Construction Administration

Section A is a 70-item multiple-choice examination that tests knowledge of construction contracts and project administration. The section is based on the findings in the Job Analysis that landscape architects need to know how to coordinate and manage design teams. They must understand construction contracts and the responsibilities of various parties under such contracts and their responsibilities during construction observation, and processes for assessing and reviewing projects or plans after they are complete.

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Communication (20%)

This subsection assesses the candidate's knowledge of communication methods and consensus- and team-building techniques as it relates to coordinating and managing consultants and design team members.

Standards of Practice (23%)

This subsection requires the candidate to show an understanding of the code of conduct for landscape architects and standards of practice as it relates to administering a project. Specifically, it includes an understanding of how to resolve ethical dilemmas and professional liability issues.

Contract Administration (17%)

This subsection tests knowledge of construction contracts. This includes knowledge of construction law as it relates to the responsibilities of various parties under the construction contract. The candidate is also tested on knowledge of the landscape architect's role in the design and bidding processes.

Construction Evaluation (20%)

This subsection is based on an understanding of the construction administration process, including techniques for construction observation, review of shop drawings, approvals or rejections of materials, and evaluation of the substantial completion of a project. The candidate needs to understand the reasons for performing post occupancy evaluations as well as the sequencing of design, approval, permitting, and construction activities.

Construction Practices (20%)

The Construction Practices subsection tests knowledge of the technical aspects of construction administration. The candidate needs to understand construction equipment and technologies, quality control procedures for construction, and sustainable construction practices.

Section B – Inventory, Analysis, and Program Development

Section B is a 90-item multiple-choice examination that tests the knowledge used in the pre-design stages of a project. The Job Analysis Survey found that landscape architects must know how to define a problem through an understanding of the client's intentions and needs, determine project user values through focus groups

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and surveys, and define project goals and objectives. Landscape architects are also required to understand how and where to gather information for a project and how to analyze that information to make design decisions. They must understand how to analyze the relationships of all of the project elements and formulate the project requirements.

Problem Definition (11%)

Problem definition tests knowledge of techniques to elicit client and user intentions and needs. The candidate needs to understand methods for determining user values such as focus groups and surveys. The candidate needs to demonstrate knowledge of a project's parameters such as the problem statement, goals, objectives, purpose, needs, and expected outcomes.

Inventory (29%)

In the Inventory subsection, the candidate is required to demonstrate his or her knowledge of planning and land use laws, including zoning, development restrictions, and design guidelines. The candidate needs to understand information such as accessibility regulations, natural features, cultural features, characteristics of plant material, land information sources, and the political and regulatory approval processes.

Analysis (36%)

This subsection tests knowledge of factors influencing selection of plant materials, human factors influencing design, natural factors influencing design, patterns of land use and built form, regional hazard design considerations, and social and cultural influences on design. The candidate needs to understand research methods including interpretation, visual resource assessment, and components of site analysis documents.

Programming (24%)

The Programming subsection tests knowledge of project requirements such as the relationship, and function of elements. The candidate needs to understand how to develop preliminary project budgets and schedules. The candidate is required to demonstrate knowledge of the process to define relationships among design elements by determining opportunities and constraints and the process to develop a design program based on users' needs and clients' goals and resources. The candidate also needs to show an understanding of how performance criteria such as

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program and/or project quality level, sustainability, or requirements for water quality may drive a project.

Section C – Site Design

Section C is a graphic response section with four vignette problems that will test ability to produce and evaluate site design solutions. Landscape architects are expected to develop site or land use plans that take into consideration the off-site and on-site influences to development. Landscape architects must consider various codes, consultant studies, and principles of sustainability when creating a site design. They should be able to evaluate the design solutions of others and to create alternative solutions to a problem.

Candidates are tested on their ability to develop design, planning, and management solutions considering on-site. The candidate is required to incorporate consultant studies into their design and predict the implications of design, planning, and management proposals on the natural and cultural systems both within the site and in the larger context. Candidates must be able to evaluate design alternatives to determine the appropriate solution and create design alternatives to demonstrate the range of options. They are also expected to incorporate the design of circulation systems such as bicycle, pedestrian, and vehicular systems into their solutions.

Section D – Design and Construction Documentation

Section D is a 120-item multiple-choice examination that tests the candidate's knowledge of the design and construction process. Landscape architects must be able to refine the preferred solution to a problem and prepare plans and contract documents to ensure that the project can be built correctly. A landscape architect must have knowledge of design principles, resource conservation, graphic communication, construction documentation, and materials and methods of construction to ensure that the project is completed in a safe manner.

Design Principles (16%)

This subsection tests knowledge of design principles, including aesthetic principles of design; design theory; problem-solving strategies; planning principles; design principles for safety, security, and crime prevention; social responsibility in design; and therapeutic aspects of design. Candidates are required to understand planting design, including the location of plant material types to meet requirements such as strategies for security and crime prevention.

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Resource Conservation and Management (18%)

Candidates' are required to demonstrate knowledge of resource conservation and management in this subsection. This includes conservation of natural resources, ecological planning principles, environmental ethics, floodplain management, and land and water reclamation procedures. They also need to show an understanding of the relationship between human and natural systems such as water resource management, habitat restoration and creation, urban ecology, and sustainability.

Graphic Communication (8%)

This subsection tests knowledge of the roles of visual communication, including photographic and video documentation; and graphic presentation techniques, systems, and symbols, including when certain systems are appropriate.

Construction Documentation (20%)

The Construction Documentation subsection tests knowledge of the administrative procedures required throughout the construction process. Candidates are required to demonstrate knowledge of the general and supplemental conditions, special provisions, and technical specifications and their organization, including specification types and components for a project. They must demonstrate an understanding of the construction process including sequencing, staging, and construction technology. They must have knowledge of the various construction documents such as layout plans, grading plans, drainage plans, demolition plans, erosion and sediment control plans, planting plans, and irrigation plans. They are also required to produce construction cost computations such as area calculations, volume, quantity, and unit prices.

Materials and Methods of Construction (38%)

In the Materials and Methods of Construction subsection, candidates are required to show an understanding of various construction materials and how those materials are joined together. To demonstrate understanding, candidates need to have knowledge of typical construction details and site amenities, construction equipment and technologies, design needs for special populations, elements of circulation systems and their design requirements, lighting systems, noise attenuation and mitigation techniques, structural considerations, and factors influencing selection of site construction materials.

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Candidates are tested on knowledge of erosion and sedimentation control, irrigation systems, biofiltration and other alternative drainage methods, grading, drainage, and stormwater treatment. Candidates need to understand utility systems, including the relationships of different systems and how to perform subsurface storm drain calculations and determine pipe sizes.

Section E – Grading, Drainage, and Stormwater Management

Section E is a graphic response section with four vignette drawing problems. It tests candidates' ability to complete grading, drainage, and stormwater management plans. Landscape architects are required to manipulate landforms to convey runoff, meet design requirements, and minimize environmental impact. They are also expected to evaluate the impact of their decisions on existing off-site conditions and develop strategies for water conservation and preservation of land resources.

The candidates are tested on their ability to develop grading and drainage plans considering on-site and off-site influences and convey the information in drawings. They must be able to manipulate contours to demonstrate their ability to convey water to meet design requirements while protecting land and water resources. Candidates will evaluate existing landforms and drainage systems to locate program elements that will minimize environmental or economic impacts. They are also required to think three-dimensionally to manipulate landforms to meet design requirements.

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METHOD

This study consists of three phases. During the first phase, the research team interviewed members of three specific stakeholder groups via telephone. The results of the phone interviews were used to develop the survey in phase two of the study. The survey was administered after four separate administrations of the L.A.R.E. over the course of one year. The final stage of the study was the statistical analysis in which the data collected from the electronic survey were analyzed to determine what factors will best predict successful performance on the L.A.R.E. The following is a more detailed description of the three phases.

Phase One – Phone Interviews

Phone interviews were conducted with three specific stakeholder groups: employers of exam candidates, educators teaching subject matter found on the L.A.R.E., and exam candidates in the exam administration process. The interviewees were asked to describe specific factors that they believe influence success on the L.A.R.E. The researchers used structured interviews to gather information from the relevant stakeholder groups. Structured interviews provide specific questions in a fixed order to all interviewees, along with possible probes (specific questions that can be used to further clarify a response or further probe into a specific topic) in order to gather comparable data across individuals. The use of structured interviews allowed the research team a systematic process to further understand the nature of the key factors that impact success on the L.A.R.E.

The phone interviews took place in late July and early August 2010. Six employers, five educators, and four recently licensed landscape architects were interviewed during Phase One. Each phone interview lasted between 30 minutes and one hour. Two researchers facilitated the first two phone interviews to ensure that the interviews were consistently structured. For all subsequent phone interviews, only one member of the research facilitated the interview.

Phase Two – Survey Development and Administration

Utilizing the data from the phone interviews, an electronic survey was developed to gather information from exam candidates regarding the factors that could impact success on the L.A.R.E. The primary source of information for item development of the electronic survey was the results of the phone interviews. The second source of information was candidate eligibility criteria for the L.A.R.E. The third source was

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the results of the Exploratory Data Analysis performed by Professional Testing in March 2010.

The survey was administered to L.A.R.E. candidates following the completion of four separate examinations. The four administration dates were October 2010, January-February 2011, March-April 2011, and June-July 2011. Survey respondents were asked to answer items related to their experience taking the L.A.R.E. Survey items were separated into six factors: Education Factors, Work Experience Factors, Preparation Factors, Skills Factors, Testing Environment Factors, and General Demographic Factors. A copy of the survey is included in Appendix A.

Phase Three – Statistical Analysis

To determine which factors, as established in Phase One, predict success on each of the five sections of the L.A.R.E., both multiple linear and logistic regression were conducted. The difference between multiple linear regression and logistic regression is in the dependent variable. In both cases, the same predictor variables are entered into a statistical model, but with multiple linear regression the dependent or outcome variable is the candidate exam score and with logistic regression the dependent or outcome variable is the pass/fail status.

For the purposes of this study, each of the five sections of the L.A.R.E. were analyzed separately using five different factor models: Education Factors, Work Experience Factors, Preparation Factors, Skills Factors, and Testing Environment Factors. The Demographics Factors were incorporated into each of these models.

In total, 50 different statistical models were analyzed. For each of the five sections of the L.A.R.E., all five factor models were analyzed using both multiple linear and logistic regression. A description of the models is provided in Appendix B.

In addition to the statistical models that were analyzed, descriptive statistics were examined and reported for all continuous and categorical variables. Specifically, means and standard deviations were reported for all continuous variables and frequencies for all categorical variables. Results are reported by exam and factor model.

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RESULTS

Survey Response Rates

In total, the survey was administered to 2,564 candidates taking any of five sections of the L.A.R.E. between October 2010 and July 2011. A total of 1,171 exam candidates responded to the survey, for an overall response rate of 45.67%. Table 1 presents a breakdown of survey respondents for each administration date.

Table 1: *Number of survey respondents and response rate by administration date*

Survey Administration Dates	Number of Survey Recipients	Number of Survey Respondents	Response Rate
10/6/2010 – 10/21/2010	739	361	48.85%
1/5/2011 – 2/2/2011	449	187	41.65%
3/28/2011 – 4/18/2011	883	386	43.71%
6/17/2011 – 7/17/2011	493	237	48.07%

Description of Survey Respondents

A total of 1,171 exam candidates responded to the online survey. Each survey participant was presented with 37 questions representing six different factors: formal education factors, work experience factors, preparation factors, skills factors, testing environment factors, and demographic factors. An overview of survey participants' responses is provided in the subsequent sections.

Formal Education Factors

The majority of survey respondents reported having a bachelor's degree in landscape architecture (710, or 60.58%), while only two respondents reported having a doctoral degree in landscape architecture, as indicated in Table 2.

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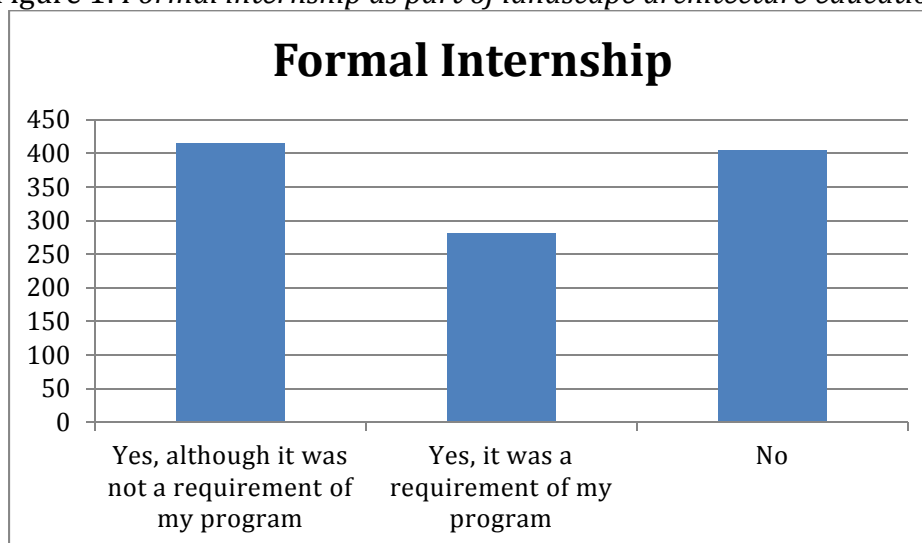
Table 2: *Formal education in landscape architecture*

Formal Education	Frequency	Percentage
I have a two-year associate's or technical degree	20	1.71%
I have a certificate	29	2.47%
I have a bachelor's degree	710	60.58%
I have a master's degree	416	35.49%
I have a doctoral degree	2	0.17%
I do not have a degree in landscape architecture	36	3.07%

When asked how much time had passed since the respondent was taking classes in landscape architecture, the average amount of time was 6.17 years. However, responses ranged from a minimum of 0 years to a maximum of 31 years.

When asked whether they had participated in a formal internship as part of their education, the majority of respondents (698, or 59.61%) had participated in a formal internship. Of those who had participated in a formal internship, less than half reported that it was a requirement of their program, as illustrated in Figure 1.

Figure 1: *Formal internship as part of landscape architecture education*



Survey respondents were asked to report how many classes they took in each of 11 different areas. On average, survey respondents took the greatest number of courses in Design Studio and took the least number of courses in Stormwater Management, as indicated in Table 3.

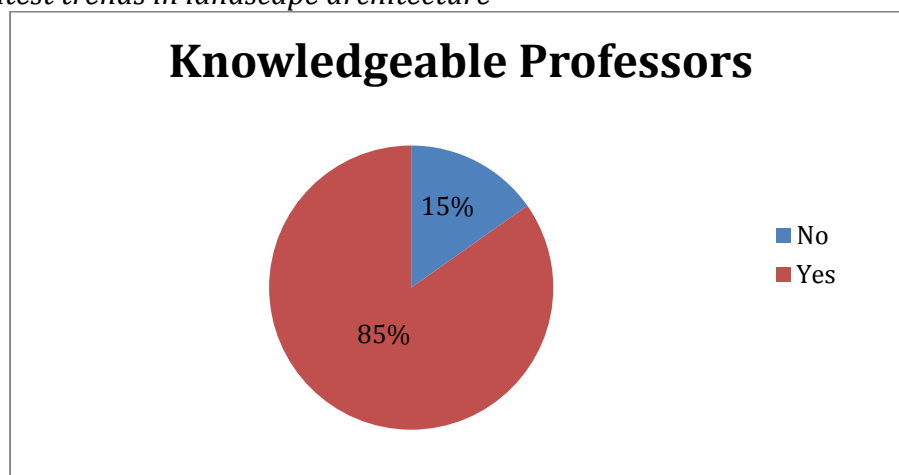
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Table 3: *Number of courses taken in 11 different areas*

Areas	Minimum	Maximum	Average
Computer Aided Design	0	24	1.65
Construction Detailing	0	32	1.55
Construction Documentation	0	12	1.33
Design Studio	0	64	6.43
Design Theory	0	46	3.02
Grading and Drainage	0	32	1.56
History of Landscape Architecture	0	16	1.58
Plant Materials	0	16	2.26
Professional Practice	0	16	1.10
Site Analysis	0	20	2.00
Stormwater Management	0	12	0.89

When asked whether they thought their college professors were knowledgeable about the latest trends in landscape architecture, the majority of survey participants (930, or 79.42%) responded that their college professors were knowledgeable about latest trends, as illustrated in Figure 2.

Figure 2: *Whether or not college professors were knowledgeable about the latest trends in landscape architecture*



Finally, survey participants were asked whether the program in which they obtained their degree in landscape architecture was accredited. The majority of survey participants (1,056, or 90.18%) responded that the program in which they obtained their degree was accredited. Additionally, of those who did attend an accredited program, the majority attended a program that was accredited by the Landscape Architecture Accreditation Board, as indicated in Table 4.

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Table 4: *Whether or not landscape architecture programs were accredited*

Accredited Program	Frequency	Percentage
Yes, by a state agency	23	1.97%
Yes, by the Canadian Society of Landscape Architects	125	10.70%
Yes, by the Landscape Architectural Accreditation Board	964	82.53%
No	24	2.05%
Not sure	32	2.74%

Work Experience Factors

Survey participants were asked whether they worked full-time in landscape architecture. The majority of survey respondents (909, or 77.56%) reported working full-time in landscape architecture, as shown in Table 5.

Table 5: *Number of survey respondents working full-time in landscape architecture*

Working in Landscape Architecture	Frequency	Percentage
Yes	909	77.56%
No, I am working part-time in landscape architecture	95	8.11%
No, I am not currently working in landscape architecture	131	11.18%

When asked to describe the area in which their primary supervisor worked, the majority of survey respondents (774, or 66.10%) reported that their primary supervisor worked in landscape architecture, as indicated in Table 6.

Table 6: *Areas in which primary supervisors were reported working*

Primary Supervisor Work Area	Frequency	Percent
Landscape Architect	774	66.10%
Architect	26	2.22%
Engineer	45	3.84%
Planner/Planning	27	2.31%
Self-employed	29	2.48%
Construction/Contractor	20	1.71%
Other	69	5.89%

Note: The areas of planner/planning, self-employed, and construction/contractor were identified by the researchers after reading all of the write-in work areas in the "other" category.

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Survey participants reported having experience in each of seven different areas. The greatest number of survey respondents reporting having experience in commercial projects. The fewest number of survey respondents reporting having experience in Department of Transportation projects, as illustrated in Figure 3.

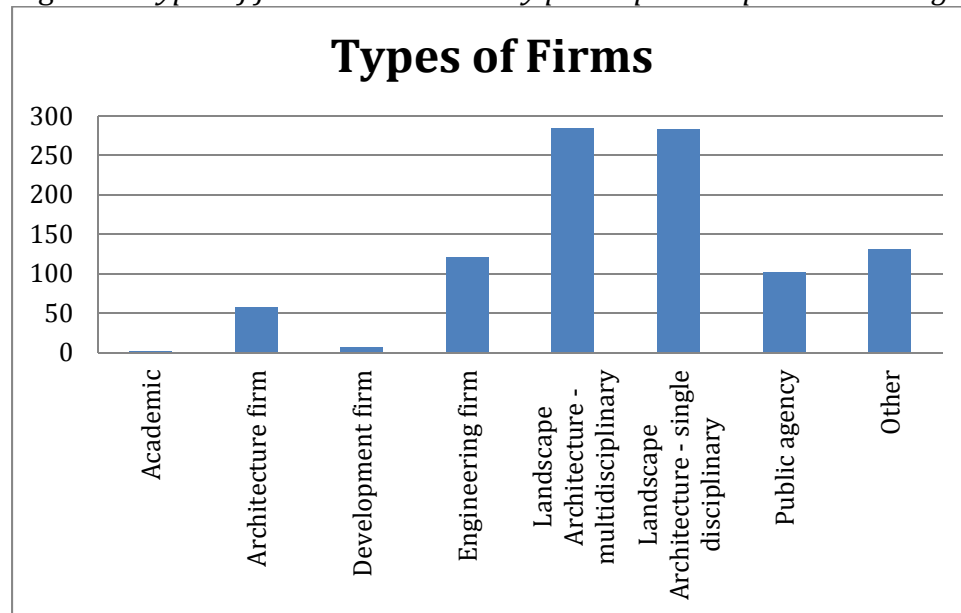
Figure 3: Areas of work experience survey participants reported having



Survey participants were asked to report the type of firm in which they worked. The greatest number of survey respondents reported working in landscape architecture firms (569, or 48.59%), and those who reported working in landscape architecture firms were split evenly between multidisciplinary and single disciplinary firms, as illustrated in Figure 4.

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Figure 4: *Types of firms in which survey participants reported working*



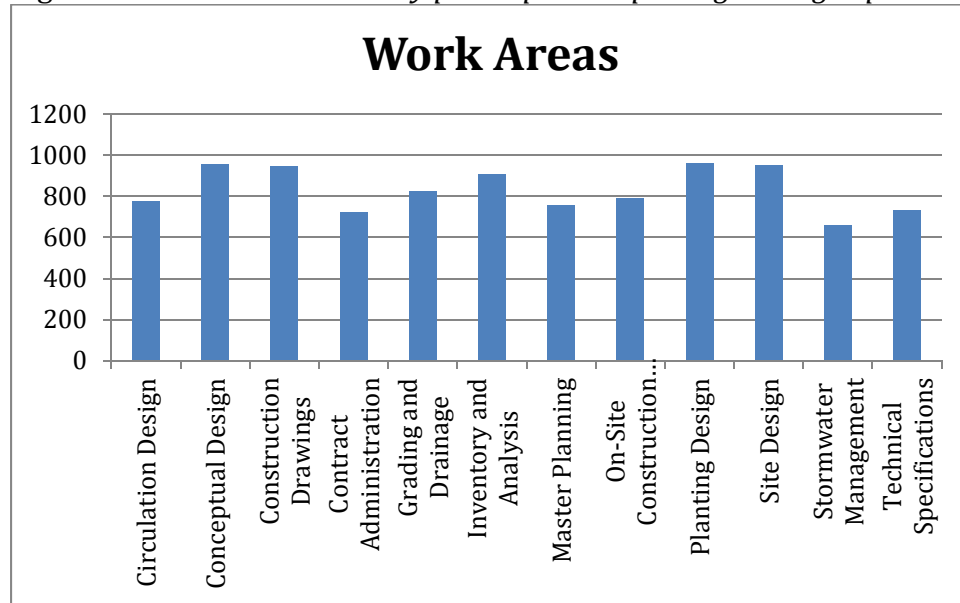
When asked how many landscape architects worked in their firm, survey respondents reported an average of 22.64 landscape architects. The range of responses ranged from a minimum of 0 landscape architects to a maximum of 3,000 landscape architects.

When asked how long they had been working in landscape architecture, the average response was 6.46 years, with a minimum of 0 years and a maximum of 31 years.

Survey participants were asked to report whether they had experience in each of 12 work areas. The most common areas of work in which survey participants had experience were Conceptual Design, Construction Drawings, Planting Design, and Site Design, as illustrated in Figure 5.

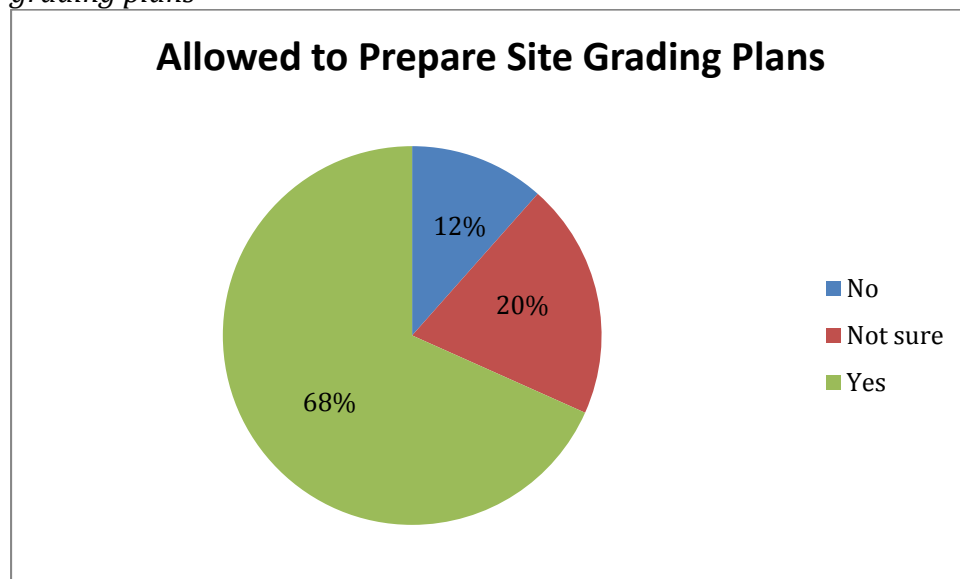
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Figure 5: Areas in which survey participants reporting having experience



Finally, survey participants were asked to report whether the state or province in which they work allowed them to prepare site grading plans. The majority of survey respondents (675, or 57.64%) reported that they were allowed to prepare site grading plans, as illustrated in Figure 6.

Figure 6: Whether or not survey participants are allowed to prepare site grading plans



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Preparation Factors

The first question related to preparation factors that was asked of survey participants was “Did you attend a formal exam preparation workshop?”. The majority of respondents (648 or 55.34%) reported that they did not attend a formal preparation workshop. Of those who did report attending a preparation workshop, the most common workshop was one provided by an ASLA or CSLA chapter, as indicated in Table 7.

Table 7: *Type of preparation workshop attended by survey respondents*

Formal Preparation Workshop	Frequency	Percent
Yes, I attended a workshop provided by a University	136	11.21%
Yes, I attended a workshop provided by an ASLA or CSLA chapter	270	22.26%
Yes, I attended a workshop provided by an independent provider (e.g., PPI)	118	9.73%
Yes, I participated in a mentorship program with a landscape architect	41	3.38%
No, I did not attend a formal exam preparation workshop	648	53.42%

When asked whether survey participants worked through the practice vignettes or tests offered by ASLA and CLARB, the majority of survey respondents reported working through practice vignettes and tests offered by both ASLA and CLARB, as illustrated in Figures 7 and 8 respectively. Note: Of those who did not work through practice vignettes or tests, 71 (6.06%) were unaware of practice problems offered by ASLA and 43 (3.67%) were unaware of the practice tests offered by CLARB.

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Figure 7: Number of survey respondents who took the practice vignettes offered by ASLA

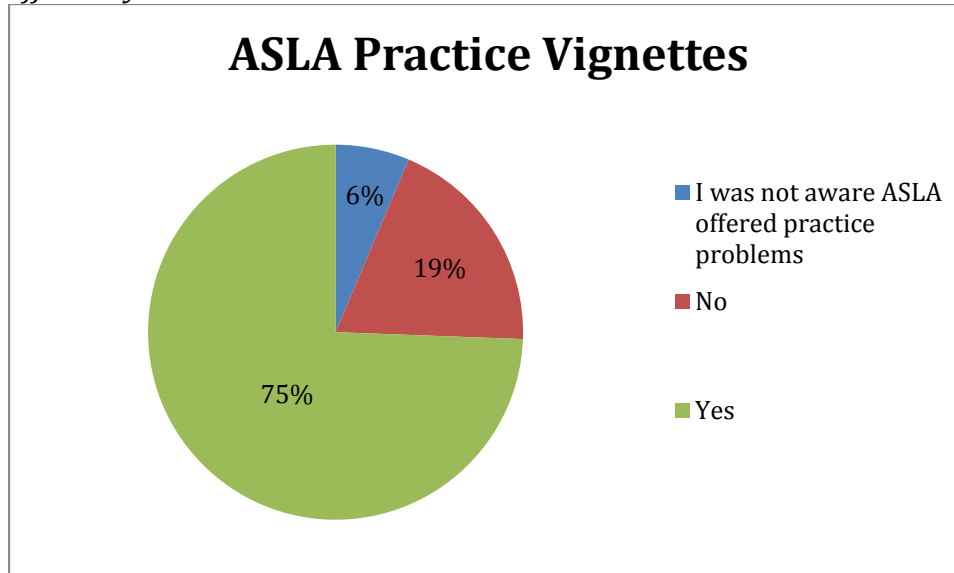
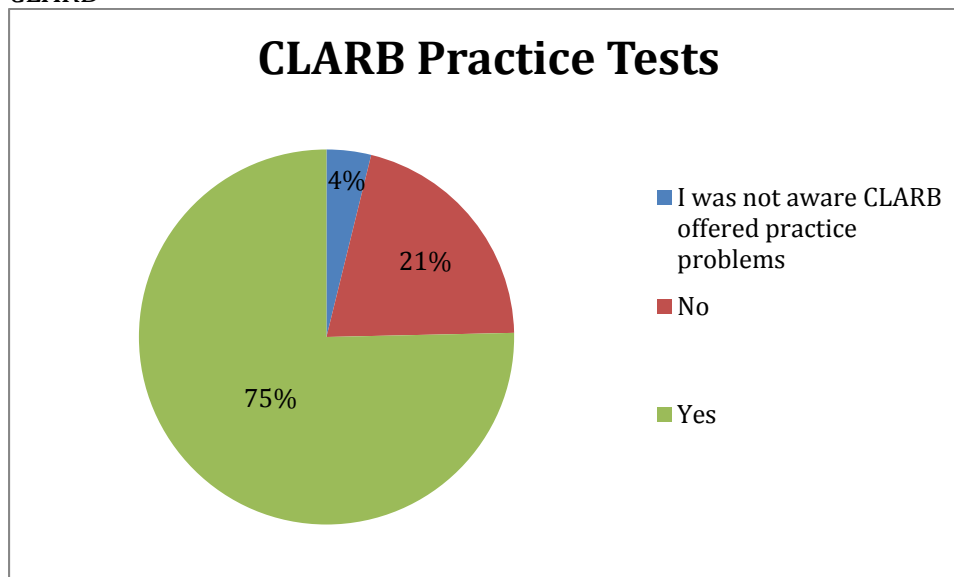


Figure 8: Number of survey respondents who took the practice tests offered by CLARB



When asked to answer questions regarding their satisfaction with the relevance of reference materials, quality of reference materials, and adequate access to reference materials, the majority of survey respondents were satisfied with the reference materials, as indicated in Table 8.

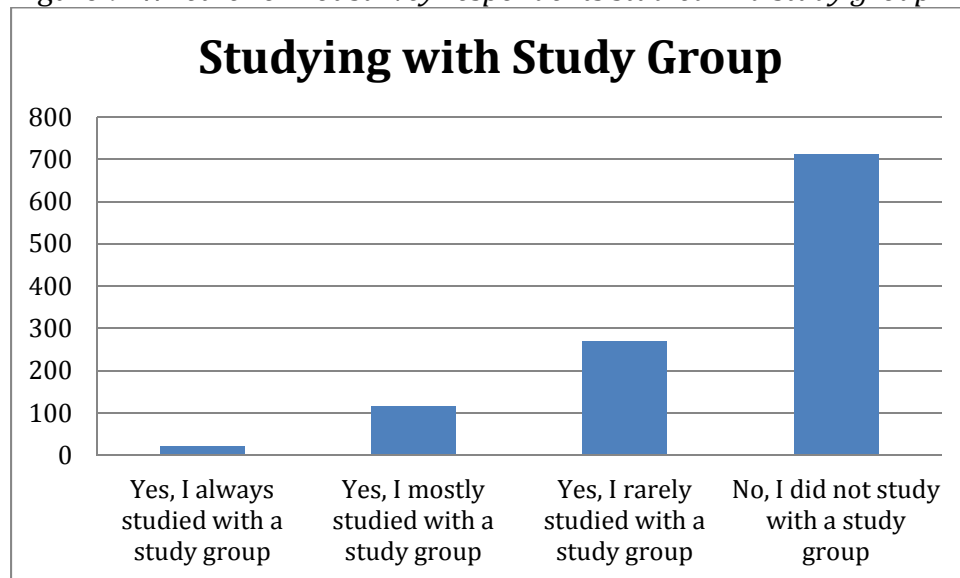
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Table 8: Number of survey respondents satisfied with the relevance, quality, and access of reference materials

Reference Materials	Yes	No
Relevance of Reference Materials	588 (50.21%)	519 (44.32%)
Quality of Reference Materials	656 (56.02%)	448 (38.26%)
Adequate Access to Reference Materials	589 (50.30%)	509 (43.47%)

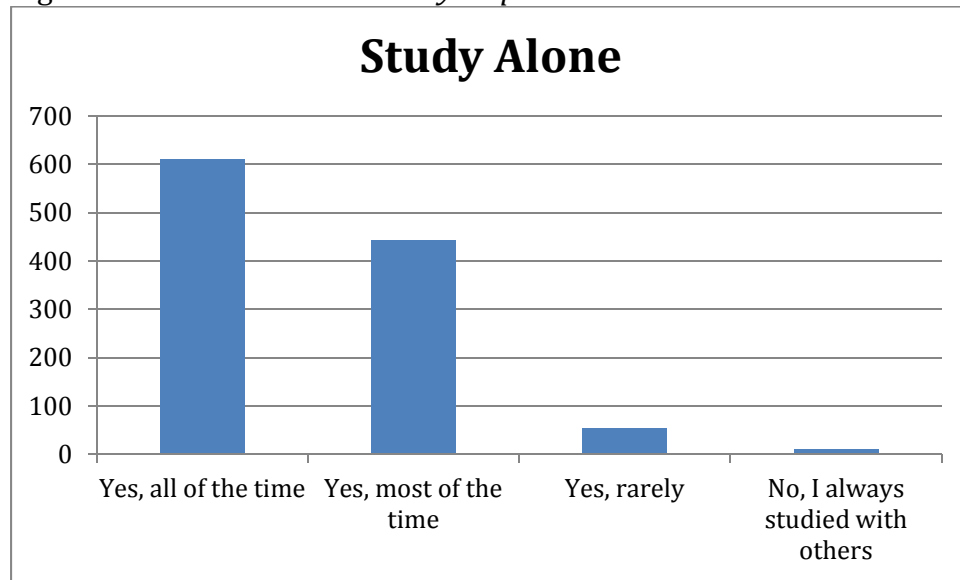
Survey participants were asked whether they studied with a study group or studied alone. The two questions were inverses of each other, and survey participants responded as such. In both questions, the majority of respondents did not study with a study group (713 or 60.89%)—they studied alone (611 or 52.18%), as illustrated in Figures 9 and 10.

Figure 9: Whether or not survey respondents studied in a study group



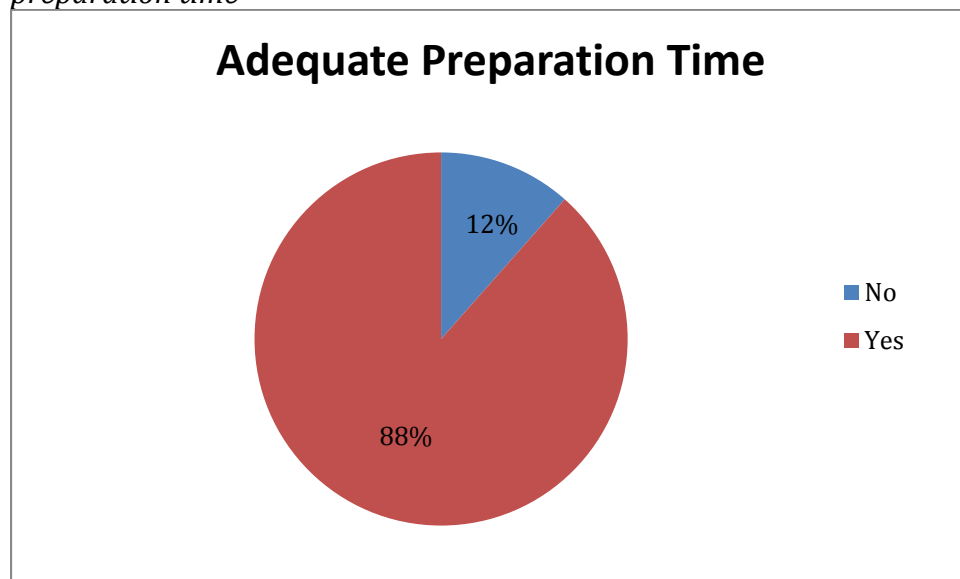
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Figure 10: *Whether or not survey respondents studied alone*



When asked whether or not they felt like they had adequate preparation time, the majority of survey respondents (989, or 84.46%) reported that they did have adequate preparation time, as illustrated in Figure 11.

Figure 11: *Number of survey respondents who felt like they had adequate preparation time*



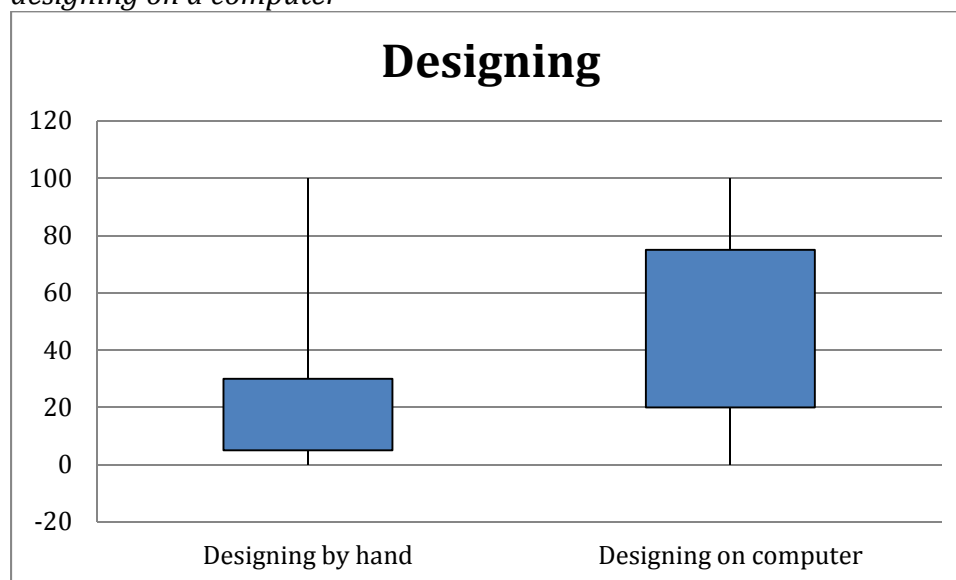
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Finally, when asked how much time each survey respondent spent studying, the range of responses was from 0 months to 120 months (10 years), with an average of 3.76 months.

Skills Factors

Survey participants were asked to report what percentage of time they spent both designing by hand and designing on a computer. For both designing by hand and designing on a computer, the amount of time spent ranged from 0% to 100%. However, the average percentage of time spent designing by hand was much lower than the average spent designing on a computer (24.72% and 44.78%, respectively). The box plots in Figure 12 illustrate the differences between the average percentage of time spent designing by hand and designing on a computer.

Figure 12: *The average percentage of time spent designing by hand versus designing on a computer*

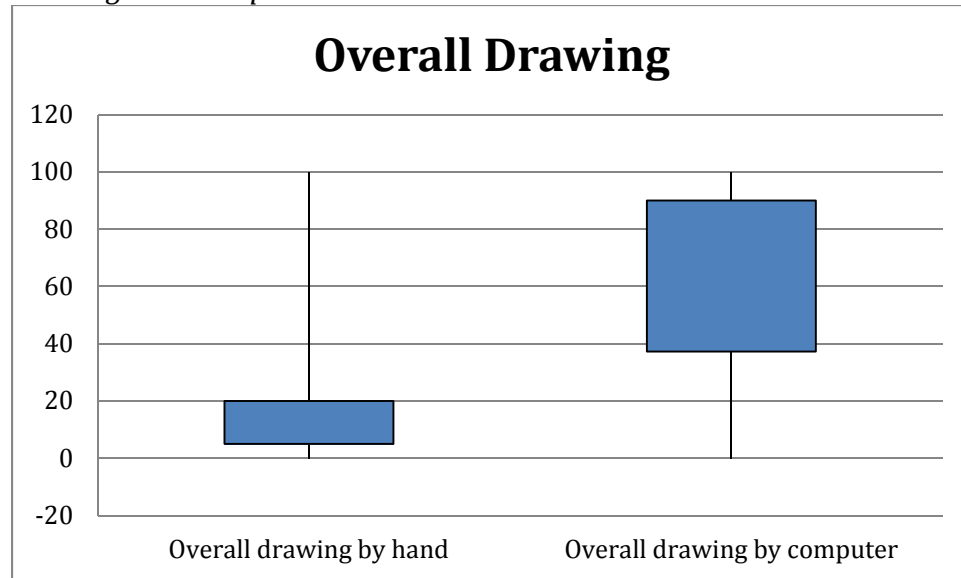


In addition to asking survey participants to report the percentage of time spent designing by hand versus designing on a computer, survey participants were also asked to report the percentage of time spent overall drawing by hand versus drawing on a computer. Again, there was a big discrepancy between the percentage of time spent overall drawing by hand versus drawing by computer. The average percentage of time spent drawing by hand was 15.80%, while the average

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percentage of time spent drawing by computer was 58.89%. Figure 13 presents a box plot illustrating the responses.

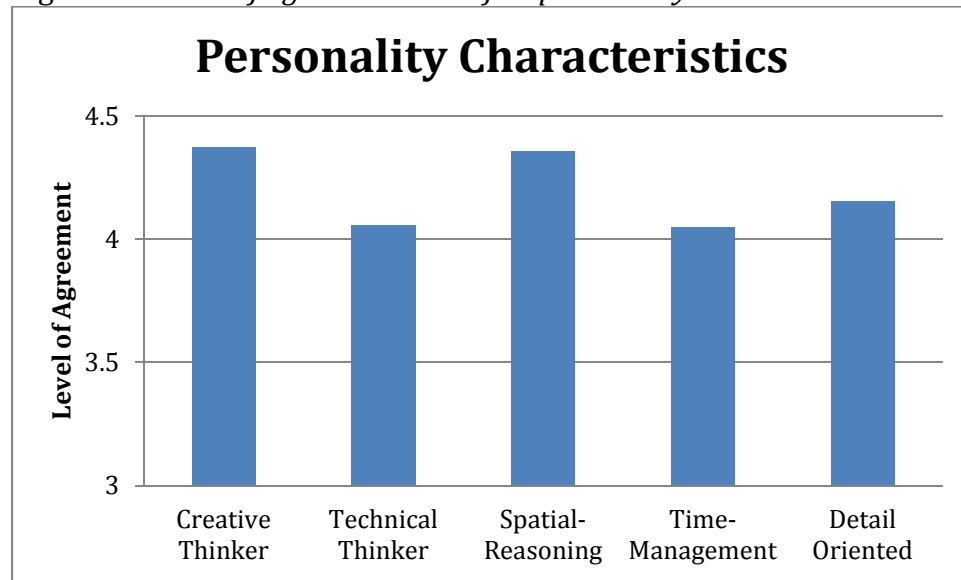
Figure 13: *The average amount of time spent overall drawing by hand versus drawing on a computer*



Next, survey participants were asked to indicate their level of agreement with five different personality characteristics. The level of agreement scale was presented as follows: 1=strongly disagree, 2=disagree, 3=neither agree nor disagree, 4=agree, and 5=strongly agree. As illustrated in Figure 14, the average response for all five personality characteristics was between 4 and 4.5, indicating that on average survey respondents felt somewhere between “agree” and “strongly agree.”

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Figure 14: *Level of agreement with five personality characteristics*

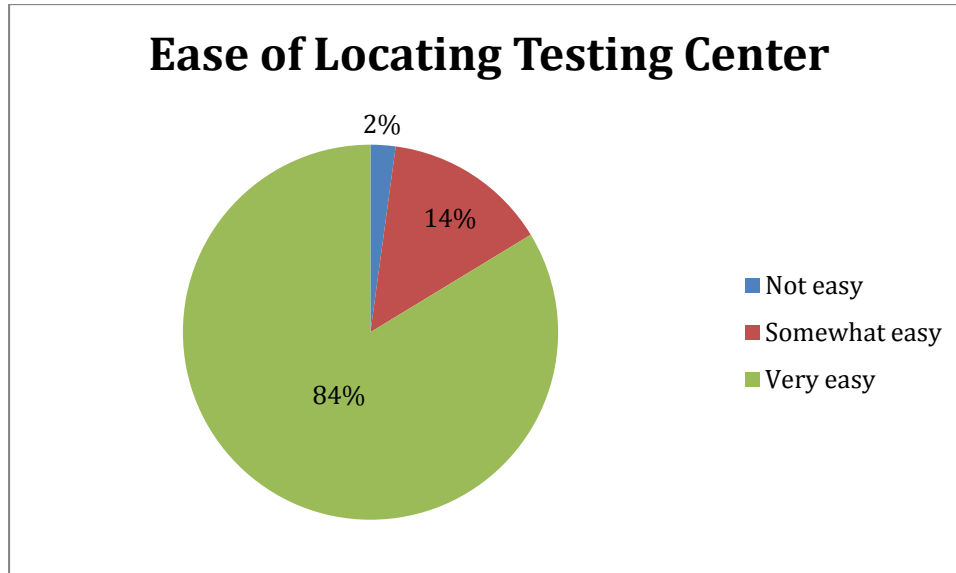


Testing Environment Factors

First, survey participants were asked how easy it was for them to locate the testing center. The majority of survey respondents reported that it was very easy to locate the testing center, and only a handful (24, or 2.05%) reported that it was not easy to locate the testing center, as illustrated in Figure 15.

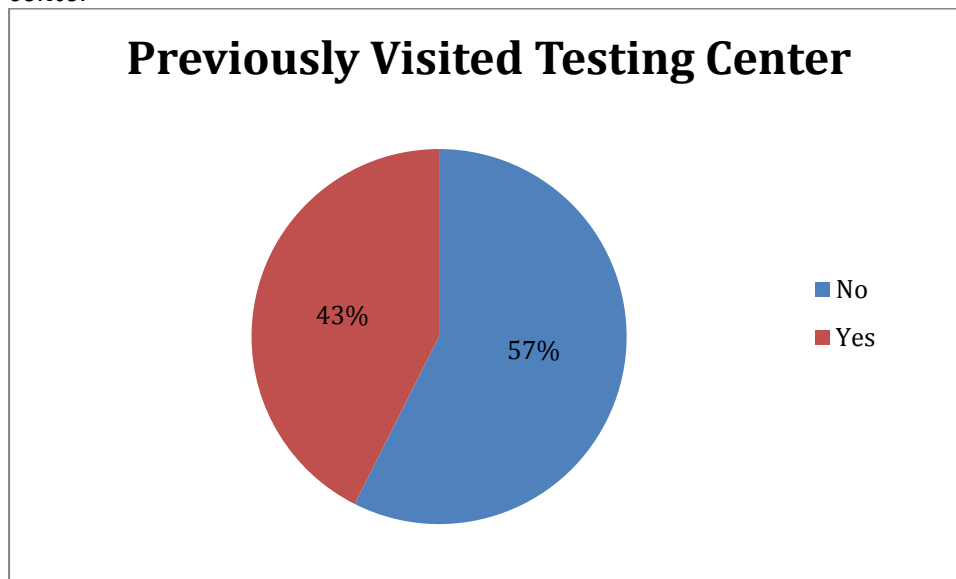
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Figure 15: *Survey respondents' perceptions of the ease of locating the testing center*



When asked whether or not they had previously been to the testing center, the majority of survey respondents (641, or 54.75%) reported that they had not previously been to the testing center, as illustrated in Figure 16.

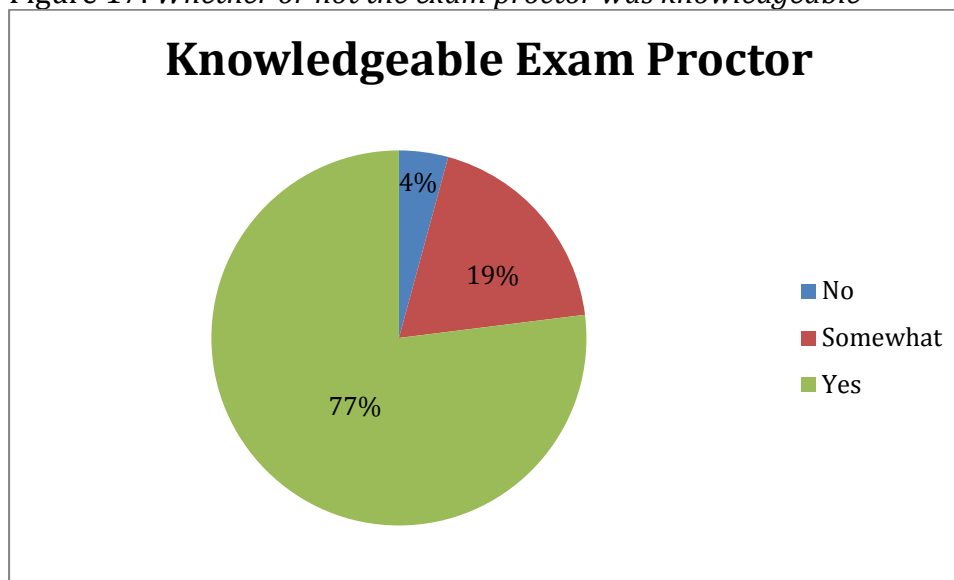
Figure 16: *Whether or not survey respondents had previously visited the testing center*



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When asked whether the exam proctor was knowledgeable, the majority of survey respondents reported that the exam proctor was knowledgeable (856, or 73.10%). Only 47 survey respondents (4.01%) reported that the exam proctor was not knowledgeable, as shown in Figure 17.

Figure 17: *Whether or not the exam proctor was knowledgeable*



Next, survey participants were asked several questions related to the tables used to draw on for Sections C and E of the L.A.R.E. The greatest number of survey respondents (434 or 37.06%) reported that the tables were fine. Of those who reported problems with the tables, the greatest number of survey respondents reported that the surface of the tables was not smooth (210 or 17.93%), as indicated in Table 9.

Table 9: *Number of survey reporting on the characteristics of the tables for the Section C and E exams*

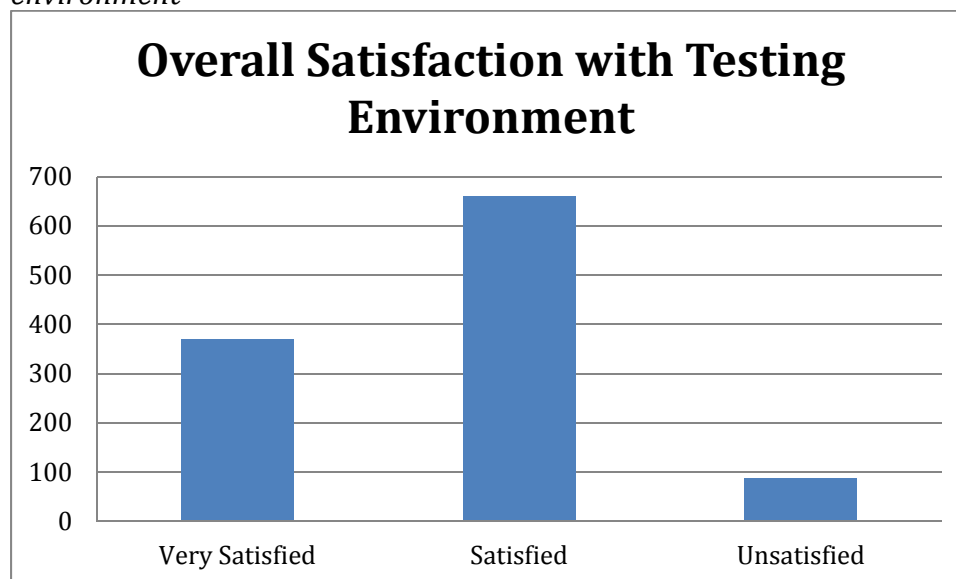
Description of Tables	Frequency	Percentage
The tables were fine	434	37.06%
There was not enough space on the tables	72	6.15%
The tables were uneven	73	6.23%
The tables were wobbly	71	6.06%
The surface of the tables was not smooth	210	17.93%

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When asked how long it took them to travel to the testing center, survey respondents reported taking a minimum of 0 minutes and a maximum of 840 minutes (14 hours) to travel to the testing center. The average reported amount of time spent traveling to the testing center was 58.15 minutes, or approximately one hour.

Finally, survey participants were asked how satisfied they were with the testing environment. The majority of survey respondents (661, or 56.45%) reported that they were satisfied with the testing environment. Of the 1,171 exam candidates who responded to the survey, only 87 (7.43%) reported that they were unsatisfied with the testing environment.

Figure 18: *Survey respondents' overall satisfaction with the testing environment*



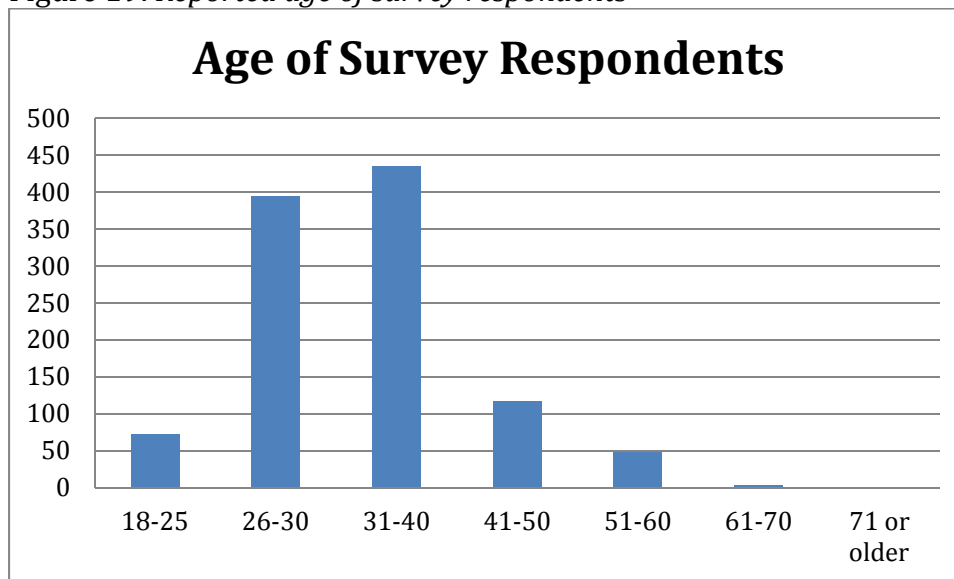
Demographic Factors

The gender of the survey respondents was evenly split with 532 (45.43%) reporting a gender of *female* and 540 (46.11%) reporting a gender of *male*. Note: the remaining 99 survey respondents did not report their gender.

When asked to report their age, the greatest number of survey respondents selected the 31–40 age bracket (435, or 37.15%), followed by the 26–30 age bracket (394, or 33.65%). Only one person selected the 71 or older age bracket, as illustrated in Figure 19.

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Figure 19: *Reported age of survey respondents*



When asked to report the state or province in which they worked, survey respondents reported working in 49 of the 50 states. No survey respondents reported working in Idaho. In addition to the 49 states, survey respondents reported working in four Canadian provinces: Alberta, British Columbia, Manitoba, and Ontario. The greatest number of survey respondents reported working in California (155, or 13.24%) and Ontario (120, or 10.25%), as illustrated in Table 10.

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Table 10: *List of states and provinces in which survey respondents reported working*

State or Province	Frequency	Percentage
Alabama	2	0.17%
Alaska	4	0.34%
Alberta	4	0.34%
Arizona	20	1.71%
Arkansas	3	0.26%
British Columbia	43	3.67%
California	155	13.24%
Colorado	32	2.73%
Connecticut	6	0.51%
Delaware	1	0.09%
Florida	47	4.01%
Georgia	19	1.62%
Hawaii	2	0.17%
Illinois	19	1.62%
Indiana	3	0.26%
Iowa	9	0.77%
Kansas	7	0.60%
Kentucky	5	0.43%
Louisiana	20	1.71%
Maine	8	0.68%
Manitoba	5	0.43%
Maryland	16	1.37%
Massachusetts	24	2.05%
Michigan	15	1.28%
Minnesota	13	1.11%
Mississippi	5	0.43%
Missouri	16	1.37%
Montana	5	0.43%
Nebraska	6	0.51%
Nevada	1	0.09%
New Hampshire	2	0.17%
New Jersey	16	1.37%
New Mexico	13	1.11%
New York	79	6.75%
North Carolina	16	1.37%
North Dakota	1	0.09%

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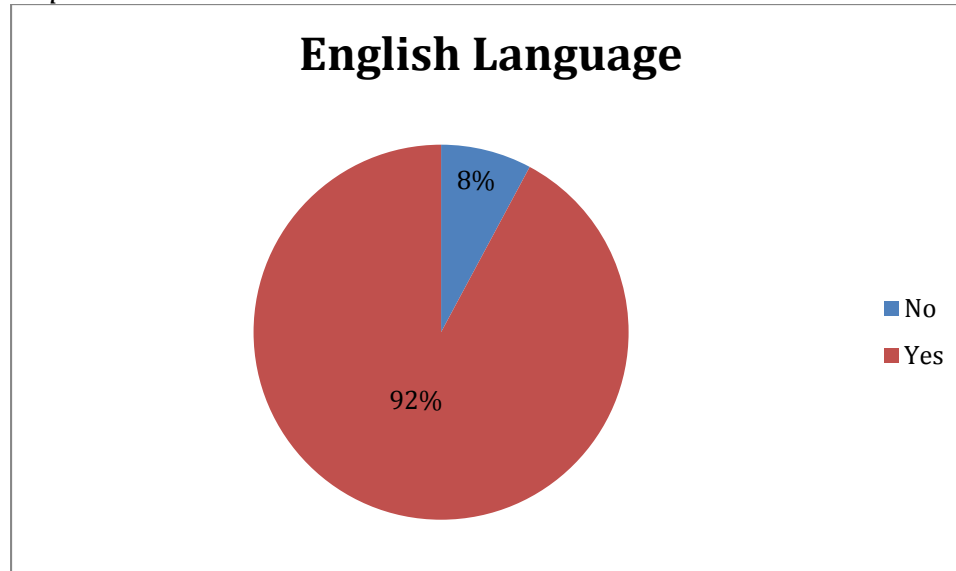
Table 10: *List of states and provinces in which survey respondents reported working*

State or Province	Frequency	Percentage
Ohio	14	1.20%
Oklahoma	4	0.34%
Ontario	120	10.25%
Oregon	22	1.88%
Pennsylvania	34	2.90%
Rhode Island	7	0.60%
South Carolina	7	0.60%
South Dakota	1	0.09%
Tennessee	14	1.20%
Texas	60	5.12%
Utah	9	0.77%
Vermont	1	0.09%
Virginia	45	3.84%
Washington	42	3.59%
West Virginia	1	0.09%
Wisconsin	15	1.28%
Wyoming	1	0.09%
Multiple States	24	2.05%

Finally, survey participants were asked to report whether English was their first language. The majority of survey respondents (964 or 82.32%) reported that English was their first language, as illustrated in Figure 20.

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Figure 20: *Whether or not English was the first language for survey respondents*



Section A Exam

Although several factors statistically significantly predicted successful performance on the Section A exam, the most interesting ones were candidates' level of education, type of firm in which they worked, amount of time working in landscape architecture, whether or not candidates had stormwater management or governmental work experience, whether or not candidates studied alone, and amount of time spent traveling to the testing center.

Specifically, the higher the education level of exam candidates, the more time spent studying alone, the greater the amount of time spent traveling to the testing center, and the less time spent working in landscape architecture, the better they did on the Section A exam. Therefore, exam candidates would potentially score higher on the Section A exam if they took the exam closer to their graduation.

Additionally, those who worked in a multidisciplinary landscape architecture firm did better on the Section A exam than those who worked in other types of firms. Those who had experience with governmental projects or those who worked in stormwater management did better on the Section A exam.

Out of all of the variables mentioned above, those that had the greatest effect on the Section A exam score or those that most increased the likelihood of passing the Section A exam were the type of firm in which candidates worked (those who

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worked in a multidisciplinary landscape architecture firm scored on average 5.54 points higher than those who worked in other firms), and whether or not they had experience with stormwater management or governmental projects.

These findings seem reasonable considering that the content covered on the Section A exam is related to project and construction administration. Those who work in multidisciplinary landscape architecture firms would have the greatest breadth of experience with project and construction administration.

Section B Exam

Compared with the Section A exam, there were fewer predictors of successful performance on the Section B exam. The most interesting factors impacting performance on the Section B exam were the exam candidates' level of education, the number of years spent working in landscape architecture, experience in planting design, having good spatial reasoning skills, and being a technical thinker.

As with the Section A exam, exam candidates with a higher level of education scored higher on the Section B exam, and had a greater likelihood of passing it, than those with a lower level of education. The closer the candidate was to his or her graduation date, the higher the candidate scored on the Section B exam. Again, those exam candidates taking the Section B exam may want to take it closer to their graduation date, as the less time spent working in landscape architecture, the better candidates perform.

The greater the level of agreement with the statement "I have good spatial-reasoning skills," the higher the exam candidates' scores were on the Section B exam. The greater the level of agreement with the statement "I am a technical thinker," the greater the likelihood was of passing the Section B exam.

Finally, those with planting design experience had a much greater likelihood of passing the Section B exam than those without planting design experience. This finding seems reasonable, as the Section B exam covers inventory, analysis, and program development, and exam candidates with experience in planting design most likely have more experience in inventory and analysis.

Section C Exam

Although several factors were statistically significant, there were only three factors of interest when predicting successful performance on the Section C exam. The

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three factors that impacted performance were whether exam candidates (1) obtained their landscape architecture degree from an accredited program, (2) utilized the ASLA practice problems, and (3) studied alone or in a group.

Exam candidates who obtained their landscape architecture degree in an accredited program scored on average 212.98 points higher on the Section C exam than those who attended a nonaccredited program. Those who worked through the practice problems provided by ASLA scored on average 91.75 points higher on the Section C exam than those who did not use ASLA's practice problems, which is to be expected. The Section C exam is a drawing exam whereby four vignette problems are presented to exam candidates. It seems logical that those who worked through the practice vignettes would do better on the Section C exam.

Finally, exam candidates who spent less time studying in a group or less time studying alone had higher odds of passing the Section C exam. While that finding may seem conflicting, it seems tenable to assume that not limiting study time to only studying alone or only studying with a group would result in the most desirable outcome.

To increase the likelihood of passing the Section C exam, or to earn a higher score on the Section C exam, exam candidates should obtain their degree from accredited landscape architecture program whenever possible. Exam candidates should also work through the practice problems offered by ASLA, and should spend time studying both alone and in a study group to improve performance on the Section C exam.

Section D Exam

Out of all five sections on the L.A.R.E., the Section D exam had the weakest predictors. There were only three predictors of interest for the Section D exam. Exam candidates with experience working on institutional projects, exam candidates who spent more time drawing on computer, and exam candidates who considered themselves technical thinkers did better overall or had higher odds of passing the Section D exam. Although these three factors do predict successful performance on the Section D exam, the impact is so low that they do not warrant further discussion.

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Section E Exam

Several factors predicted successful performance on the Section E exam, and almost all are of interest. The more courses that exam candidates took in planting design or history of landscape architecture, the fewer number of landscape architects working in their firm, the more experience with large-scale residential work or land planning, the more time spent studying, the more time spent designing by hand, and the greater the candidates' spatial reasoning skills, the better they did or the higher was the likelihood of passing the Section E exam.

Unlike the other exams in which education factors or experience factors alone seemed to predict successful performance, both education and experience factors impacted performance on the Section E exam. The more courses taken in planting design or history of landscape architecture, the greater the score on the Section E exam. Similarly, exam candidates who had experience working on large-scale residential or land planning projects did better on the Section E exam.

Compared with the other four sections of the L.A.R.E., time spent studying had a significant impact on Section E exam scores. For every one month increase in the amount of time spent studying, exam candidates' scores on the Section E exam increased 69.56 points. If a candidate wanted to increase his or her score on the Section E exam, the candidate should spend more time studying or preparing for the exam.

For a more detailed and technical description of results, see Appendix A.

APPENDIX A: TECHNICAL RESULTS

Section A Exam

Education Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Education Factors model, 10% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(19, 296) = 1.68$, $p = .04$, indicating that participants with various values on these specific Education predictors performed differently. Several variables in the Education Factors model were statistically significant. The level of formal education was statistically significant, $t(1,296) = 2.02$, $p = .04$, indicating that as candidates' level of formal education increased so did their exam scores. Specifically, candidates' Section A exam scores increased on average 1.72 points as their degree levels increased, while holding all other Education predictors constant.

In addition, age, $t(1,296) = 2.35$, $p = .02$, gender, $t(1, 296) = 2.23$, $p = .03$, and English as a second language, $t(1, 296) = 2.21$, $p = .03$, were also statistically significant predictors of the variability explained in the Section A exam scores. Specifically, for every one category increase in age the candidates' predicted Section A exam scores increased by 1.34 points on average, males performed 1.93 points higher, on average, compared with females, and native English speakers scored 3.32 points higher, on average, compared with non-native English speakers, while controlling for all other predictors in the model.

Multiple Logistic Regression. Based on the predictors analyzed in the Education Factors model, only one predictor was statistically significant: formal internship, with an odds ratio of 0.31. Those participants who did not participate in a formal internship had 3.16 higher odds of passing the Section A exam than those who did have a formal internship, while controlling for all other predictors in the model.

Work Experience Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Work Experience Factors model, 26% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(39, 212) = 1.54$, $p = .03$, indicating that candidates with various values on these specific Work Experience predictors performed differently. Several variables in the

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Work Experience Factors model were statistically significant. The other firm type was statistically significant, $t(1,212) = -2.12, p = .03$, indicating that those working in an “Other” type firm scored on average 5.54 points lower than those who worked in a “Landscape Architecture- Multidisciplinary” firm, while holding all other Work Experience predictors constant.

The number of years worked was also a statistically significant predictor of Section A exam scores, $t(1, 212) = -2.09, p = .04$, indicating that for every one year increase in the amount of years the candidate had been working in landscape architecture, their score decreased an average of 0.39 points. The technical specification work experience variable predicted a statistically significant amount of variability in Section A exam scores, $t(1, 212) = -2.08, p = .04$, indicating that having work experience in technical specifications tended to decrease the Section A exam score by 2.71 points, while controlling for all other predictors in the model.

In addition, stormwater management work experience was also statistically significant, $t(1, 212) = 3.16, p = .00$, indicating that those with stormwater management, on average, tended to score 4.06 points higher on the Section A exam compared with those without stormwater management work experience. Lastly, age was a statistically significant predictor of the variability in Section A exam scores, $t(1, 212) = 2.65, p = .01$, indicating that for each increase in age bracket there was, on average, a 2.06 increase in candidates’ Section A exam scores.

Multiple Logistic Regression. Based on the predictors analyzed in the Work Experience Factors model, three predictors were statistically significant: governmental work experience with an odds ratio of 3.64, gender with an odds ratio of 5.33, and age with an odds ratio of 2.83. Candidates who had governmental work experience had 3.64 higher odds of passing the Section A exam than those without governmental experience, while controlling for all other predictors in the model. Similarly, males had 5.33 higher odds of passing than females, and for every increase in age bracket the candidate had 2.83 higher odds of passing, while controlling for all other predictors in the model.

Preparation Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Preparation Factors model, 7% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(13, 322) = 1.80, p = .04$, indicating that participants with various values on these Preparation

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predictors performed differently. Two variables in the Preparation Factors model were statistically significant, both the age, $t(1,322) = 2.62, p = .01$, and the English as a second language, $t(1, 322) = 2.78, p = .01$, predictors. The age predictor indicated that for every one category increase in the age of a candidate, their Section A score was predicted to increase by an average of 1.14 points, while controlling for all other predictors in the model. In addition, the English as a second language predictor indicated that native English speakers scored on average 4.09 points higher than non-native English speakers.

Multiple Logistic Regression. Based on the predictors analyzed in the Preparation Factors model, two predictors were statistically significant: the study alone predictor with an odds ratio of 2.07 and the English as a second language predictor with an odds ratio of 3.13. These results indicated that the more time a candidate spent studying alone, the higher their odds were of passing. Specifically, as the amount of time spent studying alone increased the odds of passing were 2.07 higher than spending less time studying alone. In addition, participants who were native English speakers had 3.13 higher odds of passing the Section A exam than those who were not native English speakers, while controlling for all other predictors in the model.

Skills Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Skills Factors model, 10% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(12, 333) = 3.01, p = .00$, indicating that participants with various values on these specific Skills predictors performed differently. Several variables in the Skills Factors model were statistically significant: the creative thinker, $t(1, 333) = -2.57, p = .01$; age, $t(1,333) = 3.53, p = .00$; and English as a second language, $t(1, 333) = 3.34, p = .01$, predictors. The creative thinker predictor indicated that the more a candidate felt that they were a creative thinker, the lower their Section A exam score would be. Specifically, for every one point increase in a candidate's level of agreement with the statement "I am a creative thinker," their Section A exam score decreased 1.63 points. The age predictor indicated that for every one category increase in the age of a candidate, their Section A score was predicted to increase by an average of 1.49 points, while controlling for all other predictors in the model. In addition, the English as a second language predictor indicated that native English speakers scored on average 4.66 points higher than non-native English speakers.

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Multiple Logistic Regression. Based on the predictors analyzed in the Skills Factors model, three predictors were statistically significant: the creative thinker predictor with an odds ratio of 0.50, the age predictor with an odds ratio of 1.50, and the English as a second language predictor with an odds ratio of 3.27. These results indicated that the less a candidate felt they were a creative thinker, the higher their odds were of passing. Specifically, as the candidate's agreement with the "I am a creative thinker" statement decreased, their odds of passing were 2.00 higher than a candidate who indicated a higher agreement with the creative thinker statement. Age of the candidate was also a significant predictor, indicating that as the age category of a candidate increased, their odds of passing were 1.50 higher than a candidate from a lower age category. In addition, those participants who were native English speakers had 3.27 higher odds of passing the Section A exam than those who were not native English speakers, while controlling for all other predictors in the model.

Testing Environment Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Testing Environment Factors model, 8% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(9, 340) = 3.42, p = .00$, indicating that participants with various values on these specific Testing Environment predictors performed differently. Several variables in the Testing Environment Factors model were statistically significant. Travel time, $t(1, 340) = 2.15, p = .03$, age, $t(1, 340) = 3.24, p = .00$, and the English as a second language, $t(1, 340) = 3.36, p = .00$, were statistically significant predictors. The travel time predictor indicated that for every one minute increase in travel time, the candidate's predicted Section A exam score would be 0.01 points higher. The age predictor indicated that for every one category increase in the age of a candidate, their Section A exam score was predicted to increase, on average, 1.34 points, while controlling for all other predictors in the model. In addition, the English as a second language predictor indicated that native English speakers scored on average 4.73 points higher than non-native English speakers.

Multiple Logistic Regression. Based on the predictors analyzed in the Testing Environment Factors model, only one predictor was statistically significant: the English as a second language predictor, with an odds ratio of 2.78. These results indicated that those participants who were native English speakers had 2.78 higher odds of passing the Section A exam than those who were not native English speakers, while controlling for all other predictors in the model.

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Section B Exam

Education Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Education Factors model, 14% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(19, 273) = 2.29$, $p = .00$, indicating that participants with various values on these specific Education predictors performed differently. Several variables in the Education Factors model were statistically significant. The level of formal education was statistically significant, $t(1,273) = 2.24$, $p = .02$, indicating that as candidates' level of formal education increased, so did their exam scores. Specifically, candidates' Section B exam scores increased on average 2.64 points as their degree levels increased, while holding all other Education predictors constant. In addition, English as a second language, $t(1, 273) = 3.86$, $p = .00$, was also a statistically significant predictor of the variability in the Section B exam scores. Specifically, native English speakers scored 7.75 points higher, on average, compared with non-native English speakers, while controlling for all other predictors in the model.

Multiple Logistic Regression. Based on the predictors analyzed in the Education Factors model, two predictors were statistically significant: formal education with an odds ratio of 2.21 and English as a second language with an odds ratio of 4.20. Specifically, as candidates' formal education increased, their odds of passing the Section B exam were 2.21 times higher than a candidate with less formal education, while controlling for all other predictors in the model. In addition, native English speakers had 4.20 higher odds of passing the Section B exam than non-native English speakers.

Work Experience Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Work Experience Factors model, 34% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(39, 198) = 2.11$, $p = .00$, indicating that candidates with various values on these specific Work Experience predictors performed differently. Two variables in the Work Experience Factors model were statistically significant. The number of years worked predictor was statistically significant, $t(1,198) = -2.72$, $p = .01$, indicating that for every one year increase in years worked as a landscape architect, candidates' Section B exam score decreased 0.58 points on average, while holding

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all other Work Experience predictors constant. In addition, English as a second language was a statistically significant predictor of Section B exam scores, $t(1, 198) = 3.20, p = .00$, indicating that native English speakers scored 8.88 points higher, on average, than non-native English speakers.

Multiple Logistic Regression. Based on the predictors analyzed in the Work Experience Factors model, three predictors were statistically significant: on-site construction observation experience with an odds ratio of 0.09, planting design experience with an odds ratio of 11.38, and English as a second language with an odds ratio of 11.73. Those candidates who did not have on-site construction observation work experience had 11.11 higher odds of passing the Section B exam than those with on-site construction observation experience, while controlling for all other predictors in the model. Conversely, those candidates with planting design experience had 11.38 higher odds of passing than those candidates without planting design experience. Lastly, native English speakers had 11.73 higher odds of passing the Section B exam than non-native English speakers.

Preparation Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Preparation Factors model, 14% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(13, 300) = 3.69, p = .00$, indicating that participants with various values on these specific Preparation predictors performed differently. Three variables in the Preparation Factors model were statistically significant: satisfaction with the quality of the reference materials, $t(1, 300) = 3.09, p = .00$, gender, $t(1, 300) = -1.97, p = .04$, and English as a second language, $t(1, 300) = 5.76, p < .00$, predictors. The satisfaction with the quality of the materials predictor indicated that those who were satisfied with quality of the reference materials scored 4.03 points higher than those who were not satisfied with the quality of the reference materials. The gender predictor indicated that males scored, on average, 1.98 points lower on the Section B exam than females, while controlling for all other predictors in the model. In addition, the English as a second language predictor indicated that native English speakers scored on average 11.22 points higher than non-native English speakers.

Multiple Logistic Regression. Based on the predictors analyzed in the Preparation Factors model, three predictors were statistically significant: the formal exam preparation predictor with an odds ratio of 0.56, the satisfaction with the quality of reference materials predictor with an odds ratio of 2.59, and the English as a second

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language predictor with an odds ratio of 6.69. These results indicated that the candidates who did not participate in a formal exam preparation program had higher odds of passing than those who did participate in a formal exam preparation program. Those who were satisfied with the quality of the reference materials had 2.59 higher odds of passing the Section B exam than those who were not satisfied with the quality of the reference materials. In addition, those participants who were native English speakers had 6.69 higher odds of passing the Section A exam than those who were not native English speakers, while controlling for all other predictors in the model.

Skills Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Skills Factors model, 13% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(12, 305) = 3.89, p < .00$, indicating that participants with various values on these specific Skills predictors performed differently. Several variables in the Skills Factors model were statistically significant, spatial reasoning, $t(1, 305) = 1.99, p = .04$, time management, $t(1, 305) = -2.32, p = .02$, gender, $t(1, 305) = -2.73, p = .01$, and English as a second language, $t(1, 305) = 5.01, p < .00$. The spatial reasoning predictor indicated that the more someone felt that they had good spatial reasoning, the higher their Section B exam score would be. Specifically, for every one point increase in a candidate's level of agreement with the statement "I have good spatial reasoning," their Section B exam score increased 1.70 points. The time management predictor indicated that the less a candidate felt they had good time-management skills, the higher their Section B exam scores would be; for every one point increase in agreement with the statement "I have good time-management skills," their Section B exam scores decreased 1.40 points. The gender predictor indicated that males scored, on average, 2.78 points lower than females, while controlling for all other predictors in the model. In addition, the English as a second language predictor indicated that native English speakers scored on average 9.05 points higher than non-native English speakers.

Multiple Logistic Regression. Based on the predictors analyzed in the Skills Factors model, three predictors were statistically significant: the technical thinker predictor with an odds ratio of 1.60, gender predictor with an odds ratio of 0.45, and the English as a second language predictor with an odds ratio of 4.99. These results indicated that the more a candidate felt they were a technical thinker, the higher their odds were of passing. Specifically, as the candidate's level of agreement with

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the statement “I am a technical thinker” increased, the odds of passing were 1.60 higher than a lower level of agreement with the statement. The gender predictor indicated that females had 2.22 higher odds of passing than males, while controlling for all other variables in the model. In addition, those participants who were native English speakers had 4.99 higher odds of passing the Section B exam than those who were non-native English speakers, while controlling for all other predictors in the model.

Testing Environment Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Testing Environment Factors model, 10% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(9, 307) = 3.87, p = .00$, indicating that participants with various values on these specific Testing Environment predictors performed differently. Only one predictor was statistically significant: the English as a second language predictor, $t(1, 307) = 5.18, p = .00$. This predictor indicated that native English speakers scored on average 9.81 points higher than non-native English speakers.

Multiple Logistic Regression. Based on the predictors analyzed in the Testing Environment Factors model, two predictors were statistically significant: gender with an odds ratio of 0.53, and English as a second language with an odds ratio of 5.72. These results indicated that female candidates had 1.89 higher odds of passing than male candidates. In addition, candidates who were native English speakers had 5.72 higher odds of passing the Section B exam than those who were non-native English speakers, while controlling for all other predictors in the model.

Section C Exam

Education Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Education Factors model, 26% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(19, 152) = 2.41, p = .00$, indicating that participants with various values on these specific Education predictors performed differently. Several variables in the Education Factors model were statistically significant. The computer aided design course predictor was statistically significant, $t(1,152) = -2.51, p = .01$, indicating that for every one unit increase in courses taken in computer aided design, a candidate’s Section C exam

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score decreased 26.47 points, while holding all other Education predictors constant. The accredited predictor was also significant, $t(1,152) = 3.07, p = .00$. Specifically, those candidates who obtained their landscape architecture degree from an accredited program scored 212.98 points higher than those candidates who attended a nonaccredited program. Gender was also a statistically significant predictor, $t(1,152) = -3.68, p = .00$, with female candidates scoring 94.27 points higher, on average, compared with male candidates, while controlling for all other Education predictors.

Multiple Logistic Regression. Based on the predictors analyzed in the Education Factors model, three predictors were statistically significant: courses taken in design theory with an odds ratio of 0.75, courses taken in computer aided design with an odds ratio of 0.34, and gender with an odds ratio of 0.124. The fewer courses taken in design theory and computer aided design, the higher a candidate's odds of passing the Section C exam. In addition, females had 8.06 higher odds of passing the Section C exam than male candidates.

Work Experience Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Work Experience Factors model, 39% of the variance was explained by the set of predictors. However, this proportion of explained variability was not statistically significant, $F(39, 128) = 1.46, p = .07$, indicating that any further discussion was unwarranted.

Multiple Logistic Regression. Based on the predictors analyzed in the Work Experience Factors model, none of the predictors were statistically significant, indicating that any further discussion was unwarranted.

Preparation Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Preparation Factors model, 15% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(13, 180) = 2.24, p = .01$, indicating that participants with various values on these specific Preparation predictors performed differently. Two variables in the Preparation Factors model were statistically significant, both the ASLA practice, $t(1,180) = 2.06, p = .04$, and the gender, $t(1, 180) = -3.39, p = .00$, predictors. The ASLA practice predictor indicated that those candidates who utilized the ASLA practice problems scored, on average, 91.75 points higher on the Section C exam than those candidates who did

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not, while controlling for all other predictors in the model. In addition, the gender predictor indicated that females scored, on average, 77.80 points higher than male candidates on the Section C exam.

Multiple Logistic Regression. Based on the predictors analyzed in the Preparation Factors model, two predictors were statistically significant: the study group preparation predictor with an odds ratio of 0.40, and the study alone preparation predictor with an odds ratio of 0.37. These results indicated that the candidates who spent less time studying in a group had higher odds of passing than those who spent more time studying in a group. In addition, those participants who spent less time studying alone had 2.73 higher odds of passing the Section C exam than those who spent more time studying alone, while controlling for all other predictors in the model.

Skills Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Skills Factors model, 8% of the variance was explained by the set of predictors. However, this proportion of explained variability was not statistically significant, $F(12, 167) = 1.19, p = .29$, indicating that any further discussion was unwarranted.

Multiple Logistic Regression. Based on the predictors analyzed in the Skills Factors model, none of the predictors were statistically significant, indicating that any further discussion was unwarranted.

Testing Environment Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Testing Environment Factors model, 9% of the variance was explained by the set of predictors. However, this proportion of explained variability was not statistically significant, $F(9, 184) = 1.81, p = .07$, indicating that any further discussion was unwarranted.

Multiple Logistic Regression. Based on the predictors analyzed in the Testing Environment Factors model, none of the predictors were statistically significant, indicating that any further discussion was unwarranted.

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Section D Exam

Education Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Education Factors model, 12% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(19, 345) = 2.25$, $p = .00$, indicating that participants with various values on these specific Education predictors performed differently. Several variables in the Education Factors model were statistically significant. Participation in a formal internship program was statistically significant, $t(1,345) = -2.72$, $p = .01$, indicating that candidates who did not participate in a formal internship program scored higher on the Section D exam than those who did participate in a formal internship program. The number of professional practice courses taken by the candidate was also statistically significant, $t(1,345) = -3.76$, $p = .00$, with a decrease of 4.80 points on the Section D exam for every one point increase in the number of professional practice courses taken. In addition, gender, $t(1,345) = 2.15$, $p = .03$, and English as a second language, $t(1, 345) = 2.72$, $p = .01$, were also statistically significant predictors of the variability explained in the Section D exam scores. Specifically, male candidates scored 2.61 points higher than females, and native English speakers scored 5.69 points higher, on average, than non-native English speakers, while controlling for all other predictors in the model.

Multiple Logistic Regression. Based on the predictors analyzed in the Education Factors model, only one predictor was statistically significant: gender, with an odds ratio of 1.86. Male candidates had 1.86 higher odds of passing the Section D exam than female candidates, while controlling for all other predictors in the model.

Work Experience Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Work Experience Factors model, 22% of the variance was explained by the set of predictors. However, this proportion of explained variability was not statistically significant, $F(39, 243) = 1.45$, $p = .05$. Therefore, further interpretation of this model is unwarranted.

Multiple Logistic Regression. Based on the predictors analyzed in the Work Experience Factors model, three predictors were statistically significant: institutional work experience with an odds ratio of 2.31, stormwater management

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work experience with an odds ratio of 0.64, and English as a second language with an odds ratio of 4.10. Those candidates who had institutional work experience had 2.31 higher odds of passing the Section D exam than those without institutional work experience, while controlling for all other predictors in the model. Conversely, those candidates without stormwater management work experience had 1.57 higher odds of passing the Section D exam than those who did have stormwater management work experience. In addition, native English speakers had 4.10 higher odds of passing the Section D exam than non-native English speakers, while controlling for all other predictors in the model.

Preparation Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Preparation Factors model, 7% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(13, 381) = 2.16$, $p = .01$, indicating that participants with various values on these specific Preparation predictors performed differently. Two variables in the Preparation Factors model were statistically significant, both the CLARB practice, $t(1,381) = -2.32$, $p = .02$, and the English as a second language, $t(1, 381) = 3.07$, $p = .00$, predictors. The CLARB practice predictor indicated that those who did not use the CLARB practice scored 2.92 points higher on the Section D exam than those who did, while controlling for all other predictors in the model. In addition, the English as a second language predictor indicated that native English speakers scored on average 5.86 points higher than non-native English speakers.

Multiple Logistic Regression. Based on the predictors analyzed in the Preparation Factors model, two predictors were statistically significant: the CLARB practice predictor with an odds ratio of 0.58 and the English as a second language predictor with an odds ratio of 2.57. These results indicated that those candidates who did not use the CLARB practice problems had 1.72 higher odds of passing than those candidates that did use the CLARB practice problems. In addition, those participants who were native English speakers had 2.57 higher odds of passing the Section D exam than those who were not native English speakers, while controlling for all other predictors in the model.

Skills Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Skills Factors model, 8% of the variance was explained by the set of predictors. This proportion of

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explained variability was statistically significant, $F(12, 391) = 2.95, p = .00$, indicating that participants with various values on these specific Skills predictors performed differently. Several variables in the Skills Factors model were statistically significant: percentage of time spent overall drawing by computer, $t(1, 391) = 2.34, p = .02$, creative thinker, $t(1, 391) = -2.41, p = .02$, technical thinker, $t(1, 391) = 2.39, p = .01$, and English as a second language, $t(1, 333) = 3.34, p = .01$. The percentage of time spent overall drawing by computer predictor indicated that for every one point increase in percentage of time spent overall drawing by computer, the candidate's Section D exam score increased 0.4 points. The creative thinker predictor indicated that the more someone felt they were a creative thinker, the lower their Section D exam score would be. Specifically, for every one point increase in a candidate's level of agreement with the statement "I am a creative thinker," their Section D exam score decreased 2.28 points. Conversely, the technical thinker predictor indicated that the more a candidate felt they were a technical thinker, the higher their Section D exam score would be. Specifically, for every one point increase in a candidate's level of agreement with the statement "I am a technical thinker," their Section D exam score increased 1.83 points. In addition, the English as a second language predictor indicated that native English speakers scored on average 6.29 points higher compared with non-native English speakers, while controlling for all other predictors in the model.

Multiple Logistic Regression. Based on the predictors analyzed in the Skills Factors model, only one predictor was statistically significant: the English as a second language predictor with an odds ratio of 2.64. These results indicated that those candidates who were native English speakers had 2.64 higher odds of passing the Section D exam than those who were not native English speakers, while controlling for all other predictors in the model.

Testing Environment Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Testing Environment Factors model, 3% of the variance was explained by the set of predictors. This proportion of explained variability was not statistically significant, $F(9, 395) = 1.73, p = .08$, indicating that further exploration was unwarranted.

Multiple Logistic Regression. Based on the predictors analyzed in the Testing Environment Factors model, only one predictor was statistically significant: the English as a second language predictor with an odds ratio of 2.59. These results indicated that those participants who were native English speakers had 2.59 higher

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odds of passing the Section D exam than those who were non-native English speakers, while controlling for all other predictors in the model.

Section E Exam

Education Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Education Factors model, 17% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(19, 197) = 1.93$, $p = .01$, indicating that participants with various values on these specific Education predictors performed differently. Specifically, two variables in the Education Factors model were statistically significant. The plant materials course predictor was statistically significant, $t(1,197) = 2.12$, $p = .04$, indicating that for every one unit increase in plant design courses taken, a candidate's Section E exam score increased 16.08 points, while holding all other Education predictors constant. The age predictor was also significant, $t(1,197) = -3.28$, $p = .00$, with candidates from a lower age category scoring 51.73 points higher than candidates in a higher age category, while controlling for all other Education predictors.

Multiple Logistic Regression. Based on the predictors analyzed in the Education Factors model, three predictors were statistically significant: courses taken in design theory with an odds ratio of 0.80, courses taken in computer aided design with an odds ratio of 0.69, and courses taken in history of landscape architecture with an odds ratio of 2.05. These predictors indicated that candidates who took fewer courses in design theory and computer aided design had higher odds of passing the Section E exam. Conversely, candidates who took more courses in the history of landscape architecture had 2.05 higher odds of passing the Section E exam than candidates who took fewer courses in the history of landscape architecture.

Work Experience Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Work Experience Factors model, 33% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(38, 159) = 1.60$, $p = .03$, indicating that participants with various values on these specific Work Experience predictors performed differently. Two variables in the Work Experience Factors model were significant: number of landscape architects in the candidates firm, $t(1, 159) = -2.45$, $p = .02$, and age, $t(1, 159) = -2.66$, $p = .01$. The

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smaller number of landscape architects a candidate had in their firm, the higher their Section E exam score was. Specifically, for every one point increase in landscape architects in a candidate's firm, their score decreased 0.80 points, or for every 10 landscape architects in a candidate's firm, their Section E exam score decreased 8 points. In addition, as a candidate's age increased from one age category to the next, their Section E exam score decreased 41.76 points.

Multiple Logistic Regression. Based on the predictors analyzed in the Work Experience Factors model, three of the predictors were statistically significant: large-scale residential work experience with an odds ratio of 3.87, land planning work experience with an odds ratio of 9.30, and master planning work experience with an odds ratio of 0.08. Those candidates who had large-scale residential work experience had 3.87 higher odds of passing the Section E exam than those candidates who did not have large-scale residential work experience. Similarly, those candidates who had work experience in land planning had 9.30 higher odds of passing the Section E exam than those candidates who did not have land planning work experience, while controlling for all other Work Experience predictors. Conversely, those candidates who did not have experience in master planning had 12.05 higher odds of passing the Section E exam than those candidates who did have experience in master planning.

Preparation Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Preparation Factors model, 14% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(13, 228) = 2.69$, $p = .00$, indicating that participants with various values on these specific Preparation predictors performed differently. Two variables in the Preparation Factors model were statistically significant, both the preparation time, $t(1, 228) = 2.06$, $p = .04$, and the age, $t(1, 228) = -4.47$, $p < .00$, predictors. The preparation time predictor indicated that for every one month increase in preparation time, a candidate's score increased 69.56 points, while controlling for all other predictors in the model. In addition, the age predictor indicated that candidates from a lower age category scored 46.59 points higher than candidates from a higher age category.

Multiple Logistic Regression. Based on the predictors analyzed in the Preparation Factors model, only one predictor was statistically significant: age with an odds ratio of 0.65. Candidates in lower age categories had 1.44 higher odds of passing the Section E exam than those in higher age categories.

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Skills Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Skills Factors model, 13% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(12, 224) = 2.72, p = .00$, indicating that participants with various values on these specific Skills predictors performed differently. Several variables were statistically significant predictors of performance on the Section E exam. Specifically, the designing by hand, $t(1, 224) = 2.62, p = .01$, spatial reasoning, $t(1, 224) = .04$, and the age, $t(1, 224) = -3.91, p = .04$, predictors. The designing by hand predictor indicated that for every one percentage point increase in time spent designing by hand, the candidate's Section E exam score increased 1.38 points, or for each additional 10% of time spent designing by hand, a candidate's exam score increased almost 14 points. Similarly, the more a candidate felt they had good spatial reasoning skills, the better they did on the Section E exam. In particular, for every one point increase in agreement with the statement "I have good spatial reasoning skills," the candidate's Section E exam score increased 38.23 points. Lastly, for every one unit increase in a candidate's age category, their Section E exam score decreased 40.10 points.

Multiple Logistic Regression. Based on the predictors analyzed in the Skills Factors, only one predictor was statistically significant: age, with an odds ratio of 0.63. Candidates in lower age categories had 1.59 higher odds of passing the Section E exam than those candidates in higher age categories, while controlling for all other Skills predictors.

Testing Environment Factors Model

Multiple Linear Regression. Based on the predictors analyzed in the Testing Environment Factors model, 14% of the variance was explained by the set of predictors. This proportion of explained variability was statistically significant, $F(9, 237) = 4.20, p < .00$, indicating that participants with various values on these specific Testing Environment predictors performed differently. Two predictors were statistically significant, testing environment satisfaction, $t(1, 237) = 3.53, p = .00$, and age, $t(1, 237) = -4.87, p < .00$. The testing environment satisfaction predictor indicated that for every one unit increase in a candidate's satisfaction with the testing environment, their Section E exam score increased 41.54 points. In addition, for every one unit increase in a candidate's age category, their Section E exam score decreased by 48.00 points, while controlling for all other Testing Environment predictors.

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Multiple Logistic Regression. Based on the predictors analyzed in the Testing Environment Factors model, two of the predictors were statistically significant: satisfaction with the testing environment with an odds ratio of 0.66 and age with an odds ratio of 0.64. The testing environment predictor indicates that for every one unit decrease in satisfaction with the testing environment, a candidate's odds of passing the Section E exam were 1.54 higher than a candidate with a one unit increase in satisfaction with the testing environment. Candidates in a lower age category had 1.56 higher odds of passing the Section E exam compared with candidates in a higher age category, while controlling for all other Testing Environment predictors.

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APPENDIX B: DESCRIPTION OF ALL FIVE STATISTICAL MODELS

The Education Factors Model included the following variables:

- Formal Education – defined as a two-year associate’s or technical degree, certificate, bachelor’s degree, master’s degree, doctoral degree, or no degree in landscape architecture.
- Time Passed – defined as the amount of time passed since the candidate was in school taking classes in landscape architecture.
- Formal Internship – defined as participating in a formal internship program (coded as 1) or not (coded as 0).
- Computer Aided Design coursework – defined as the number of classes taken in this area.
- Construction Detailing coursework – defined as the number of classes taken in this area.
- Construction Documentation coursework – defined as the number of classes taken in this area.
- Design Studio coursework – defined as the number of classes taken in this area.
- Design Theory coursework – defined as the number of classes taken in this area.
- Grading and Drainage coursework – defined as the number of classes taken in this area.
- History of Landscape Architecture coursework – defined as the number of classes taken in this area.
- Plant Materials coursework – defined as the number of classes taken in this area.
- Professional Practice coursework – defined as the number of classes taken in this area.
- Site Analysis coursework – defined as the number of classes taken in this area.
- Stormwater Management coursework – defined as the number of classes taken in this area.
- Knowledge of Professors – defined as whether the candidate felt their college professors were knowledgeable about the latest trends in landscape architecture (coded as 1) or not (coded as 0).

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- Accredited Program – defined as whether the program the candidate participated in was accredited (coded as 1) or not accredited (coded as 0).

The Work Experience Factors model included the following variables:

- Landscape Architecture Work Status – defined as working full-time (reference group for comparison), working part-time, or not currently working in landscape architecture.
- Area of Work for Primary Supervisor – defined as landscape architect (reference group for comparison), architect, engineer, or other.
- Commercial Projects Experience – defined as having experience (coded as 1) or not having experience (coded as 0) in commercial projects.
- Department of Transportation Projects Experience – defined as having experience (coded as 1) or not having experience (coded as 0) in Department of Transportation projects.
- Governmental Projects Experience – defined as having experience (coded as 1) or not having experience (coded as 0) in governmental projects.
- Institutional Projects Experience – defined as having experience (coded as 1) or not having experience (coded as 0) in institutional projects.
- Land Planning Projects Experience – defined as having experience (coded as 1) or not having experience (coded as 0) in land planning projects.
- Large-Scale Residential Projects Experience – defined as having experience (coded as 1) or not having experience (coded as 0) in large-scale residential projects.
- Single-Family Homes Experience – defined as having experience (coded as 1) or not having experience (coded as 0) in single-family homes.
- Other Project Experience – defined as having experience (coded as 1) or not having experience (coded as 0) in any other type of projects.
- Type of Firm – defined as the type of firm that the candidate currently works in, and classified as either a design and build firm, architecture firm, development firm, engineering firm, landscape architecture – multidisciplinary firm (reference group for comparison), landscape architecture – single disciplinary firm, public agency firm, and an “other” category of firms.
- Number of Landscape Architects in Candidate’s Firm – defined as the number of landscape architects who work in the candidate’s firm.

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- Length Working in Landscape Architecture – defined as the number of years that the candidate has been working in landscape architecture.
- Circulation Design Work Experience – defined as either having experience (coded as 1) or not having experience (coded as 0) in circulation design.
- Conceptual Design Work Experience – defined as either having experience (coded as 1) or not having experience (coded as 0) in conceptual design.
- Construction Drawings Work Experience – defined as either having experience (coded as 1) or not having experience (coded as 0) in construction drawings.
- Contract Administration Work experience – defined as either having experience (coded as 1) or not having experience (coded as 0) in contract administration.
- Grading and Drainage Work Experience – defined as either having experience (coded as 1) or not having experience (coded as 0) in grading and drainage.
- Inventory and Analysis Work Experience – defined as either having experience (coded as 1) or not having experience (coded as 0) in inventory and analysis.
- Master Planning Work Experience – defined as either having experience (coded as 1) or not having experience (coded as 0) in master planning.
- On-Site Construction Observation Work Experience – defined as either having experience (coded as 1) or not having experience (coded as 0) in on-site construction observation.
- Planting Design Work Experience – defined as either having experience (coded as 1) or not having experience (coded as 0) in planting design.
- Site Design Work Experience – defined as either having experience (coded as 1) or not having experience (coded as 0) in site design.
- Stormwater Management Work Experience – defined as either having experience (coded as 1) or not having experience (coded as 0) in stormwater management.
- Technical Specification Work Experience – defined as either having experience (coded as 1) or not having experience (coded as 0) in technical specification.
- Prepare Site Grading Plans – defined as whether the state or province in which the candidate works allows the candidate to prepare site grading plans with a classification as either yes (coded as 1) or no (coded as 0).

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The Preparation Factors model included the following variables:

- Formal Exam Preparation Workshop – defined as yes, the candidate attended a formal exam preparation workshop (coded as 1) or no, the candidate did not attend a formal exam preparation workshop (coded as 0).
- ASLA Practice – defined as yes, the candidate worked through the practice vignettes offered by ASLA (coded as 1) or no, the candidate did not work through the practice vignettes offered by ASLA or was not aware that ASLA offered practice problems (coded as 0).
- CLARB Practice – defined as yes, the candidate worked through the practice tests offered by CLARB (coded as 1) or no, the candidate did not work through the practice tests offered by CLARB or was not aware that CLARB offered practice problems (coded as 0).
- Relevance of the Reference Materials – defined as the candidate’s satisfaction with the relevance of the reference materials, and classified as either yes, the candidate was satisfied with the relevance of the reference materials (coded as 1) or no, the candidate was not satisfied with relevance of the reference materials (coded as 0).
- Quality of the Reference Materials – defined as the candidate’s satisfaction with the quality of the reference materials, and classified as either yes, the candidate was satisfied with the quality of the reference materials (coded as 1) or no, the candidate was not satisfied with quality of the reference materials (coded as 0).
- Access to the Reference Materials – defined as the candidate’s feeling of adequate access to the reference materials, and classified as either yes, the candidate felt that there was adequate access to the reference materials (coded as 1) or no, the candidate did not feel that there was adequate access to the reference materials (coded as 0).
- Study Group Preparation – defined as the degree to which the candidate studied with a study group. Possible values ranged from zero to three, with higher values indicating more time spent studying with a study group.
- Study Alone Preparation – defined as the degree to which the candidate studied alone. Possible values ranged from zero to three, with higher values indicating more time spent studying alone.
- Time to Prepare – defined as whether the candidate felt that they had adequate time to prepare, and classified as either yes, the candidate felt that they had adequate time to prepare for the L.A.R.E (coded as 1) or no, the

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candidate felt that they did not have adequate time to prepare for the L.A.R.E (coded as 0).

- Time Studying – defined as the amount of time in months spent studying for the L.A.R.E.

The Skills Factors model included the following variables:

- Designing by Hand – defined as the percentage of the candidate’s time spent designing by hand.
- Designing by Computer – defined as the percentage of the candidate’s time spent designing on a computer.
- Overall Drawing by Hand – defined as the percentage of the candidate’s time spent overall drawing by hand.
- Overall Drawing by Computer – defined as the percentage of the candidate’s time spent overall drawing by computer.
- Creative Thinker – defined as the degree to which the candidate agrees with the statement “I am a creative thinker.” Possible values ranged from one to five, with higher values indicating stronger agreement.
- Technical Thinker – defined as the degree to which the candidate agrees with the statement “I am a technical thinker”. Possible values ranged from one to five, with higher values indicating stronger agreement.
- Spatial Reasoning Skills – defined as the degree to which the candidate agrees with the statement “I have good spatial reasoning skills.” Possible values ranged from one to five, with higher values indicating stronger agreement.
- Time-Management Skills – defined as the degree to which the candidate agrees with the statement “I have good time-management skills.” Possible values range from one to five, with higher values indicating stronger agreement.
- Detail Oriented – defined as the degree to which the candidate agrees with the statement “I am detail oriented.” Possible values ranged from one to five, with higher values indicating stronger agreement.

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The Test Environment Factors Model included the following variables:

- Locate Testing Center – defined as the ease with which the candidate located the testing center. Possible values ranged from one to three, with higher values indicating greater ease.
- History with Testing Center – defined as whether the candidate had previously been to the testing center for another reason (coded as 1) or not (coded as 0).
- Knowledge of Exam Proctor – defined as whether the candidate found the exam proctor to be knowledgeable about the testing center (coded as 1) or not (coded as 0).
- Table Issues – defined as the degree to which the tables used during the Section C or E exam administration were problematic. Possible values ranged from zero to four, with higher values indicating more problematic table issues.
- Travel Time – defined as the amount of time in minutes the candidate spent traveling to the test center.
- Testing Environment – defined as the candidate’s level of satisfaction with the testing environment. Possible values ranged from one to three, with higher values indicating greater satisfaction.

All models included the following variables (previously identified as general demographic factors):

- Age – defined as 18–25, 26–30, 31–40, 41–50, 51–60, 61–70, or 71 or older.
- Gender – defined as either male (coded as 0) or female (coded as 1).
- English as the First Language – defined as either yes, English is the candidate’s first language (coded as 1) or no, English is not the candidate’s first language (coded as 0).

The Landscape Architect Registration Examination (L.A.R.E.)

Examination Specifications

Understanding the examination specifications:

The L.A.R.E. Examination Specifications are based on a job analysis conducted by CLARB in 2010-2011. Over 1,600 landscape architects across the United States and Canada were involved in updating the job analysis for landscape architects. The job analysis included five focus groups and one large-scale validation survey. Survey respondents were asked to rate all job tasks on three separate scales: how frequently the tasks were performed, how important the tasks were to successful performance of the job, and whether or not successful performance of each task was required at initial licensure. Overall, the tasks, and subsequent knowledge, that are performed most often, are considered the most important, and are required at the initial point of licensure, form the basis for the L.A.R.E.

The first three exams (Sections 1, 2, and 3) are further broken down into two subdomains. The last exam (Section 4) contains one overall domain. Below each domain or subdomain is a list of all of the tasks that will be assessed on the exam along with all of the knowledge areas that may be assessed on the exam.

Section 1 Exam – Project and Construction Management (100 items)

Project Management (62%)

- Determine Project Scope and Client Requirements
- Establish and Monitor Project Budgets (or Statement of Probable Cost)
- Establish Scope of Services and Required Outside Expertise
- Develop Program
- Prepare and Review Contractual Agreements
- Coordinate Topographical Survey and Develop Project Base Map
- Establish Project Schedule
- Facilitate Meetings (e.g. staff, government regulators, consultants, clients)
- Coordinate Other Discipline's Documents
- Document Design Decisions and Project Communication
- Prepare Technical Memorandum and Graphics
- Obtain Input from Stakeholders Regarding Project
- Coordinate Construction Documents (internally, with clients, and with other consultants)

Bidding and Construction (38%)

- Respond to Bidder Requests for Information
- Issue Addenda to Construction Documents
- Participate in Construction Meetings
- Respond to Contractor Requests for Information
- Review and Respond to Submittals
- Review and Respond to Shop Drawings
- Prepare Change Orders
- Conduct Construction Site Review and Documentation
- Perform Substantial Completion Inspection
- Perform Final Inspection

Knowledge assessed on Section 1 Exam

- | | |
|---|--|
| • Accessibility Requirements | • Construction Sequences |
| • Adaptive Reuse | • Construction Techniques |
| • Administrative Policies | • Construction Tolerances |
| • Alternative Material Options or Approved Equals | • Contract Law |
| • Basic Arboriculture | • Coordinate Systems |
| • Basic Archaeology | • Design Processes |
| • Basic Knowledge of Computer Graphic Software | • Drafting Standards |
| • Basic Business Law | • Economic Impact of Green Space and Vegetation on Property Values |
| • Basic Civil Engineering | • Environmental Ethics Standards |
| • Basic Construction Trades | • Erosion Management |
| • Basic Electrical Engineering | • Federal, State, and Local Codes and Regulations |
| • Basic Geotechnical Engineering | • Governing Agency Processes |
| • Basic Legal Terminology | • Grading |
| • Basic Mechanical Engineering | • Graphic Standards |
| • Basic Political Climate | • Hazard Conditions |
| • Basic Traffic Engineering | • Horticulture |
| • Basic Urban Forestry | • Human Resources |
| • Bidding Procedures | • Industry Standards and Guidelines |
| • Budgeting | • Irrigation Techniques |
| • Business Law | • Jobsite Safety |
| • Communication Methods | • Landscape Architecture Terminology |
| • Consensus Techniques | • Landscape Maintenance Practices |
| • Construction Health and Safety Standards | • Laws Governing Landscape Architecture |
| • Construction Materials | • Liability Insurance |
| • Construction Processes | |

- Master Plan Implementation Strategies
- Material and Construction Testing
- Material Costs
- Occupational Health and Safety Standards
- Organizational Structure
- Plant Materials
- Plant Quality
- Planting Methods
- Playground Safety
- Professional Ethics Standards
- Professional Liability
- Project Budget
- Project Development Processes
- Reused and Recycled Materials
- Roles of Associated Professions
- Site Surveys
- Specification Types and Formats
- Technical Drawings

Section 2 Exam – Inventory and Analysis (80 items)

Site Inventory (22%)

- Determine Applicable Codes, Regulations, and Permitting Requirements
- Conduct Onsite Investigation
- Collect and Record Site Inventory
- Identify Gaps and Deficiencies

Analysis of Existing Conditions (78%)

- Analyze Codes and Regulations for Design Impact
- Perform Site Use Analysis
- Perform Circulation Analysis
- Interpret Utility Analysis
- Perform View Analysis
- Perform Microclimate Analysis
- Interpret Floodplain Conditions
- Perform Vegetation Analysis
- Perform Solar Analysis
- Interpret Ecological Analysis (e.g. habitat, biodiversity)
- Perform a Slope Analysis
- Interpret Soil Analysis
- Interpret Geotechnical Analysis
- Perform Small-Scale Surface Hydrological Analysis
- Interpret Stakeholder Input
- Analyze On and Offsite Relationships

Knowledge assessed on Section 2 Exam

- Accessibility Requirements
- Adaptive Reuse
- Aerial Photos
- Analysis Methods
- Basic Arboriculture
- Basic Archaeology
- Basic Architecture
- Basic Entomology
- Basic Geology
- Basic Geotechnical Engineering
- Basic Traffic Engineering
- Carrying Capacities
- Computer Graphic Software
- Conservation Planning
- Coordinate Systems
- Data Inventory Resources
- Demolition Processes
- Drainage
- Ecological Systems
- Federal, State, and Local Codes and Regulations
- Fire Protection
- Geographic Information Systems
- Hazard Conditions
- Human Factors Influencing Design
- Hydrology
- Native and Invasive Plant Species
- Landscape Architecture Terminology
- Landscape Ecology
- Microclimates
- Noise Impacts
- Plant Communities
- Plant Hardiness Zone
- Plant Toxicity
- Playground Safety
- Pollution Mitigation
- Recreational Trail Design
- Research Methods (e.g. Quantitative and Qualitative)
- Restoration Ecology
- Reused and Recycled Materials
- Signage System Designs
- Site Lighting Design
- Site Opportunities and Constraints
- Site Surveys
- Soil Types
- Solar Patterns
- Surficial Geology
- Topography
- Utility Systems and Infrastructure
- Vegetation Preservation
- Visual Assessment Methods
- Wind Effects
- Natural Diversity Database
- Floodplains
- Aquifer Protection
- Farmland Preservation

Section 3 Exam – Design (100 items)

Concept Development (58%)

- Synthesize Site Opportunities and Constraints
- Refine Program
- Create Design Alternatives
- Analyze Design Alternatives
- Develop Concept Narrative
- Refine Conceptual Design(s)
- Prepare Conceptual Renderings*

**The intent is to address candidates' understanding of types and uses of rendering techniques. We do not expect candidates to actually "draw".*

Design Development (42%)

- Develop Master Plan Documents (e.g. land-use, circulation, phasing plan, and guidelines)
- Perform Earthwork Analysis
- Refine the Preferred Design Alternative
- Develop Preliminary Site Plans, Sections, and Details
- Prepare Illustrative Graphics (e.g. perspectives, elevations, plans, sections)
- Investigate, Verify Availability, and Select Design Materials and Components

Knowledge assessed in Section 3 Exam

- | | |
|--|-------------------------------------|
| • Accessibility Requirements | • Design of Social Spaces |
| • Adaptive Reuse | • Design Precedent |
| • Basic Archaeology | • Design Principles |
| • Basic Architecture | • Design Processes |
| • Basic Design Principles (e.g.,
balance, color theory, proportions,
rhythm, sequencing, scale, unity) | • Design Vocabulary |
| • Budgeting | • Drafting Techniques |
| • Community Outreach Strategies | • Drainage |
| • Component Costs | • Drainage Equations |
| • Consensus Techniques | • Elements of Design |
| • Construction Detailing | • Environmental Psychology |
| • Construction Materials | • Fire Protection |
| • Construction Techniques | • Grading |
| • Crime Prevention Through
Environmental Design | • Grading Equations |
| • Cut and Fill Equations | • Graphic Standards |
| | • History of Landscape Architecture |
| | • Horticulture |
| | • Human Factors Influencing Design |

- Interpretive Design
- Landscape Architecture Terminology
- Landscape Choreography
- Landscape Ecology
- Local Resource Availability
- Low Impact Development
- Material Costs
- Microclimates
- Mixed-Use Development
- Multi-modal Circulation (e.g. pedestrian, bicycle, vehicular, equestrian)
- Noise Mitigation
- Park Planning
- Pavement Systems
- Planning for Density
- Planning Principles
- Plant Communities
- Plant Materials
- Plant Toxicity
- Playground Safety
- Pollution Mitigation
- Recreational Facility Design
- Recreational Trail Design
- Rendering Techniques
- Restoration Ecology
- Retaining Walls
- Retrofitting
- Reused and Recycled Materials
- Signage System Designs
- Site Lighting Design
- Site Surveys
- Social Impacts of Design
- Spatial Composition
- Stormwater Management Equations
- Stormwater Management Practices
- Structural Considerations
- Sustainable Site Initiatives
- Sustainability Principles and Practices
- Therapeutic Landscape Design
- Urban Design
- Water Features
- Wayfinding Methods and Practices
- Wind Effects

Section 4 Exam – Construction Documentation (120 items)

Section 4 Exam (100%)

- Prepare Existing Conditions Plan
- Prepare Demolition and Removal Plan
- Prepare Site Protection and Preservation Plans (e.g. soil, existing features, existing pavements, historic elements, vegetation)
- Prepare Erosion and Sediment-Control Plan
- Prepare Layout and Materials Plan
- Prepare Grading Plan
- Prepare Stormwater Management Plan
- Prepare Planting Plans
- Prepare Project Sections and Profiles
- Prepare Construction Details
- Prepare General Contract and Bidding Specifications
- Prepare Technical Specifications

Knowledge assessed on Section 4 Exam

- Adaptive Reuse
- Basic Construction Trades
- Basic Legal Terminology
- Basic Trigonometry
- Budgeting
- Business Law
- Computer Graphic Software
- Construction Detailing
- Construction Health and Safety Standards
- Construction Materials
- Construction Processes
- Construction Sequences
- Construction Techniques
- Construction Tolerances
- Contract Law
- Coordinate Systems
- Cut and Fill Equations
- Demolition Processes
- Drafting Standards
- Drafting Techniques
- Drainage
- Drainage Equations
- Erosion Management
- Fasteners
- Grading
- Grading Equations
- Graphic Standards
- Horizontal and Vertical Alignments
- Horticulture
- Human Factors Influencing Design
- Industry Standards and Guidelines
- Invasive Plant Species
- Irrigation Techniques
- Jobsite Safety
- Landscape Architecture Terminology
- Landscape Maintenance Practices
- Lifecycle Costs
- Local Resource Availability
- Material and Construction Testing
- Material Costs
- Noise Mitigation
- Pavement Systems
- Plant Communities
- Plant Hardiness Zone
- Plant Materials
- Plant Quality
- Planting Methods
- Critical Root Zones
- Dripline, Vegetation/Soil Protection
- Playground Safety
- Pollution Mitigation
- Recreational Facility Design
- Retaining Walls
- Retrofitting
- Reused and Recycled Materials
- Signage System Designs
- Site Lighting Design
- Specification Types and Formats
- Stormwater Management Equations
- Stormwater Management Practices
- Structural Considerations
- Surficial Geology
- Sustainable Site Initiatives
- Sustainability Principles and Practices
- Technical Drawings
- Therapeutic Landscape Design
- Turf Management
- Units of Measurement
- Water Conservation
- Water Features
- Wetland Conditions



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California Chapter

Attn: Jacqueline French
Landscape Architects Technical Committee
Scope of Practice Exceptions and Exemptions Task Force
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

September 7, 2012

To Whom It May Concern:

The following paragraphs embody APLD's proposed language for changes and additions to the Business and Professions Code Section 5641:

§5641 Chapter Exceptions, Exemptions

This chapter shall not be deemed to prohibit any person from preparing drawings for the conceptual design and placement of tangible objects and landscape features or plans, drawings, and specifications for the selection, placement, or use of plants ~~for a single family dwelling~~. Construction documents, details, or specifications for the tangible objects or landscape features, and alteration of site requiring grading and drainage plans shall be prepared by a licensed professional as required by law.

§5641.7 Chapter Exceptions, Exemptions – Landscape Designer

- (a) Nothing contained in this chapter shall be deemed to prohibit a person from engaging in the practice of, or offering to practice as, a landscape designer.**
- (b) As used in this section, "landscape designer" means a person who performs professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications and responsible supervision where the dominant purpose of such service is the design of landscapes on residential properties in accordance with accepted professional standards of public health and safety.**

The language we have utilized in this proposal is drawn from the existing exemptions of the Business and Professions Code (BPC) Division 3, Chapter 3.5, Article 3, Sections: 5641.2 Nurserypersons, 5641.5 Golf Course Architects, and 5641.6 Irrigation Consultants.



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§ 5641.2 Nurserypersons – exempts persons engaged in the business of selling nursery stock in this state from licensure when they engage in the preparation of planting plans or drawings as an adjunct to merchandizing nursery stock or related products. As this exemption does not specify “single family dwelling,” we propose bringing the overall exemption language for Unlicensed Persons (§ 5640) into alignment by eliminating “single family dwelling.”

§ 5641.5 Golf Course Architects – exempts persons engaged in the practice of, or offering to practice as, a golf course architect so long as that person performs their work “in accordance with accepted professional standards of public health and safety.” As no licensure or certification is required by the State for this designation, we believe that it closely aligns with a “Landscape Designer” exemption.

§ 5641.6 Irrigation Consultants – exempts persons engaged in the performance of professional services as an irrigation consultant, so long as that person performs their work “in accordance with accepted professional standards of public health and safety.” No licensure or certification is required by the State for this designation, and we believe that the services provided by irrigation consultants are sufficiently technical in nature as to compare with the services for “Landscape Designer.”

Finally, under separate cover, we are submitting the State of Washington’s Landscape Architect Practice Act, which exempts both design on residential properties AND specifically the preparation of construction drawings including planting plans, landscape materials, or other horticulture-related elements. We believe this Practice Act is applicable to our discussion because of its recent adoption.

We look forward to continued dialogue about this issue, and appreciate the time taken by staff and the Committee to work on it.

Sincerely,

Pamela Berstler

Pamela Berstler
Advocacy Chair – APLD California

Cc: Laura Morton, APLD - President, APLD CA
Lisa Port, APLD - Advocacy Chair, APLD International
Kimberly Larsen, Esq.

WASHINGTON STATE DEPARTMENT OF LICENSING

The Law Relating to Landscape Architects

18.96 RCW
308-13 WAC
18.235 RCW



October 2010

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Chapter 18.96 RCW

LANDSCAPE ARCHITECTS

Sections

18.96.010	Evidence of qualifications required.
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18.96.220	Application—Professions and activities not affected.
18.96.900	Severability—1969 ex.s. c 158.
18.96.901	Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.

Public contracts for architectural services: Chapter 39.80 RCW.

18.96.010 Evidence of qualifications required. In order to safeguard human health and property, and to promote the public welfare, any person in either public or private capacity practicing or offering to practice landscape architecture for hire shall be required to submit evidence that he or she is qualified so to practice and shall be licensed under the provisions of this chapter. [2009 c 370 § 2; 1969 ex.s. c 158 § 1.]

Finding—2009 c 370: "The legislature finds that in order to safeguard life, health, and property and to promote public welfare, it is necessary to regulate the practice of landscape architecture, based on the first action taken to regulate the profession in 1969, and subsequent review in year 1988 along with review and revisions in 2009." [2009 c 370 § 1.]

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: "Sections 1 through 16, 18, 20, and 21 of this act take effect July 1, 2010." [2009 c 370 § 24.]

18.96.020 Use of titles, descriptions, and phrases—License or authorization required. (1) It is unlawful for any person to practice or offer to practice in this state, landscape architecture, or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including the phrases "landscape architect," "landscape architecture," "landscape architectural," or language tending to imply that he or she is a landscape architect, unless the person is licensed or authorized to practice in the state of Washington under this chapter.

(2) A person may use the title "intern landscape architect" after graduation from an accredited degree program in landscape architecture and working under the direct supervision of a licensed landscape architect.

(3) This section does not affect the use of the phrases "landscape architect," "landscape architecture," or "land-

scape architectural" where a person does not practice or offer to practice landscape architecture. [2009 c 370 § 3; 1969 ex.s. c 158 § 2.]

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

18.96.030 Definitions. The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Administration of the construction contract" means the periodic observation of materials and work to observe the general compliance with the construction contract documents, and does not include responsibility for supervising construction methods and processes, site conditions, equipment operations, personnel, or safety on the worksite.

(2) "Board" means the state board of licensure for landscape architects.

(3) "Certificate of licensure" means the certificate issued by the director to newly licensed landscape architects.

(4) "Department" means the department of licensing.

(5) "Design" means the conceiving, planning, delineation, siting, and arrangement of natural and built features. Where applied to the discussion of structures or utility systems, design does not include the act of engineering such features.

(6) "Director" means the director of licensing.

(7) "Engineer" means an individual who is registered as an engineer under chapter 18.43 RCW.

(8) "Engineering" means the "practice of engineering" as defined in RCW 18.43.020.

(9) "Landscape architect" means an individual who engages in the practice of landscape architecture.

(10) "Landscape architecture" means the rendering of professional services in connection with consultations, investigations, reconnaissance, research, planning, design, construction document preparation, construction administration, or teaching supervision in connection with the development of land areas where, and to the extent that, the dominant purpose of such services is the preservation, enhancement, or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings and approaches to structures or other improvements, or natural drainage and erosion control. This practice includes the location, design, and arrangement of such tangible objects as pools, walls, steps, trellises, canopies, and such features as are incidental and necessary to the purposes in this chapter. Landscape architecture involves the design and arrangement of land forms and the development of outdoor space including, but not limited to, the design of public parks, trails, playgrounds, cemeteries, home and school grounds, and the development of industrial and recreational sites.

(11) "Licensed" means holding a currently valid certificate of licensure issued by the director authorizing the practice of landscape architecture.

(12) "Person" means any individual, partnership, professional service corporation, corporation, joint stock association, joint venture, or any other entity authorized to do business in the state.

(13) "Practice of landscape architecture" means the rendering of services where landscape architectural education, training, experience, and the application of mathematical, physical, and social science principles are applied in consultation, evaluation, planning, design including, but not limited to, the preparation and filing of plans, drawings, specifications, and other contract documents, and administration of contracts relative to projects principally directed at the functional and aesthetic use and preservation of land. [2009 c 370 § 4; 1979 c 158 § 73; 1969 ex.s. c 158 § 3.]

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

18.96.040 Licensure board for landscape architects—Members—Qualifications. (1)(a) There is created a licensure board for landscape architects consisting of five members appointed by the governor.

(b) Four members shall be licensed landscape architects who are residents of the state and have at least eight years' experience in the practice of landscape architecture as registered or licensed landscape architects in responsible charge of landscape architectural work or responsible charge of landscape architectural teaching. One member shall be a public member, who is not and has never been a registered or licensed landscape architect and who does not employ and is not employed by or professionally or financially associated with a landscape architect.

(c) The term of each newly appointed member shall be six years.

(2)(a) Every member of the board shall receive a certificate of appointment from the governor. On the expiration of the term of each member, the governor shall appoint a successor to serve for a term of six years or until the next successor has been appointed.

(b) The governor may remove any member of the board for cause. Vacancies in the board for any reason shall be filled by appointment for the unexpired term.

(3) The board shall elect a chairman, a vice-chairman, and a secretary. The secretary may delegate his or her authority to the executive director.

(4) Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. [2009 c 370 § 5; 1993 c 35 § 1; 1985 c 18 § 1; 1969 ex.s. c 158 § 4.]

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

Additional notes found at www.leg.wa.gov

18.96.060 Board—Adoption of rules—Executive director. (1) The board may adopt such rules under chapter

34.05 RCW as are necessary for the proper performance of its duties under this chapter.

(2) The director may employ an executive director subject to approval of the board. [2009 c 370 § 6; 2002 c 86 § 234; 1969 ex.s. c 158 § 6.]

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

18.96.070 Qualifications of applicants. This section establishes the minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional landscape architect.

(1) A certificate of licensure shall be granted by the director to all qualified applicants who are certified by the board as having passed the required examination and as having given satisfactory proof of completion of the required education and work experience.

(2) An applicant for licensure as a landscape architect shall be of a good moral character, at least eighteen years of age, and shall possess one of the following qualifications:

(a) Have a professional landscape architectural degree from an institution of higher education accredited by the national landscape architecture accreditation board, or an equivalent degree in landscape architecture as determined by the board, and three years of practical landscape architectural work experience under the supervision of a registered or licensed landscape architect; or

(b) Have a high school diploma or equivalent and eight years' practical landscape architectural work experience, which may include landscape design as a principal activity and postsecondary education approved by the board. At least six years of work experience must be under the direct supervision of a registered or licensed landscape architect. An applicant may receive up to two years of practical landscape architectural work experience for postsecondary education courses in landscape architecture, landscape architectural technology, or a related field, including courses in a community or technical college, if the courses are equivalent to education courses in an accredited landscape architectural degree program. [2009 c 370 § 7; 1969 ex.s. c 158 § 7.]

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

18.96.080 Applications for licensure and examinations—Fees. (1) Application for licensure shall be filed with the board as provided by rule.

(2) The application for examination shall be filed with the board as prescribed by rule.

(3) The application and examination fees shall be determined by the director under RCW 43.24.086. [2009 c 370 § 8; 1993 c 35 § 2; 1985 c 7 § 74; 1975 1st ex.s. c 30 § 85; 1969 ex.s. c 158 § 8.]

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

18.96.090 Examinations. (1) Examinations of landscape architects for certificates of licensure shall be held at least annually at such time and place as the board determines.

(2) The board shall determine the content, scope, and grading process of the examination. The board may adopt an appropriate national examination and grading procedure.

(3) Applicants who fail to pass any section of the examination shall be permitted to retake the parts failed as prescribed by the board. If the entire examination is not successfully completed within five years, a retake of the entire examination is required.

(4) Applicants for licensure may begin taking the examination upon graduating from an accredited landscape architecture program if the applicant is employed under the supervision of a registered or licensed landscape architect.

(5) The director shall issue a certificate of licensure to qualified applicants as provided in RCW 18.96.150. [2009 c 370 § 9; 1993 c 35 § 3; 1985 c 18 § 2; 1969 ex.s. c 158 § 9.]

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

Additional notes found at www.leg.wa.gov

18.96.100 Reciprocity. (1) The director may, upon receipt of the current licensure fee, grant a certificate of licensure to an applicant who is a licensed landscape architect in another state or territory of the United States, the District of Columbia, or another country, if that individual's qualifications and experience are determined by the board to be equivalent to the qualifications and experience required of a person licensed under RCW 18.96.070.

(2) A landscape architect licensed or registered in any other jurisdiction recognized by the board may offer to practice landscape architecture in this state if:

(a) It is clearly and prominently stated in any such offer that the landscape architect is not licensed to practice landscape architecture in Washington state; and

(b) Before practicing landscape architecture or signing a contract to provide landscape architectural services, the landscape architect obtains a certificate of licensure. [2009 c 370 § 10; 1993 c 35 § 4; 1985 c 7 § 75; 1975 1st ex.s. c 30 § 86; 1969 ex.s. c 158 § 10.]

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

18.96.110 Renewals. (1) The renewal dates and fees for certificates of licensure shall be set by the director in accordance with RCW 43.24.086. Licensees who fail to pay the renewal fee within thirty days of the due date shall pay all delinquent fees plus a penalty fee equal to one-third of the renewal fee. A licensee who fails to pay a renewal fee for a period of five years may be reinstated under such circumstances as the board determines.

(2) Any licensee in good standing may withdraw from the practice of landscape architecture by giving written notice to the director, and may within five years thereafter resume active practice upon payment of the then-current renewal fee. A licensee may be reinstated after a withdrawal of more than five years under such circumstances as the board determines.

(3) A licensed landscape architect must demonstrate continuing professional education activities since the landscape architect's last renewal or initial licensure, as the case may be; the board shall by rule describe the professional development activities required by the board. The board may decline to renew a license if the landscape architect's continuing professional education activities do not meet the standards in the board's rules. In the application of this subsection, the board shall strive to ensure that rules are consistent with the continuing professional education requirements in use by the national professional organizations representing landscape architects and in use by other cohort states. Cohort states are those other United States determined by the board to be comparable to Washington in natural factors and landscape architecture licensure. [2009 c 370 § 11; 1993 c 35 § 5. Prior: 1985 c 18 § 3; 1985 c 7 § 76; 1975 1st ex.s. c 30 § 87; 1969 ex.s. c 158 § 11.]

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

Additional notes found at www.leg.wa.gov

18.96.120 Unprofessional conduct—Grounds for disciplinary action. The board may impose any action in RCW 18.235.110 upon the following grounds:

(1) Offering to pay, paying, or accepting, either directly or indirectly, any substantial gift, bribe, or other consideration to influence the award of professional work;

(2) Being willfully untruthful or deceptive in any professional report, statement, or testimony;

(3) Having a financial interest in the bidding for or the performance of a contract to supply labor or materials for or to construct a project for which employed or retained as a landscape architect except with the consent of the client or employer after disclosure of such facts; or allowing an interest in any business to affect a decision regarding landscape architectural work for which retained, employed, or called upon to perform;

(4) Signing or permitting a seal to be affixed to any drawings or specifications that were not prepared or reviewed by the landscape architect or under the landscape architect's personal supervision by persons subject to the landscape architect's direction and control; or

(5) Willfully evading or trying to evade any law, ordinance, code, or regulation governing site or landscape construction. [2009 c 370 § 12; 2002 c 86 § 235; 1997 c 58 § 827; 1969 ex.s. c 158 § 12.]

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

Additional notes found at www.leg.wa.gov

18.96.140 Reissuance of lost or destroyed certificates. A new certificate of licensure to replace any certificate lost or destroyed, or mutilated may be issued by the director, and a charge determined by the director as provided in RCW

43.24.086 shall be made for such issuance. [2009 c 370 § 13; 2002 c 86 § 236; 1985 c 7 § 77; 1975 1st ex.s. c 30 § 88; 1969 ex.s. c 158 § 14.]

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

18.96.150 Certificates of licensure—Issuance—Contents—Seal. (1) The director shall issue a certificate of licensure to any applicant who has, to the satisfaction of the board, met all the requirements for licensure upon payment of the licensure fee as provided in this chapter. All certificates of licensure shall show the full name of the licensee, have the license number, and shall be signed by the chair of the board and by the director. The issuance of a certificate of licensure by the director is prima facie evidence that the person named therein is entitled to all the rights and privileges of a licensed landscape architect.

(2) Each licensee shall obtain a seal of the design authorized by the board bearing the landscape architect's name, license number, the legend "Licensed Landscape Architect," and the name of this state. Drawings prepared by the licensee shall be sealed and signed by the licensee when filed with public authorities. It is unlawful to seal and sign a document after a licensee's certificate of licensure or authorization has expired, been revoked, or is suspended. A landscape architect shall not seal and sign technical submissions not prepared by the landscape architect or his or her regularly employed subordinates or individuals under his or her direct control, or if prepared by a landscape architect licensed in any jurisdiction recognized by the board, reviewed and accepted as the sealing landscape architect's own work; a landscape architect who signs or seals drawings or specifications that he or she has reviewed is responsible to the same extent as if prepared by that landscape architect. [2009 c 370 § 14; 1993 c 35 § 6; 1969 ex.s. c 158 § 15.]

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

18.96.180 Certificate of licensure suspension—Non-compliance with support order—Reissuance. The board, through the director, shall immediately suspend the certificate of licensure to practice landscape architecture of a person who has been certified under *RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet other requirements for reinstatement during the suspension, reissuance of the certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the individual is in compliance with the order. [2009 c 370 § 15; 1969 ex.s. c 158 § 18.]

***Reviser's note:** RCW 74.20A.320 was amended by 2009 c 408 § 1, deleting language referring to certification. RCW 74.20A.324 appears to be the more appropriate reference.

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

18.96.190 Certificate of licensure suspension—Non-payment or default on educational loan or scholarship. The board, through the director, shall suspend the certificate of licensure of any person who has been certified by a lending agency and reported to the board for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Before the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's certificate of licensure shall not be reissued until the person provides the board a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for certification of licensure during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose. [2009 c 370 § 16; 1996 c 293 § 15.]

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

Additional notes found at www.leg.wa.gov

18.96.200 Uniform regulation of business and professions act. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter. [2002 c 86 § 237.]

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

18.96.210 Landscape architects' license account. The landscape architects' license account is created in the custody of the state treasurer. All receipts from fees under this chapter must be deposited into the account. Expenditures from the account may be used only for administrative and operating purposes under this chapter. Only the director or the director's designees may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2009 c 370 § 17.]

Effective date—2009 c 370 §§ 17 and 19: "Sections 17 and 19 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2009." [2009 c 370 § 23.]

Finding—2009 c 370: See note following RCW 18.96.010.

18.96.220 Application—Professions and activities not affected. This chapter does not affect or prevent:

(1) The practice of architecture, land surveying, engineering, geology, or any recognized profession by persons not licensed as landscape architects;

(2) Drafters, clerks, project managers, superintendents, and other employees of landscape architects from acting

under the instructions, control, or supervision of their employers;

(3) The construction, alteration, or supervision of sites by contractors or superintendents employed by contractors or the preparation of shop drawings in connection therewith;

(4) Owners or contractors under chapter 18.27 RCW from engaging persons who are not landscape architects to observe and supervise site construction of a project;

(5) Qualified professional biologists as referenced in chapter 36.70 RCW from providing services for natural site areas that also fall within the definition of the practice of landscape architecture without a violation of this chapter;

(6) The preparation of construction documents including planting plans, landscape materials, or other horticulture-related elements;

(7) Individuals from making plans, drawings, or specifications for any property owned by them and for their own personal use;

(8) The design of irrigation systems; and

(9) Landscape design on residential properties. [2009 c 370 § 18.]

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

18.96.900 Severability—1969 ex.s. c 158. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1969 ex.s. c 158 § 19.]

18.96.901 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521. For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 § 48.]

Chapter 308-13 WAC

BOARD OF LICENSURE FOR LANDSCAPE ARCHITECTS

<p>WAC</p> <p>308-13-005 Definitions.</p> <p>308-13-010 What does the state board of licensure do?</p> <p>308-13-013 What are the board member rules of conduct?</p> <p>308-13-020 How do I get a license?</p> <p>308-13-031 Law review.</p> <p>308-13-050 How can I get a license through reciprocity?</p> <p>308-13-055 Do I need a stamp or seal?</p> <p>308-13-065 What are the standards of practice and conduct?</p> <p>308-13-150 What are the landscape architect fees and charges?</p> <p>308-13-160 How do I renew my license?</p> <p>308-13-165 How do I reactivate my inactive license?</p> <p>308-13-175 Do I need ongoing professional development to maintain my license?</p> <p>308-13-185 What activities qualify as professional development?</p> <p>308-13-195 How do I record and report my professional development activities?</p> <p>308-13-205 How does the board verify I have completed my professional development?</p> <p>308-13-215 Are there any exemptions from the professional development requirement?</p> <p>308-13-225 How do I obtain retired status?</p> <p>308-13-230 Conduct of brief adjudicative proceedings.</p> <p>308-13-240 Reinstatement of suspended certificates, eligibility for registration, or denied renewals.</p> <p>308-13-250 Brief adjudicative proceedings.</p> <p>308-13-260 Records required for the brief adjudicative proceeding.</p>	<p>308-13-030 Examinations. [Statutory Authority: RCW 18.96.060. 80-05-141 (Order PL-343), § 308-13-030, filed 5/7/80; Order PL 246, § 308-13-030, filed 4/26/76; Order 2472, § 308-13-030, filed 12/16/69.] Repealed by 85-04-029 (Order PL 511), filed 1/31/85. Statutory Authority: RCW 18.96.060.</p> <p>308-13-032 Licensing examination. [Statutory Authority: RCW 18.96.060. 07-05-039, § 308-13-032, filed 2/15/07, effective 3/18/07; 93-16-009, § 308-13-032, filed 7/22/93, effective 8/22/93; 92-10-030, § 308-13-032, filed 4/30/92, effective 5/31/92. Statutory Authority: RCW 18.96.060 and 18.96.090. 88-12-018 (Order PM 726), § 308-13-032, filed 5/24/88. Statutory Authority: RCW 18.96.060. 85-23-045 (Order PL 567), § 308-13-032, filed 11/18/85; 85-04-029 (Order PL 511), § 308-13-032, filed 1/31/85.] Repealed by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060.</p> <p>308-13-035 Qualifications for reexamination. [Order PL-135, § 308-13-035, filed 11/13/72; Order 2472, § 308-13-035, filed 12/16/69.] Repealed by 85-23-045 (Order PL 567), filed 11/18/85. Statutory Authority: RCW 18.96.060.</p> <p>308-13-036 Supplemental application after successful completion of examination. [Statutory Authority: RCW 18.96.060. 02-07-047, § 308-13-036, filed 3/14/02, effective 4/14/02.] Repealed by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060.</p> <p>308-13-040 Review of examinations. [Statutory Authority: RCW 18.96.060. 92-10-030, § 308-13-040, filed 4/30/92, effective 5/31/92; 86-16-013 (Order PM 607), § 308-13-040, filed 7/25/86; 85-04-029 (Order PL 511), § 308-13-040, filed 1/31/85; 80-05-141 (Order PL-343), § 308-13-040, filed 5/7/80; Order 2472, § 308-13-040, filed 12/16/69.] Repealed by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060.</p> <p>308-13-041 Appeal of examination score. [Statutory Authority: RCW 18.96.060. 86-16-013 (Order PM 607), § 308-13-041, filed 7/25/86.] Repealed by 92-10-030, filed 4/30/92, effective 5/31/92. Statutory Authority: RCW 18.96.060.</p> <p>308-13-042 Board procedure on examination grading appeals. [Statutory Authority: RCW 18.96.060. 86-16-013 (Order PM 607), § 308-13-042, filed 7/25/86.] Repealed by 92-10-030, filed 4/30/92, effective 5/31/92. Statutory Authority: RCW 18.96.060.</p> <p>308-13-045 Initial license. [Statutory Authority: RCW 18.96.060 and 43.24.086. 99-23-025, § 308-13-045, filed 11/9/99, effective 11/9/99. Statutory Authority: RCW 43.24.086 and 18.96.110. 97-06-065, § 308-13-045, filed 2/27/97, effective 3/30/97.] Repealed by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060.</p> <p>308-13-060 Registration of exemption. [Order 2472, § 308-13-060, filed 12/16/69.] Repealed by Order PL-135, filed 11/13/72.</p> <p>308-13-070 Applicant's qualifications. [Order 2472, § 308-13-070, filed 12/16/69.] Repealed by 85-04-029 (Order PL 511), filed 1/31/85. Statutory Authority: RCW 18.96.060.</p> <p>308-13-080 Certificates, seals. [Statutory Authority: RCW 18.96.060. 80-05-141 (Order PL-343), § 308-13-080, filed 5/7/80; Order 2472, § 308-13-080, filed 12/16/69.] Repealed by 85-04-029 (Order PL 511), filed 1/31/85. Statutory Authority: RCW 18.96.060.</p> <p>308-13-090 Withdrawal of registrant. [Order 2472, § 308-13-090, filed 12/16/69.] Repealed by 85-04-029 (Order PL 511), filed 1/31/85. Statutory Authority: RCW 18.96.060.</p>
<p>DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER</p>	
<p>308-13-011 The seal/stamp. [Statutory Authority: RCW 18.96.060. 08-22-027, § 308-13-011, filed 10/28/08, effective 11/28/08.] Decodified and amended by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060. Recodified as WAC 308-13-055.</p> <p>308-13-012 Standards of practice and conduct. [Statutory Authority: RCW 18.96.060. 08-22-027, § 308-13-012, filed 10/28/08, effective 11/28/08.] Decodified and amended by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060. Recodified as WAC 308-13-065.</p> <p>308-13-015 Powers and duties of the board. [Statutory Authority: RCW 18.96.060. 96-10-013, § 308-13-015, filed 4/19/96, effective 5/20/96; 86-16-013 (Order PM 607), § 308-13-015, filed 7/25/86; 85-04-029 (Order PL 511), § 308-13-015, filed 1/31/85; Order 2472, § 308-13-015, filed 12/16/69.] Repealed by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060.</p> <p>308-13-022 Reexamination. [Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-022, filed 1/31/85.] Repealed by 93-16-009, filed 7/22/93, effective 8/22/93. Statutory Authority: RCW 18.96.060.</p> <p>308-13-024 Application for examination. [Statutory Authority: RCW 18.96.060. 07-05-039, § 308-13-024, filed 2/15/07, effective 3/18/07; 02-07-047, § 308-13-024, filed 3/14/02, effective 4/14/02; 96-10-013, § 308-13-024, filed 4/19/96, effective 5/20/96; 93-16-009, § 308-13-024, filed 7/22/93, effective 8/22/93.] Repealed by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060.</p> <p>308-13-025 Proctoring. [Statutory Authority: RCW 18.96.060 and 18.96.070. 88-15-041 (Order PM 746), § 308-13-025, filed 7/15/88. Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-025, filed 1/31/85.] Repealed by 93-16-009, filed 7/22/93, effective 8/22/93. Statutory Authority: RCW 18.96.060.</p>	

- 308-13-100 Reinstatement of delinquent, suspended, or revoked licenses. [Statutory Authority: RCW 18.96.060, 07-05-039, § 308-13-100, filed 2/15/07, effective 3/18/07; 02-07-047, § 308-13-100, filed 3/14/02, effective 4/14/02; 93-16-009, § 308-13-100, filed 7/22/93, effective 8/22/93; 85-04-029 (Order PL 511), § 308-13-100, filed 1/31/85; Order 2472, § 308-13-100, filed 12/16/69.] Repealed by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060.
- 308-13-110 Landscape architect listings. [Statutory Authority: RCW 18.96.060, 85-04-029 (Order PL 511), § 308-13-110, filed 1/31/85; Order PL 169, § 308-13-110, filed 6/19/74; Order PL-135, § 308-13-110, filed 11/13/72.] Repealed by 96-10-013, filed 4/19/96, effective 5/20/96.
- 308-13-120 Landscape architects—Fees. [Statutory Authority: RCW 43.24.085, 80-14-022 (Order 356), § 308-13-120, filed 9/25/80; Order PL 206, § 308-13-120, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-13-150.
- 308-13-170 Retired status certificate of registration. [Statutory Authority: RCW 18.96.060, 07-05-039, § 308-13-170, filed 2/15/07, effective 3/18/07.] Decodified and amended by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060. Recodified as WAC 308-13-225.
- 308-13-180 Board member rules of conduct—Activities incompatible with public duties—Financial interests in transactions. [Statutory Authority: RCW 18.96.060, 07-05-039, § 308-13-180, filed 2/15/07, effective 3/18/07.] Decodified and amended by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060. Recodified as WAC 308-13-013.
- 308-13-210 Application of brief adjudicative proceedings. [Statutory Authority: RCW 18.96.060, 97-10-026, § 308-13-210, filed 4/30/97, effective 5/31/97.] Repealed by 07-05-039, filed 2/15/07, effective 3/18/07. Statutory Authority: RCW 18.96.060.
- 308-13-220 Preliminary record in brief adjudicative proceedings. [Statutory Authority: RCW 18.96.060, 97-10-026, § 308-13-220, filed 4/30/97, effective 5/31/97.] Repealed by 07-05-039, filed 2/15/07, effective 3/18/07. Statutory Authority: RCW 18.96.060.

WAC 308-13-005 Definitions. (1) "CLARB" means the National Council of Landscape Architectural Registration Boards, of which the Washington board is a member.

(2) "Entire examination" as referred to in RCW 18.96.090 means the written and graphic examination approved by the board.

(3) "Examination" or "L.A.R.E." means the Landscape Architect Registration Examination for landscape architects.

(4) "Institution of higher education" as used in RCW 18.96.070 means a college or school recognized by the Landscape Architectural Accreditation Board (LAAB) as having accredited programs in landscape architecture.

(5) Professional development equivalents:

(a) One professional development hour (PDH) is equal to no less than fifty minutes of instruction.

(b) One continuing education unit (CEU) is equal to ten PDHs.

(c) For professional development through an institution of higher education:

(i) One semester hour equals forty-five PDHs.

(ii) One quarter hour equals thirty PDHs.

[Statutory Authority: RCW 18.96.060, 10-12-116, § 308-13-005, filed 6/2/10, effective 7/3/10; 02-07-047, § 308-13-005, filed 3/14/02, effective 4/14/02; 96-10-013, § 308-13-005, filed 4/19/96, effective 5/20/96; 85-04-029 (Order PL 511), § 308-13-005, filed 1/31/85.]

WAC 308-13-010 What does the state board of licensure do? The Washington state board of licensure for landscape architects, hereinafter called the board, will hold quarterly regular public meetings each year.

At its regular meeting during the second quarter of the calendar year, the board shall elect a chair, a vice-chair, and a secretary for the upcoming year. The secretary may delegate his or her responsibilities in all or in part to the executive director.

The board shall:

(1) Determine the qualifications for examination.

(2) Review applications to determine eligibility for licensure by applicants who do not have a degree, referring qualified candidates to CLARB for administration of the examination.

(3) Review and act on applications for licensure by reciprocity.

(4) Provide application instructions for reissuance of license to persons whose license has been suspended or revoked in accordance with RCW 18.96.120, 18.96.180, 18.96.190 and chapter 18.235 RCW.

(5) Provide reinstatement instructions to persons whose license is delinquent in accordance with RCW 18.96.110.

(6) Provide guidelines for qualifying professional development activities.

(7) Audit and enforce professional development activities.

[Statutory Authority: RCW 18.96.060, 10-12-116, § 308-13-010, filed 6/2/10, effective 7/3/10; 08-22-027, § 308-13-010, filed 10/28/08, effective 11/28/08; 85-04-029 (Order PL 511), § 308-13-010, filed 1/31/85; 80-05-141 (Order PL-343), § 308-13-010, filed 5/7/80; Order 2472, § 308-13-010, filed 12/16/69.]

WAC 308-13-013 What are the board member rules of conduct? (1) When a member of the board either owns a beneficial interest in or is an officer, agent, employee, or member of an entity, or individual which is engaged in a transaction involving the board, the member shall:

(a) Recuse oneself from the board discussion regarding the specific transaction;

(b) Recuse oneself from the board vote on the specific transaction; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific transaction.

(2) The prohibition against discussion and voting set forth in subsection (1)(a) and (c) of this section shall not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3)(a) "Transaction involving the board" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the member in question believes, or has reason to believe:

(i) Is, or will be, the subject of board action; or

(ii) Is one to which the board is or will be a party; or

(iii) Is one in which the board has a direct and substantial proprietary interest.

(b) Does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a member; or a claim, case, lawsuit, or similar matter if the member did not participate in the underlying transaction involving the board that is the basis for the claim, case, or lawsuit. Rule making is not a "transaction involving the board."

(4) "Board action" means any action on the part of the board, including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(5) The following are examples of possible scenarios related to board member rules of conduct.

(a) **EXAMPLE 1:**

The board of licensure for landscape architects disciplines licensed landscape architects in Washington. The board is conducting an investigation involving the services provided by a licensed landscape architect. One of the members of the board is currently serving a subcontractor to that landscape architect on a large project. The board member must recuse himself or herself from any board investigation, discussion, deliberation and vote with respect to disciplinary actions arising from licensed landscape architect services.

(b) **EXAMPLE 2:**

The board of licensure for landscape architects makes licensing decisions on applications for licensure. An applicant for licensure owns a school construction business which employs licensed landscape architects, including one of the board members. The board member must recuse himself or herself from any board investigation, discussion, deliberation and vote with respect to his or her employer's application for licensure.

(c) **EXAMPLE 3:**

The board of licensure for landscape architects makes licensing decisions on applications from licensed landscape architects in another state or territory of the United States, the District of Columbia, or another country. The board can grant licensure if that individual's qualifications and experience are equivalent to the qualifications and experience required of a person registered under Washington law. An out-of-state applicant is employed as a landscape architect by a multinational corporation that is planning to build its world headquarters in Washington and has hired a board member's firm as the landscape architect for the project. The board member must recuse himself or herself from any board investigation, discussion, deliberation and vote with respect to the sufficiency of the out-of-state landscape architect's qualifications and experience.

(6) Recusal disclosure. If recusal occurs pursuant to subsection (1) of this section, the member of the board shall disclose to the public the reasons for his or her recusal from any board action whenever recusal occurs. The board staff shall record each recusal and the basis for the recusal.

[Statutory Authority: RCW 18.96.060, 10-12-116, amended and recodified as § 308-13-013, filed 6/2/10, effective 7/3/10; 07-05-039, § 308-13-180, filed 2/15/07, effective 3/18/07.]

WAC 308-13-020 How do I get a license? You need to fulfill three general requirements before getting your license: Education, examination, and experience.

The board adopts the CLARB's "Standards of Eligibility for Council Certification" as the standard for the education and experience requirements for applicants with a degree. The board does not require a CLARB council certificate for licensure.

Subject to the provisions of RCW 18.96.090, the board adopts the landscape architectural registration examination and grading procedure prepared by CLARB as the state examination for licensure. CLARB will administer the entire examination for Washington candidates, and will collect examination and reexamination fees accordingly.

(1) To register for the examination.

(a) If you have a degree:

(i) Apply directly to CLARB. Your materials will be evaluated using CLARB's "Standards of Eligibility for CLARB Test Center Candidates."

(ii) Contact CLARB to register for the Landscape Architect Registration Examination (LARE).

(iii) CLARB will register you and administer the exam. You will pay the fees for examination and reexamination directly to CLARB.

(b) If you do not have a degree:

(i) You must have a high school diploma or equivalent and at least eight years practical landscape architectural work experience.

(A) At least six years of work experience must be under the direct supervision of a licensed landscape architect.

(B) The remaining two years can be any combination of the following as approved by the board:

(I) Postsecondary education courses in landscape architecture, landscape architectural technology or a related field, if the courses are equivalent to education courses in an accredited landscape architectural degree program.

With a passing grade, thirty-two semester credit hours or forty-five quarter hours is considered to be one year. Any fraction, one-half year or greater, will be counted one-half year, and less than one-half year will not be counted.

(II) Work experience in landscape design as a principal activity.

(C) Work experience will receive credit if it is as follows:

(I) At least thirty-five hours per week for at least two continuous months - 100%.

(II) At least twenty hours per week for at least four continuous months - 50%.

(ii) Submit the following to the board office:

(A) The board's official application form and application fee. The application fee is not refundable.

(B) Evidence of your qualifications and experience as shown by:

(I) National certification from CLARB, sent directly to the Washington board office from CLARB; or

(II) The following materials:

- An official sealed transcript showing any applicable courses you have taken from a community college, technical college, or university. The transcript must be sent directly from the college or university to the board office.

- Verification by at least two licensed landscape architects who have reviewed and provided written acknowledgment of your work.

(iii) If your application is approved, it will be sent to CLARB and CLARB will register you and administer the exam. You will pay the fees for examination and reexamination directly to CLARB.

(2) To obtain a license, submit the following to the board office:

(a) If you have a degree:

(i) The board's official application form with the application fee. The application fee is not refundable;

(ii) Evidence of your qualifications and experience as shown by:

(A) National certification from CLARB, sent directly to the Washington board office from CLARB; or

(B) The following materials:

(I) Verification of successful completion of the exam; and

(II) Statements of previous employers covering full-time employment for a minimum of three years of diversified experience in landscape architecture based on CLARB's Standards of Eligibility for Council Certification;

(iii) The initial license fee;

(iv) A written review of laws related to the practice of landscape architecture as outlined in WAC 308-13-031;

(b) If you don't have a degree:

(i) Evidence of your qualifications and experience as shown by:

(A) National certification from CLARB, sent directly to the Washington board office from CLARB; or

(B) Verification of successful completion of the exam;

(ii) The initial license fee;

(iii) A written review of laws related to the practice of landscape architecture as outlined in WAC 308-13-031.

[Statutory Authority: RCW 18.96.060, 10-12-116, § 308-13-020, filed 6/2/10, effective 7/3/10; 07-05-039, § 308-13-020, filed 2/15/07, effective 3/18/07; 02-07-047, § 308-13-020, filed 3/14/02, effective 4/14/02; 93-16-009, § 308-13-020, filed 7/22/93, effective 8/22/93. Statutory Authority: RCW 18.96.060 and 18.96.070, 88-05-025 (Order PM 707), § 308-13-020, filed 2/12/88. Statutory Authority: RCW 18.96.060, 85-04-029 (Order PL 511), § 308-13-020, filed 1/31/85; Order PL 246, § 308-13-020, filed 4/26/76; Order 2472, § 308-13-020, filed 12/16/69.]

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WAC 308-13-031 Law review. When you successfully complete the licensing examination, you must then satisfactorily complete the review of laws related to the practice of landscape architecture as determined by the board.

[Statutory Authority: RCW 18.96.060, 10-12-116, § 308-13-031, filed 6/2/10, effective 7/3/10.]

WAC 308-13-050 How can I get a license through reciprocity? If you hold an active landscape architect license in another state or country, you can apply for a Washington license if your qualifications and experience meet the following criteria:

- If you have a degree, your qualifications will be evaluated using CLARB's Standard of Eligibility for Council Certification.

- If you do not have a degree, your qualifications and experience must be comparable to WAC 308-13-020.

Submit to the board office:

(1) The board's official application form and reciprocity application fee. The application fee is not refundable;

(2) The initial license fee;

(3) A written review of laws related to the practice of landscape architecture as outlined in WAC 308-13-031;

(4) Evidence of your qualifications and experience as shown by:

(a) National certification from CLARB, sent directly to the Washington board office from CLARB; or

(b) The following materials:

(i) Certification from the state of licensure, verifying you hold an active license and have successfully passed the national licensure exam. This certification must be sent directly from the issuing state to the Washington board office;

(ii) An official sealed transcript showing any applicable courses you have taken from a community college, technical college, or university. The transcript must be sent directly from the college or university to the board office; and

(iii) Verification of work experience as outlined in WAC 308-13-020 (1)(b).

[Statutory Authority: RCW 18.96.060, 10-12-116, § 308-13-050, filed 6/2/10, effective 7/3/10; 02-07-047, § 308-13-050, filed 3/14/02, effective 4/14/02; 96-10-013, § 308-13-050, filed 4/19/96, effective 5/20/96; 85-04-029 (Order PL 511), § 308-13-050, filed 1/31/85; Order PL 206, § 308-13-050, filed 11/5/75; Order PL 169, § 308-13-050, filed 6/19/74; Order PL-135, § 308-13-050, filed 11/13/72; Order 2472, § 308-13-050, filed 12/16/69.]

WAC 308-13-055 Do I need a stamp or seal? If you were issued your license on or after July 1, 2010, you must have a seal/stamp of the design authorized by the board, bearing your name, license number and the legend "Licensed landscape architect, state of Washington." The seal/stamp may be used in a horizontal or vertical format provided it remains readable. Other deviations are not allowed. Examples of the board-authorized seal/stamp appear below.

If you were licensed before July 1, 2010, you may continue to use your existing registration stamp.



(1) Your seal/stamp must include your signature and your license expiration date.

(2) You must seal/stamp the following:

(a) All technical submissions required for building permits, regulatory approvals and/or construction drawings that are filed with authorities having jurisdiction;

(b) Drawings prepared by you on each sheet;

(c) Specifications and other technical submissions need only be sealed/stamped on the cover, title page, and all pages of the table of contents.

Your seal/stamp shall not be affixed to any drawings not prepared by you or your regularly employed subordinates, or not reviewed by you. If you seal/stamp drawings or specifications that you have reviewed, you shall be responsible to the same extent as if those drawings or specifications were prepared by you.

(6/2/10)



Without exception, these sealing/stamping requirements for landscape architects shall apply to all work prepared or supervised by the landscape architect.

(3) The terms "signature" or "signed" as used in chapter 18.96 RCW and this chapter, shall mean the following:

(a) A handwritten identification or a digital representation of your handwritten identification that represents the act of putting your name on a document to attest to its validity. The handwritten or digital identification must be:

(i) Original and written by hand, or a scanned image of an original, handwritten identification;

(ii) Permanently affixed to the document(s) being certified;

(iii) Applied to the document by the identified licensee;

(iv) Placed adjacent to the seal/stamp of the licensee;

(b) A digital identification that is an electronic authentication process attached to or logically associated with an electronic document. The digital identification may include a scanned or digitized signature. The digital identification must be:

(i) Unique to the licensee using it;

(ii) Capable of independent verification;

(iii) Under the exclusive control of the licensee using it;

(iv) Linked to a document in such a manner that the digital identification is invalidated if any data in the document is changed.

[Statutory Authority: RCW 18.96.060, 10-12-116, amended and recodified as § 308-13-055, filed 6/2/10, effective 7/3/10; 08-22-027, § 308-13-011, filed 10/28/08, effective 11/28/08.]

WAC 308-13-065 What are the standards of practice and conduct? (1) Competence.

(a) In practicing landscape architecture, you shall act with reasonable care and competence and shall apply the technical knowledge and skill that is ordinarily applied by landscape architects of good standing practicing in the same locality.

(b) In designing a project, you shall take into account all applicable construction laws, zoning codes and other applicable laws or regulations. You shall not knowingly design a project in violation of such laws and regulations.

(c) You shall perform professional services only when you, together with those whom you engage as consultants, are qualified by education, training and experience in the specific technical areas involved.

(2) Conflict of interest.

(a) You shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.

(b) If you have any business association or direct or indirect financial interest that is substantial enough to influence your judgment in connection with the performance of professional services, you shall fully disclose this in writing to the client or employer. If your client or employer objects to such association or financial interest, you shall either terminate such association or interest or offer to give up the commission or employment.

(c) You shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

(d) When acting as the interpreter of landscape contract documents and the judge of contract performance, you shall render decisions impartially, favoring neither party to the contract.

(3) Full disclosure.

(a) You shall disclose whenever you are being compensated for making public statements concerning landscape architectural issues.

(b) You shall accurately represent to a prospective or existing client or employer your qualifications and clearly define the scope of your responsibility in connection with work for which you are claiming responsibility.

(c) If you become aware of a decision made by your employer or clients against your advice that violates applicable construction laws, zoning codes or other applicable regulations and that will, in your judgment, materially and adversely affect the public health, safety and welfare, you shall:

(i) Report the decision to the local authorities or other public official charged with the enforcement of such laws and regulations;

(ii) Refuse to consent to the decision; and

(iii) In circumstances where you reasonably believe that other such decisions will be made notwithstanding your objection, then you shall terminate services with reference to the project. In the case of a termination in accordance with (3)(c)(iii) of this section, you shall have no liability to the client on account of such termination.

(d) You shall not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with an application for licensure or renewal.

(e) You shall not assist in the application for licensure of a person known by you to be unqualified in respect to education, examination, experience or character.

(4) Compliance with laws.

(a) You shall not, in the practice of landscape architecture, knowingly violate any criminal law.

(b) You shall neither offer nor make any payment or gift to any governmental official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which you are interested.

(c) You shall comply with the laws and regulations governing professional practice in any jurisdiction.

(5) Professional conduct. You shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which you are interested.

[Statutory Authority: RCW 18.96.060. 10-12-116, amended and recodified as § 308-13-065, filed 6/2/10, effective 7/3/10; 08-22-027, § 308-13-012, filed 10/28/08, effective 11/28/08.]

WAC 308-13-150 What are the landscape architect fees and charges? The following fees will be collected:

Title of Fee	Fee
Application fee	\$250.00
Renewal (2 years)	450.00

Title of Fee	Fee
Late renewal penalty	150.00
Duplicate license	25.00
Initial license (2 years)	450.00
Reciprocity application fee	450.00
Replacement wall certificate	20.00

You will submit any examination fees directly to CLARB.

[Statutory Authority: RCW 18.96.060. 10-12-116, § 308-13-150, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.080, 18.96.090, 18.96.100, 18.96.110, 43.24.086. 09-15-124, § 308-13-150, filed 7/17/09, effective 8/17/09. Statutory Authority: RCW 18.96.060. 07-05-039, § 308-13-150, filed 2/15/07, effective 3/18/07. Statutory Authority: RCW 18.96.080 and 43.24.086. 05-17-004, § 308-13-150, filed 8/3/05, effective 9/3/05; 05-04-050, § 308-13-150, filed 1/28/05, effective 2/28/05; 04-17-026, § 308-13-150, filed 8/9/04, effective 9/9/04; 03-11-074, § 308-13-150, filed 5/20/03, effective 6/20/03; 02-16-018, § 308-13-150, filed 7/26/02, effective 8/26/02. Statutory Authority: RCW 18.96.060 and 43.24.086. 01-15-034, § 308-13-150, filed 7/12/01, effective 8/12/01; 01-04-002, § 308-13-150, filed 1/25/01, effective 2/25/01; 99-23-025, § 308-13-150, filed 11/9/99, effective 11/9/99. Statutory Authority: RCW 18.96.080 and 43.24.086. 96-11-132, § 308-13-150, filed 5/22/96, effective 6/22/96; 95-20-026, § 308-13-150, filed 9/27/95, effective 10/28/95. Statutory Authority: RCW 43.24.086. 94-23-031, § 308-13-150, filed 11/8/94, effective 12/9/94. Statutory Authority: RCW 18.96.080. 94-04-044, § 308-13-150, filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 43.24.086 and 18.96.080. 91-23-021, § 308-13-150, filed 11/8/91, effective 12/9/91; 90-15-039, § 308-13-150, filed 7/13/90, effective 8/13/90. Statutory Authority: RCW 43.24.086. 90-03-031, § 308-13-150, filed 1/12/90, effective 2/12/90; 88-04-027 (Order PM 702), § 308-13-150, filed 1/26/88. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-13-150, filed 8/10/83. Formerly WAC 308-13-120.]

WAC 308-13-160 How do I renew my license? The landscape architect license renewal period is two years. Your expiration date is your birthday. The department will send a courtesy renewal to your most recent address on file approximately eight weeks before the license expiration date. The renewal notice will show the due date, the amount of renewal fee, the penalty fee for late payment, professional development notice and other mailing instructions. You must notify the board in writing of any address changes.

You are responsible for renewing your license regardless of receiving a renewal notice from the department. If you fail to renew your license, your license is delinquent and you are prohibited from offering and/or providing professional landscape architect services until your license is reinstated.

(1) If your license has been delinquent less than five years, send to the department:

- (a) A letter requesting reinstatement;
- (b) Payment from the previous renewal cycle, the current renewal fee, and the late penalty fee;
- (c) Evidence of completion of twenty-four PDHs. See WAC 308-13-185 regarding qualifying activities.

(2) If your license has been delinquent five or more years, send to the department:

- (a) A letter requesting reinstatement;
- (b) Payment from the previous renewal cycle, the current renewal fee, and the late penalty fee;
- (c) Evidence of completion of twenty-four PDHs. See WAC 308-13-185 regarding qualifying activities;
- (d) A resume of landscape architectural activities and projects showing you have been working in another jurisdiction since the date of your license expiration;

(e) A detailed explanation of the circumstances surrounding the failure to maintain current licensure;

(f) A review of laws related to the practice of landscape architecture as outlined in WAC 308-13-031.

If your license has been delinquent five or more years, the board will review all of your reinstatement materials. They may request additional information if necessary.

[Statutory Authority: RCW 18.96.060. 10-12-116, § 308-13-160, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060 and 43.24.086. 99-23-025, § 308-13-160, filed 11/9/99, effective 11/9/99. Statutory Authority: RCW 43.24.086 and 18.96.110. 97-06-065, § 308-13-160, filed 2/27/97, effective 3/30/97. Statutory Authority: RCW 18.96.080. 94-04-044, § 308-13-160, filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 46.24.086 [43.24.086] and 18.96.110. 88-01-022 (Order PM 696), § 308-13-160, filed 12/9/87.]

WAC 308-13-165 How do I reactivate my inactive license? (1) If you are returning to active status from less than five years of inactive status, send to the department:

- (a) A letter requesting reactivation;
- (b) The current renewal fee;
- (c) Evidence of completion of twenty-four PDHs. See WAC 308-13-185 regarding qualifying activities.

(2) If you are returning to active status after five years of inactive status, send to the department:

- (a) A letter requesting reinstatement;
- (b) The current renewal fee plus the late penalty fee;
- (c) A review of laws related to the practice of landscape architecture;

(d) Evidence of completion of twenty-four PDHs. See WAC 308-13-185 for qualifying activities.

[Statutory Authority: RCW 18.96.060. 10-12-116, § 308-13-165, filed 6/2/10, effective 7/3/10.]

WAC 308-13-175 Do I need ongoing professional development to maintain my license? (1) Starting July 1, 2010, to maintain active practice, you must accumulate twenty-four professional development hours (PDHs) for the upcoming two-year renewal period. Starting July 1, 2012, the PDHs you accumulate are subject to audit by the board.

(2) Up to twelve PDHs over the required hours can be carried forward from the second year of your previous renewal period including hours accumulated from July 1, 2009, forward.

[Statutory Authority: RCW 18.96.060. 10-12-116, § 308-13-175, filed 6/2/10, effective 7/3/10.]

WAC 308-13-185 What activities qualify as professional development? (1) You are responsible to seek out qualifying activities that can be demonstrated to the board as relevant to professional development.

- (a) Activities are not preapproved by the board.
- (b) Activities must be relevant to the practice of landscape architecture and may include technical, ethical or managerial content.

(i) At least eighteen PDHs must address public health, safety and welfare.

(ii) All activities must have a clear purpose and objective that will maintain, improve or expand skills and knowledge relevant to the practice of landscape architecture.

(2) The board is the final authority with respect to claimed qualifying activities and the respective PDH credit.

(3) The qualifying activity becomes eligible for credit upon completion of the given activity.

(4) Examples of qualifying activities:

Activity (1 PDH is equal to no less than 50 minutes of activity)	Maximum PDHs
One hour of preparation and subsequent presentation of a professional development program at seminars, professional/technical meetings, conventions or conferences. This credit does not apply to full-time faculty.	10 PDHs per year
For publication of an authored technical paper or article.	10 PDHs
For publication of an authored book.	30 PDHs
Professional boards or commissions: Serving as an elected officer or appointed chair of a committee of an organization in a professional society or organization. PDH shall not be earned until the completion of each year of service.	4 PDHs per organization
Boards or commissions related to the practice of landscape architecture: Serving as an elected officer or appointed member of a board or commission. PDH shall not be earned until the completion of each year of service.	4 PDHs per organization
Professional examination grading or writing: Serving as an exam grader or on a committee writing exam materials for a professional registration examination.	8 PDHs per biennium
Membership on the regulatory board for the practice of landscape architecture.	8 PDHs per year
One hour of attendance at meetings or hearings of the board. This credit does not apply to existing board members or to parties or witnesses in hearings before the board.	6 PDHs per year
One hour of work, outside normal duties of employment that involves participation in other recognized professional activities.	2 PDHs per year
One hour of self-study.	5 PDHs per year
One hour of participation in sessions or courses, sponsored by technical or professional societies, organizations or the board.	No limit
One hour of participation in organized courses, including employer provided courses, on environmental health topics/first aid/safety, technical or management skills.	No limit
One hour of attendance at professional or technical society meetings with an informational program.	5 PDHs per year

Activity (1 PDH is equal to no less than 50 minutes of activity)	Maximum PDHs
Pro bono service that has a clear purpose and objective and maintains, improves, or expands the professional knowledge or skill of the registrant. Four hours of service is equal to 1 PDH.	4 PDHs per year
One hour of participation in an activity involving substantial and organized peer interaction, excluding time spent during regular employment.	5 PDHs per year

(5) The following activities do not qualify as professional development:

- (a) Activities that were conditions of a board order;
- (b) Attendance or testimony at legislative hearings, at city or county council meetings/hearings, or at civil or criminal trials;
- (c) Time spent fund-raising for scholarships or other society purposes or lobbying for legislation;
- (d) Attendance at gatherings that are primarily social in nature;
- (e) Membership and/or attendance in service club meetings.

[Statutory Authority: RCW 18.96.060. 10-12-116, § 308-13-185, filed 6/2/10, effective 7/3/10.]

WAC 308-13-195 How do I record and report my professional development activities?

(1) You must maintain the records of your professional development activities. The records must include the date of the activity, the instructor's name, a description of activity and its location and the number of PDHs.

(2) You must keep your records for the cumulative time in the current renewal period plus the three years before the last renewal (five years total).

(3) By renewing your professional landscape architect license, you attest you have completed the required professional development for that renewal period.

[Statutory Authority: RCW 18.96.060. 10-12-116, § 308-13-195, filed 6/2/10, effective 7/3/10.]

WAC 308-13-205 How does the board verify I have completed my professional development?

(1) The board will audit between five and fifteen percent of the total number of licensees yearly. If you are selected for an audit, the board will provide instructions about how to respond.

(2) You may face disciplinary action for failing to complete your professional development requirement or falsifying your records.

(3) If an audit disqualifies credits that you reported to the board and results in you failing to complete the PDH requirements, the board may require the shortage to be made up over a period of time established by the board.

[Statutory Authority: RCW 18.96.060. 10-12-116, § 308-13-205, filed 6/2/10, effective 7/3/10.]

WAC 308-13-215 Are there any exemptions from the professional development requirement?

(1) The board may allow a waiver from the professional development requirement only under the following circumstances. The waiver would only be in effect for the current renewal period. The board requires waiver requests to be in writing.

- (a) Physical disability, prolonged illness, or other extenuating circumstances that pose a personal hardship, as determined by the board.

(b) Active military duty for at least one hundred twenty days.

(c) If you have been licensed for twenty-five or more consecutive years in a CLARB-recognized jurisdiction, you may meet the professional development requirement upon completing 4 PDHs per year. See WAC 308-13-185 regarding qualifying activities.

(2) You are exempted from the professional development requirements if you withdraw from active practice and place your license in retired status (see WAC 308-13-225) or inactive status (see RCW 18.96.110(2)). Under these statuses, you are not permitted to perform any landscape architectural activity, as provided for in RCW 18.96.030, unless said activity is under the direct supervision of a Washington state licensed landscape architect who has an active license in the records of the board.

[Statutory Authority: RCW 18.96.060. 10-12-116, § 308-13-215, filed 6/2/10, effective 7/3/10.]

WAC 308-13-225 How do I obtain retired status?

If you are a licensed landscape architect you may be eligible to obtain retired status if you are at least the age of sixty-five and have discontinued active practice. If granted, your ongoing licensing renewal fees are waived.

(1) To obtain retired status, submit a request in writing to the board office. If the board determines you are eligible, the retired status would become effective on the first scheduled license renewal date that occurs on or after you reach the age of sixty-five. You do not need to renew an expired license to be eligible for this status. The board will not provide refund of renewal fees if the application for retired status is made and granted before the date of expiration of the certificate of licensure.

(2) Privileges. In addition to the waiver of the renewal fee, as a retired licensee you are permitted to:

- (a) Retain the board-issued wall certificate of licensure;
- (b) Use the title landscape architect, provided you also use the term "retired," or the abbreviation "ret";
- (c) Work as a landscape architect in a volunteer capacity, provided you do not create landscape architectural plans, and do not use your seal, except as provided for in (d) of this subsection;

(d) Provide experience verifications and references for persons seeking registration under chapter 18.96 RCW. If using your professional seal, you must place the word "retired" after your signature;

(e) Serve as a volunteer in an instructional capacity on landscape architectural topics;

(f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to landscape architectural work you performed before you were granted retired status;

(g) Serve in a function that supports the principles of licensure and promotes the profession of landscape architect-

ture, such as members of commissions, boards or committees;

(h) Serve in a landscape architectural capacity as a "good samaritan," as set forth in RCW 38.52.195 and 38.52.1951, provided said work is otherwise performed in accordance with chapter 18.96 RCW.

(3) Restrictions. As a retired licensee, you are not permitted to:

(a) Perform any landscape architectural activity, as provided for in RCW 18.96.030, unless said activity is under the direct supervision of a Washington state licensed landscape architect who has an active license in the records of the board;

(b) Apply your professional stamp, as provided for in RCW 18.96.150, to any plan, specification, or report, except as provided for in subsection (2)(d) of this section.

(4) Certificate of licensure reinstatement. As a retired licensee, you may resume active landscape architectural practice upon written request to the board, payment of the current renewal fee, and providing evidence of completion of twenty-four PDHs. See WAC 308-13-185 regarding qualifying activities. At that time, you shall be removed from retired status and placed on active status in the records of the board. All rights and responsibilities of an active license status will be in effect. At the date of expiration of the reinstated certificate of licensure, you may elect to either continue active licensure or may again apply for retired status in accordance with the provisions of this chapter.

(5) Exemptions. Under no circumstances shall you be eligible for a retired registration if your certificate of licensure has been revoked, surrendered, or in any way permanently terminated by the board under chapter 18.96 RCW. If you have been suspended from practice and/or are subject to terms of a board order at the time you reach age sixty-five, you shall not be eligible for a retired status until such time that the board has removed the restricting conditions.

(6) Penalties for noncompliance. Any violations of this section shall be considered unprofessional conduct as defined in RCW 18.235.130 and are subject to penalties as provided for in RCW 18.235.110.

[Statutory Authority: RCW 18.96.060. 10-12-116, amended and recodified as § 308-13-225, filed 6/2/10, effective 7/3/10; 07-05-039, § 308-13-170, filed 2/15/07, effective 3/18/07.]

WAC 308-13-230 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the board chair. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(6/2/10)

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 18.96.060. 97-10-026, § 308-13-230, filed 4/30/97, effective 5/31/97.]

WAC 308-13-240 Reinstatement of suspended certificates, eligibility for registration, or denied renewals. Where a person's certificate of licensure has been suspended, an applicant has been denied license renewal, or an applicant has been denied the ability to take the examination for certificate of licensure due to nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship, his or her certificate of licensure, license renewal or examination application will be reinstated when the person provides the board a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency, provided, the person shall pay any applicable reinstatement or renewal fee.

[Statutory Authority: RCW 18.96.060. 10-12-116, § 308-13-240, filed 6/2/10, effective 7/3/10; 97-10-026, § 308-13-240, filed 4/30/97, effective 5/31/97.]

WAC 308-13-250 Brief adjudicative proceedings. (1) The board will conduct brief adjudicative proceedings as provided for in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. Brief adjudicative proceedings may be used whenever a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of chapters 18.96 and 18.235 RCW, administrative rules in Title 308 WAC or any statutes or rules that specifically govern the defined practices of landscape architects. Brief adjudicative proceedings may also be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(d) Whether an applicant meets minimum requirements for an initial or renewal application;

(e) Whether an applicant has failed the professional licensing examination;

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(f) Whether an applicant or licensee failed to cooperate in an investigation by the board;

(g) Whether an applicant or licensee was convicted of a crime that disqualifies the applicant or licensee from holding the specific license sought or held;

(h) Whether an applicant or licensee has defaulted on educational loans;

(i) Whether an applicant or licensee has violated the terms of a final order issued by the board or the board's designee;

(j) Whether a person has engaged in false, deceptive, or misleading advertising; or

(k) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

[Statutory Authority: RCW 18.96.060. 07-05-039, § 308-13-250, filed 2/15/07, effective 3/18/07.]

WAC 308-13-260 Records required for the brief adjudicative proceeding. The records for the brief adjudicative proceeding shall include:

(1) Renewal or reinstatement of a license:

(a) All correspondence between the applicant and the board about the renewal or reinstatement;

(b) Copies of renewal notice(s) sent by the department of licensing to the licensee;

(c) All documents received by the board from or on behalf of the licensee relating to information, payments or explanations that have been provided to the board.

(2) Applicants for certification/licensing:

(a) Original complete application with all attachments as submitted by applicant;

(b) Copies of all supplementary information related to application review by staff or board member;

(c) All documents relied upon in reaching the determination of ineligibility;

(d) All correspondence between the applicant and the board about the application or the appeal.

(3) Default of student loan payments:

(a) Copies of notices to the board showing the name and other identification information of the individual claimed to be in default on student loan payments;

(b) Copies of identification information corresponding to the person who is certified/licensed by the board that relate to the identity of the individual in default;

(c) All documents received by the board from or on behalf of the licensee relating to rebutting such identification;

(d) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed student loan or service-conditional scholarship; or

(e) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

(4) Determination of compliance with previously issued board order:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

[Statutory Authority: RCW 18.96.060. 07-05-039, § 308-13-260, filed 2/15/07, effective 3/18/07.]

Chapter 18.235 RCW

UNIFORM REGULATION OF BUSINESS AND PROFESSIONS ACT

Sections

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18.235.901	Effective date—2002 c 86 §§ 101-123.
18.235.902	Part headings not law—2002 c 86.
18.235.903	Severability—2002 c 86.

18.235.005 Intent. It is the intent of the legislature to consolidate disciplinary procedures for the licensed businesses and professions under the department of licensing by providing a uniform disciplinary act with standardized procedures for the regulation of businesses and professions and the enforcement of laws, the purpose of which is to assure the public of the adequacy of business and professional competence and conduct.

It is also the intent of the legislature that all businesses and professions newly credentialed by the state and regulated by the department of licensing come under this chapter. [2007 c 256 § 10; 2002 c 86 § 101.]

18.235.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means those boards specified in RCW 18.235.020(2)(b).

(2) "Department" means the department of licensing.

(3) "Director" means the director of the department or director's designee.

(4) "Disciplinary action" means sanctions identified in RCW 18.235.110.

(5) "Disciplinary authority" means the director, board, or commission having the authority to take disciplinary action

against a holder of, or applicant for, a professional or business license upon a finding of a violation of this chapter or a chapter specified under RCW 18.235.020.

(6) "License," "licensing," and "licensure" are deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.118.020. Each of these terms, and the term "appointment" under chapter 42.44 RCW, are interchangeable under the provisions of this chapter.

(7) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a person, through offerings, advertisements, or use of a professional title or designation, that the individual or business is qualified to practice a profession or operate a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so. [2007 c 256 § 11; 2002 c 86 § 102.]

18.235.020 Application of chapter—Director's authority—Disciplinary authority. (*Effective until July 1, 2011.*) (1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;

(ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;

(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;

(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

(xi) Notaries public under chapter 42.44 RCW;

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Security guards under chapter 18.170 RCW;

(xvii) Sellers of travel under chapter 19.138 RCW;

(xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW;

(xix) Whitewater river outfitters under chapter 79A.60 RCW; and

(xx) Home inspectors under chapter 18.280 RCW; and

(xxi) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.300 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The *state board of registration for architects established in chapter 18.08 RCW;

(ii) The Washington state collection agency board established in chapter 19.16 RCW;

(iii) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(iv) The funeral and cemetery board established in chapter 18.39 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

(v) The state board of licensure for landscape architects established in chapter 18.96 RCW; and

(vi) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority. [2009 c 412 § 22; 2009 c 370 § 20; 2009 c 102 § 5; 2008 c 119 § 21; 2007 c 256 § 12; 2006 c 219 § 13; 2002 c 86 § 103.]

Reviser's note: *(1) The "state board of registration for architects" was changed to "the state board for architects" by 2010 c 129 § 3.

(2) This section was amended by 2009 c 102 § 5, 2009 c 370 § 20, and by 2009 c 412 § 22, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Short title—Implementation—2009 c 412: See RCW 18.300.900 and 18.300.902.

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

Funeral directors and embalmers account and cemetery account abolished, moneys transferred to funeral and cemetery account—2009 c 102: See note following RCW 18.39.810.

Effective date—2006 c 219: See note following RCW 46.82.285.

18.235.020 Application of chapter—Director's authority—Disciplinary authority. (Effective July 1, 2011.) (1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any busi-

ness or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;

(ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;

(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;

(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

(xi) Notaries public under chapter 42.44 RCW;

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Security guards under chapter 18.170 RCW;

(xvii) Sellers of travel under chapter 19.138 RCW;

(xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW;

(xix) Whitewater river outfitters under chapter 79A.60 RCW;

(xx) Home inspectors under chapter 18.280 RCW;

(xxi) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.300 RCW; and

(xxii) Appraisal management companies under chapter 18.310 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The *state board of registration for architects established in chapter 18.08 RCW;

(ii) The Washington state collection agency board established in chapter 19.16 RCW;

(iii) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(iv) The funeral and cemetery board established in chapter 18.39 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

(v) The state board of licensure for landscape architects established in chapter 18.96 RCW; and

(vi) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or pro-

ceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority. [2010 c 179 § 18. Prior: 2009 c 412 § 22; 2009 c 370 § 20; 2009 c 102 § 5; 2008 c 119 § 21; 2007 c 256 § 12; 2006 c 219 § 13; 2002 c 86 § 103.]

***Reviser's note:** The "state board of registration for architects" was changed to "the state board for architects" by 2010 c 129 § 3.

Severability—Effective date—2010 c 179: See RCW 18.310.900 and 18.310.901.

Short title—Implementation—2009 c 412: See RCW 18.300.900 and 18.300.902.

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

Funeral directors and embalmers account and cemetery account abolished, moneys transferred to funeral and cemetery account—2009 c 102: See note following RCW 18.39.810.

Effective date—2006 c 219: See note following RCW 46.82.285.

18.235.030 Disciplinary authority—Powers. The disciplinary authority has the power to:

(1) Adopt, amend, and rescind rules as necessary to carry out the purposes of this chapter, including, but not limited to, rules regarding standards of professional conduct and practice;

(2) Investigate complaints or reports of unprofessional conduct and hold hearings as provided in this chapter;

(3) Issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(4) Take or cause depositions to be taken and use other discovery procedures as needed in an investigation, hearing, or proceeding held under this chapter;

(5) Compel attendance of witnesses at hearings;

(6) Conduct practice reviews in the course of investigating a complaint or report of unprofessional conduct, unless the disciplinary authority is authorized to audit or inspect applicants or licensees under the chapters specified in RCW 18.235.020;

(7) Take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice or business pending proceedings by the disciplinary authority;

(8) Appoint a presiding officer or authorize the office of administrative hearings, as provided in chapter 34.12 RCW, to conduct hearings. The disciplinary authority may make the final decision regarding disposition of the license unless the disciplinary authority elects to delegate, in writing, the final decision to the presiding officer;

(9) Use individual members of the boards and commissions to direct investigations. However, the member of the board or commission may not subsequently participate in the hearing of the case;

(10) Enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(11) Grant or deny license applications, secure the return of a license obtained through the mistake or inadvertence of the department or the disciplinary authority after providing the person so licensed with an opportunity for an adjudicative

proceeding, and, in the event of a finding of unprofessional conduct by an applicant or license holder, impose any sanction against a license applicant or license holder provided by this chapter;

(12) Designate individuals authorized to sign subpoenas and statements of charges;

(13) Establish panels consisting of three or more members of the board or commission to perform any duty or authority within the board's or commission's jurisdiction under this chapter; and

(14) Contract with licensees, registrants, endorsement or permit holders, or any other persons or organizations to provide services necessary for the monitoring or supervision of licensees, registrants, or endorsement or permit holders who are placed on probation, whose professional or business activities are restricted, or who are for an authorized purpose subject to monitoring by the disciplinary authority. If the subject licensee, registrant, or endorsement or permit holders may only practice or operate a business under the supervision of another licensee, registrant, or endorsement or permit holder under the terms of the law regulating that occupation or business, the supervising licensee, registrant, or endorsement or permit holder must consent to the monitoring or supervision under this subsection, unless the supervising licensee, registrant, or endorsement or permit holder is, at the time, the subject of a disciplinary order. [2002 c 86 § 104.]

18.235.040 Director's authority. The director has the following additional authority:

(1) To employ investigative, administrative, and clerical staff as necessary for the enforcement of this chapter, except as provided otherwise by statute;

(2) Upon request of a board or commission, to appoint not more than three pro tem members as provided in this subsection. Individuals appointed as pro tem members of a board or commission must meet the same minimum qualifications as regular members of the board or commission. While serving as a pro tem board or commission member, a person so appointed has all the powers, duties, and immunities, and is entitled to the entitlements, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of a regular member of the board or commission; and

(3) To establish fees to be paid for witnesses, expert witnesses, and consultants used in any investigation or adjudicative proceedings as authorized by RCW 34.05.446. [2007 c 256 § 13; 2002 c 86 § 105.]

18.235.050 Statement of charges—Hearing. (1) If the disciplinary authority determines, upon investigation, that there is reason to believe that a license holder or applicant for a license has violated RCW 18.235.130 or has not met a minimum eligibility criteria for licensure, the disciplinary authority may prepare and serve the license holder or applicant a statement of charge, charges, or intent to deny. A notice that the license holder or applicant may request a hearing to contest the charge, charges, or intent to deny must accompany the statement. The license holder or applicant must file a request for a hearing with the disciplinary authority within twenty days after being served the statement of charges or statement of intent to deny. The failure to request a hearing

constitutes a default, whereupon the disciplinary authority may enter a decision on the facts available to it.

(2) If a license holder or applicant for a license requests a hearing, the disciplinary authority must fix the time of the hearing as soon as convenient, but not earlier than thirty days after the service of charge, charges, or intent to deny. The disciplinary authority may hold a hearing sooner than thirty days only if the disciplinary authority has issued a summary suspension or summary restriction. [2007 c 256 § 14; 2002 c 86 § 106.]

18.235.060 Procedures governing adjudicative proceedings. The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern all hearings before the disciplinary authority. The disciplinary authority has, in addition to the powers and duties set forth in this chapter, all of the powers and duties under chapter 34.05 RCW, which include, without limitation, all powers relating to the administration of oaths, the receipt of evidence, the issuance and enforcing of subpoenas, and the taking of depositions. [2002 c 86 § 107.]

18.235.070 Previous denial, revocation, or suspension of license. The department shall not issue a license to any person whose license has been previously denied, revoked, or suspended by the disciplinary authority for that profession or business, except in conformity with the terms and conditions of the certificate or order of denial, revocation, or suspension, or in conformity with any order of reinstatement issued by the disciplinary authority, or in accordance with the final judgment in any proceeding for review instituted under this chapter. [2002 c 86 § 108.]

18.235.080 Orders. An order pursuant to proceedings authorized by this chapter, after due notice and findings in accordance with this chapter and chapter 34.05 RCW, or an order of summary suspension entered under this chapter, takes effect immediately upon its being served. The final order, if appealed to the court, may not be stayed pending the appeal unless the disciplinary authority or court to which the appeal is taken enters an order staying the order of the disciplinary authority, which stay shall provide for terms necessary to protect the public. [2007 c 256 § 15; 2002 c 86 § 109.]

18.235.090 Appeal. A person who has been disciplined or has been denied a license by a disciplinary authority may appeal the decision as provided in chapter 34.05 RCW. [2007 c 256 § 16; 2002 c 86 § 110.]

18.235.100 Reinstatement. A person whose license has been suspended or revoked under this chapter may petition the disciplinary authority for reinstatement after an interval of time and upon conditions determined by the disciplinary authority in the order suspending or revoking the license. The disciplinary authority shall act on the petition in accordance with the adjudicative proceedings provided under chapter 34.05 RCW and may impose such conditions as authorized by RCW 18.235.110. The disciplinary authority may require successful completion of an examination as a

condition of reinstatement. [2007 c 256 § 17; 2002 c 86 § 111.]

18.235.110 Unprofessional conduct—Finding. (1) Upon finding unprofessional conduct, the disciplinary authority may issue an order providing for one or any combination of the following:

- (a) Revocation of the license for an interval of time;
- (b) Suspension of the license for a fixed or indefinite term;
- (c) Restriction or limitation of the practice;
- (d) Satisfactory completion of a specific program of remedial education or treatment;
- (e) Monitoring of the practice in a manner directed by the disciplinary authority;
- (f) Censure or reprimand;
- (g) Compliance with conditions of probation for a designated period of time;
- (h) Payment of a fine for each violation found by the disciplinary authority, not to exceed five thousand dollars per violation. The disciplinary authority must consider aggravating or mitigating circumstances in assessing any fine. Funds received must be deposited in the related program account;
- (i) Denial of an initial or renewal license application for an interval of time; or
- (j) Other corrective action.

(2) The disciplinary authority may require reimbursement to the disciplinary authority for the investigative costs incurred in investigating the matter that resulted in issuance of an order under this section, but only if any of the sanctions in subsection (1)(a) through (j) of this section is ordered.

(3) Any of the actions under this section may be totally or partly stayed by the disciplinary authority. In determining what action is appropriate, the disciplinary authority must first consider what sanctions are necessary to protect the public health, safety, or welfare. Only after these provisions have been made may the disciplinary authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

(4) The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct. The stipulations entered into under this subsection are considered formal disciplinary action for all purposes. [2007 c 256 § 18; 2002 c 86 § 112.]

18.235.120 Payment of a fine. Where payment of a fine is required as a result of a disciplinary action under RCW 18.235.060 or 18.235.150 and timely payment is not made as directed in the final order, the disciplinary authority may enforce the order for payment in the superior court in the county in which the hearing was held. This right of enforce-

ment is in addition to any other rights the disciplinary authority may have as to any licensee ordered to pay a fine but may not be construed to limit a licensee's ability to seek judicial review under RCW 18.235.090. In any action for enforcement of an order of payment of a fine, the disciplinary authority's order is conclusive proof of the validity of the order of a fine and the terms of payment. [2002 c 86 § 113.]

18.235.130 Unprofessional conduct—Acts or conditions that constitute. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession or operation of the person's business, whether the act constitutes a crime or not. At the disciplinary hearing a certified copy of a final holding of any court of competent jurisdiction is conclusive evidence of the conduct of the license holder or applicant upon which a conviction or the final holding is based. Upon a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Except as specifically provided by law, nothing in this subsection abrogates the provisions of chapter 9.96A RCW. However, RCW 9.96A.020 does not apply to a person who is required to register as a sex offender under RCW 9A.44.130;

(2) Misrepresentation or concealment of a material fact in obtaining or renewing a license or in reinstatement thereof;

(3) Advertising that is false, deceptive, or misleading;

(4) Incompetence, negligence, or malpractice that results in harm or damage to another or that creates an unreasonable risk of harm or damage to another;

(5) The suspension, revocation, or restriction of a license to engage in any business or profession by competent authority in any state, federal, or foreign jurisdiction. A certified copy of the order, stipulation, or agreement is conclusive evidence of the revocation, suspension, or restriction;

(6) Failure to cooperate with the disciplinary authority in the course of an investigation, audit, or inspection authorized by law by:

(a) Not furnishing any papers or documents requested by the disciplinary authority;

(b) Not furnishing in writing an explanation covering the matter contained in a complaint when requested by the disciplinary authority;

(c) Not responding to a subpoena issued by the disciplinary authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing authorized access, during regular business hours, to representatives of the disciplinary authority conducting an investigation, inspection, or audit at facilities utilized by the license holder or applicant;

(7) Failure to comply with an order issued by the disciplinary authority;

(8) Violating any of the provisions of this chapter or the chapters specified in RCW 18.235.020(2) or any rules made by the disciplinary authority under the chapters specified in RCW 18.235.020(2);

(9) Aiding or abetting an unlicensed person to practice or operate a business or profession when a license is required;

(10) Practice or operation of a business or profession beyond the scope of practice or operation as defined by law or rule;

(11) Misrepresentation in any aspect of the conduct of the business or profession;

(12) Failure to adequately supervise or oversee auxiliary staff, whether employees or contractors, to the extent that consumers may be harmed or damaged;

(13) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession or operation of the person's business. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Except as specifically provided by law, nothing in this subsection abrogates the provisions of chapter 9.96A RCW. However, RCW 9.96A.020 does not apply to a person who is required to register as a sex offender under RCW 9A.44.130;

(14) Interference with an investigation or disciplinary action by willful misrepresentation of facts before the disciplinary authority or its authorized representatives, or by the use of threats or harassment against any consumer or witness to discourage them from providing evidence in a disciplinary action or any other legal action, or by the use of financial inducements to any consumer or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary action; and

(15) Engaging in unlicensed practice as defined in RCW 18.235.010. [2007 c 256 § 19; 2002 c 86 § 114.]

18.235.140 Final order issued under RCW 18.235.130—Failure to comply. If a person or business regulated by this chapter violates or fails to comply with a final order issued under RCW 18.235.130, the attorney general, any prosecuting attorney, the director, the board or commission, or any other person may maintain an action in the name of the state of Washington to enjoin the person from violating the order or failing to comply with the order. The injunction does not relieve the offender from criminal prosecution, but the remedy by injunction is in addition to the liability of the offender to criminal prosecution and disciplinary action. [2002 c 86 § 115.]

18.235.150 Investigation of complaint—Cease and desist order/notice of intent to issue—Final determination—Fine—Temporary cease and desist order—Action/who may maintain—Remedies not limited. (1) The disciplinary authority may investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by the chapters specified in RCW 18.235.020. In the investigation of the complaints, the director has the same authority as provided the disciplinary authority under RCW 18.235.030.

(2) The disciplinary authority may issue a notice of intent to issue a cease and desist order to any person whom the disciplinary authority has reason to believe is engaged or is about to engage in the unlicensed practice of a profession or operation of a business for which a license is required by the chapters specified in RCW 18.235.020.

(3) The disciplinary authority may issue a notice of intent to issue a cease and desist order to any person whom the disciplinary authority has reason to believe is engaged or is about to engage in an act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters.

(4) The person to whom such a notice is issued may request an adjudicative proceeding to contest the allegations. The notice shall include a brief, plain statement of the alleged unlicensed activities, act, or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters. The request for hearing must be filed within twenty days after service of the notice of intent to issue a cease and desist order. The failure to request a hearing constitutes a default, whereupon the disciplinary authority may enter a permanent cease and desist order, which may include a civil fine. All proceedings shall be conducted in accordance with chapter 34.05 RCW.

(5) If the disciplinary authority makes a final determination that a person has engaged or is engaging in unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters, the disciplinary authority may issue a permanent cease and desist order. In addition, the disciplinary authority may impose a civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in the unlicensed practice of a profession or operation of a business for which a license is required by one or more of the chapters specified in RCW 18.235.020. The proceeds of such a fine shall be deposited in the related program account.

(6) The disciplinary authority may issue a temporary cease and desist order if a person is engaged or is about to engage in unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters if the disciplinary authority makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. A temporary cease and desist order shall remain in effect until further order of the disciplinary authority. The failure to request a prompt or regularly scheduled hearing constitutes a default, whereupon the disciplinary authority may enter a permanent cease and desist order, which may include a civil fine.

(7) The cease and desist order is conclusive proof of unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order or civil fine may be used in addition to, or as an alternative to, any

provisions for enforcement of agency orders set out in chapter 34.05 RCW.

(8) The attorney general, a county prosecuting attorney, the director, a board or commission, or any person may, in accordance with the laws of this state governing injunctions, maintain an action in the name of the state of Washington to enjoin any person practicing a profession or business without a license for which a license is required by the chapters specified in RCW 18.235.020. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be deposited in the related program account.

(9) The civil remedies in this section do not limit the ability to pursue criminal prosecution as authorized in any of the acts specified in RCW 18.235.020 nor do the civil remedies limit any criminal sanctions. [2007 c 256 § 20; 2002 c 86 § 116.]

18.235.160 Violation of injunction—Contempt of court—Civil penalty. A person or business that violates an injunction issued under this chapter may be found in contempt of court under RCW 7.21.010. Upon a finding by a court of competent jurisdiction that the person or business is in contempt, the court may order any remedial sanction as authorized by RCW 7.21.030. Further, the court may, in addition to the remedial sanctions available under RCW 7.21.030, order the person or business to pay a civil penalty to the state in an amount not to exceed twenty-five thousand dollars, which shall be deposited in the related program account. For the purposes of this section, the superior court issuing any injunction retains jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties. [2002 c 86 § 117.]

18.235.170 Misrepresentation—Gross misdemeanor. A person who attempts to obtain, obtains, or attempts to maintain a license by willful misrepresentation or fraudulent representation is guilty of a gross misdemeanor. [2002 c 86 § 118.]

18.235.180 Crime or violation by license holder—Disciplinary authority may give notification. If the disciplinary authority has reason to believe that a license holder has committed a crime, or violated the laws of another regulatory body, the disciplinary authority may notify the attorney general or the county prosecuting attorney in the county in which the act took place, or other responsible official of the facts known to the disciplinary authority. [2002 c 86 § 119.]

18.235.190 Immunity from suit. The director, members of the boards or commissions, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any disciplinary actions or other official acts performed in the course of their duties. [2002 c 86 § 120.]

18.235.200 Use of records—Exchange of information—Chapter does not affect or limit. This chapter does not affect the use of records, obtained from the director or the disciplinary authorities, in any existing investigation or

action by any public agency. Nor does this chapter limit any existing exchange of information between the director or the disciplinary authorities and other public agencies. [2002 c 86 § 121.]

18.235.210 Application of chapter—January 1, 2003.

(1) This chapter applies to any conduct, acts, or conditions occurring on or after January 1, 2003.

(2) This chapter does not apply to or govern the construction of and disciplinary action for any conduct, acts, or conditions occurring prior to January 1, 2003. The conduct, acts, or conditions must be construed and disciplinary action taken according to the provisions of law existing at the time of the occurrence in the same manner as if this chapter had not been enacted.

(3) Notwithstanding subsection (2) of this section, this chapter applies to applications for licensure made on or after January 1, 2003. [2007 c 256 § 21; 2002 c 86 § 122.]

18.235.900 Short title. This chapter may be known and cited as the uniform regulation of business and professions act. [2002 c 86 § 123.]

18.235.901 Effective date—2002 c 86 §§ 101-123.

Sections 101 through 123 of this act take effect January 1, 2003. [2002 c 86 § 124.]

18.235.902 Part headings not law—2002 c 86. Part headings used in this act are not any part of the law. [2002 c 86 § 402.]

18.235.903 Severability—2002 c 86. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [2002 c 86 § 404.]

Landscape Architects Technical Committee – Exceptions and Exemptions Task Force

Action Item: How can §5641 be rewritten to clarify the limits for non-landscape architects (i.e. landscape designers). Rewritten to provide more consumer choice, consumer protection and guarantee public safety.

Proposed rewrite:

§5641. Chapter Exceptions, Exemptions

This chapter shall not be deemed to prohibit any person from preparing plans, drawings, or specifications for the ~~conceptual design and~~ placement of exempt structures (as described in B&P §5537), tangible objects and landscape features ~~or plans, drawings, and specifications~~ for the selection, placement, or use of plants for a single family dwelling. ~~Construction documents, details, or specifications for the tangible objects or landscape features, and alterations of site requiring grading and drainage plans shall be prepared by a licensed professional as required by law.~~ When grading plans, drawings, drainage plans, or plans for non-exempt structures (as described in B&P §5537) are required, the plans shall be prepared by a licensed professional as required by other provisions of the law.

Legend: Black = original language

Blue underlined = new language

~~Red strike thru = omitted original language~~

Discussion of changes: The first sentence is modified to simplify sentence structure and also to reference exempt structures as described in B&P §5641. The term “conceptual design” is removed as it is considered superfluous as the reference to “plans or drawings for the placement of...” would be inclusive of a “conceptual design” which would, of necessity, be in the form of a plan or drawing. The second sentence is omitted and replaced in its entirety. The new second sentence is reformatted to read more clearly and to make specific reference to B&P §5641 concerning the limitations of designing non-exempt structures. These changes should satisfy the charge of the Task Force which is to provide more consumer choice, consumer protection and guarantee public safety.

Submitted by: Dan Chudy, Ph.D., CBO

Building Official

City of Riverside

LATC Exceptions and Exemptions Task Force Member

Landscape Architects Technical Committee – Exceptions and Exemptions Task Force

§5641. Chapter Exceptions, Exemptions

This chapter shall not be deemed to prohibit any person from preparing ~~drawings for the conceptual design and placement of tangible objects and landscape features or plans, drawings, and specifications for the selection, placement, or use of plants~~ designs for a an individual single family residence dwelling. ~~Construction documents, details, or specifications for the tangible objects or landscape features, and alteration of site requiring~~ Any designs for landscape structures, retaining walls, or grading and drainage alterations ~~plans~~ shall be prepared by a licensed professional as required by law.

Legend: Black = original language

Blue underlined = new language

~~Red strike thru = omitted original language~~

Submitted by: **LINDA GATES** | PARTNER

925.736.8176 EXT. 221

GATES + ASSOCIATES

LAND PLANNING | LANDSCAPE ARCHITECTURE | URBAN DESIGN

Agenda Item F

DISCUSS BPC SECTION 5641, CHAPTER EXCEPTIONS, EXEMPTIONS AND POSSIBLE ACTION

The Exceptions and Exemptions Task Force will discuss Business and Professions Code section 5641 and determine if action is necessary to clarify the language.

ATTACHMENT:

Landscape Architects Practice Act – Exceptions and Exemptions

LANDSCAPE ARCHITECTS PRACTICE ACT
BUSINESS AND PROFESSIONS CODE
Exceptions and Exemptions

Article 1 General Provisions

§ 5615. "Landscape Architect" – Practice of Landscape Architecture

"Landscape architect" means a person who holds a license to practice landscape architecture in this state under the authority of this chapter.

A person who practices landscape architecture within the meaning and intent of this article is a person who offers or performs professional services, for the purpose of landscape preservation, development and enhancement, such as consultation, investigation, reconnaissance, research, planning, design, preparation of drawings, construction documents and specifications, and responsible construction observation. Landscape preservation, development and enhancement is the dominant purpose of services provided by landscape architects. Implementation of that purpose includes: (1) the preservation and aesthetic and functional enhancement of land uses and natural land features; (2) the location and construction of aesthetically pleasing and functional approaches and settings for structures and roadways; and, (3) design for trails and pedestrian walkway systems, plantings, landscape irrigation, landscape lighting, landscape grading and landscape drainage.

Landscape architects perform professional work in planning and design of land for human use and enjoyment. Based on analyses of environmental physical and social characteristics, and economic considerations, they produce overall plans and landscape project designs for integrated land use.

The practice of a landscape architect may, for the purpose of landscape preservation, development and enhancement, include: investigation, selection, and allocation of land and water resources for appropriate uses; feasibility studies; formulation of graphic and written criteria to govern the planning and design of land construction programs; preparation review, and analysis of master plans for land use and development; production of overall site plans, landscape grading and landscape drainage plans, irrigation plans, planting plans, and construction details; specifications; cost estimates and reports for land development; collaboration in the design of roads, bridges, and structures with respect to the functional and aesthetic requirements of the areas on which they are to be placed; negotiation and arrangement for execution of land area projects; field observation and inspection of land area construction, restoration, and maintenance.

This practice shall include the location, arrangement, and design of those tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, structures, or facilities, in accordance with the accepted public standards of health, safety, and welfare.

This chapter shall not empower a landscape architect, licensed under this chapter, to practice, or offer to practice, architecture or engineering in any of its various recognized branches.

Article 3 Application of Chapter

§ 5640. Unlicensed Person Engaging in Practice – Sanctions

It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, for a person to do any of the following without possessing a valid, unrevoked license as provided in this chapter:

- (a) Engage in the practice of landscape architecture.
- (b) Use the title or term "landscape architect", "landscape architecture," "landscape architectural," or any other titles, words, or abbreviations that would imply or indicate that he or she is a landscape architect as defined in Section 5615.
- (c) Use the stamp of a licensed landscape architect, as provided in Section 5659.
- (d) Advertise or put out a sign, card, or other device that might indicate to the public that he or she is a licensed landscape architect or qualified to engage in the practice of landscape architecture.

§ 5641. Chapter Exceptions, Exemptions

This chapter shall not be deemed to prohibit any person from preparing drawings for the conceptual design and placement of tangible objects and landscape features or plans, drawings, and specifications for the selection, placement, or use of plants for a single family dwelling. Construction documents, details, or specifications for the tangible objects or landscape features, and alteration of site requiring grading and drainage plans shall be prepared by a licensed professional as required by law.

§ 5641.1. Chapter Exceptions, Exemptions - Personal Property

This chapter shall not be deemed to prohibit any person from preparing any plans, drawings, or specifications for any property owned by that person.

§ 5641.2. Chapter Exceptions, Exemptions – Nurserypersons

Every person who holds a valid license issued by the State of California, under the provisions of Chapter 1 (commencing with Section 6721) of the Food and Agricultural Code, authorizing engagement in the business of selling nursery stock in this state, may engage in the preparation of planting plans or drawings as an adjunct to merchandising nursery stock and related products, but may not use the title of landscape architect. Such activity is exempt from licensure under the provisions of this chapter.

§ 5641.3. Chapter Exceptions, Exemptions - Architects, Professional Engineers, and Land Surveyors

An architect, professional engineer or land surveyor licensed or registered under the statutes of this state, insofar as the licensed or registered professional practices the profession for which he or she is licensed or registered, is exempt from the provisions of this chapter, except that an architect, professional engineer, or land surveyor may not use the title "landscape architect" unless he or she holds a license as required under this chapter.

§ 5641.4. Chapter Exceptions, Exemptions - Landscape Contractors

A landscape contractor licensed under the statutes of this state, insofar as he or she works within the classification for which the license is issued, may design systems and facilities for work to be performed and supervised by that landscape contractor and is exempt from the provisions of this chapter, except that a landscape contractor may not use the title "landscape architect" unless he or she holds a license as required under this chapter.

§ 5641.5. Chapter Exceptions, Exemptions - Golf Course Architects

(a) Nothing contained in this chapter shall be deemed to prohibit a person from engaging in the practice of, or offering to practice as, a golf course architect.

(b) As used in this section, "golf course architect" means a person who performs professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications and responsible supervision, where the dominant purpose of such service is the design of a golf course, in accordance with accepted professional standards of public health and safety.

§ 5641.6. Chapter Exceptions, Exemptions - Irrigation Consultants

(a) Nothing contained in this chapter shall be deemed to prohibit a person from engaging in the practice of, or offering to practice as, an irrigation consultant.

(b) As used in this section, "irrigation consultant" means a person who performs professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications and responsible supervision, where the dominant purpose of such service is the design of landscape irrigation, in accordance with accepted professional standards of public health and safety.

§ 5642. Partnership, Corporation — Unlicensed Person

This chapter shall not be deemed to prevent a landscape architect from forming a partnership, firm, or corporation with, or employing, persons who are not landscape architects if the signature, date, and license number of the landscape architect appears on all instruments of service. In no case shall the other members of the partnership, firm, or corporation be designated or described as landscape architects.

The name of the licensed landscape architect shall appear wherever the firm name is used in the professional practice of the partnership, firm or corporation, and such landscape architect shall reside in California when such partnership, firm or corporation maintains a California office or mailing address. The name of such licensee shall appear on all partnership, firm or corporation stationery, brochures, business cards and any instruments of service used or provided in the professional practice of the partnership, firm or corporation.

No partnership, firm or corporation shall engage in the practice of landscape architecture unless the work is under the immediate and responsible direction of a licensee of the board.

Failure of any person to comply with this section constitutes a ground for disciplinary action.

§ 5644. Chapter Applicability to Other Code Provisions

Any person who holds a valid state license or other such authority which authorizes the person to engage in a business or occupation, insofar as the person engages in a professional, occupational or business activity within the scope of that license or other authority, shall not be required to be licensed under this chapter.

Agenda Item G

DETERMINE FUTURE EXCEPTIONS AND EXEMPTIONS TASK FORCE MEETING DATE

November

12	<i>Veteran's Day Observed</i>	<i>Office Closed</i>
14	Landscape Architects Technical Committee Meeting	TBD
22-23	<i>Thanksgiving Holiday</i>	<i>Office Closed</i>

December

3-15	Landscape Architects Registration Examination	Various
	Sections 3 & 4 Administration	
5-6	Board Meeting/Strategic Planning	Ontario
25	<i>Christmas</i>	<i>Office Closed</i>