

Nebraska State Board of Landscape Architects
Annual Meeting Agenda
March 30, 2010
215 Centennial Mall South, Fifth Floor, Small Conference Room, Lincoln, NE

8:30a CALL TO ORDER

Open Meeting and Public Agenda Information

Public Comments

The public is invited to speak

Agenda Items

Approval or adjustment of the listed agenda

Action

- 1 Public Notice Publication

A Consent Agenda

1 Meeting Minutes

- a 1-5 January 26, 2010 meeting minutes

2 Late Submittals of Continuing Education

- a 1-16 Submittals as approved by the Peer Review Committee Chairperson and Board Chairperson

Action **Approval of Consent Agenda**

B Financial Reports/Matters

- 1 a 1-4 Budget Status Report – January, February 2010

- 2 a 1-3 MTD General Ledger Detail Report – January, February 2010

- 3 a 1-4 Fund Summary Report – January, February 2010

- 4 a 1 Financial Profile – January, February 2010

- 5 a 1 Fiscal Activity Report to Date

- b 1 Trends in Licensure – FY 09/10

6 Other Financial Matters

- a 1-2 Board response to the Appropriations Committee request dated December 4, 2009

- b 1 Appropriations Committee strategic plan inquiry memo

- 2-3 Board response to Appropriations Committee's strategic plan inquiry

7 Contract Review

- a 1 Board response to the Nebraska Board of Engineers and Architects' letter dated December 10, 2009, regarding the revised Cost Analysis Report

- 2 FY 2010/2011 proposed agreement letter from the Nebraska Board of Engineers and Architects

- 3-15 FY 2010/2011 Contract with the Board of Engineers and Architects

- b 1-13 CLARB Examination Purchase Agreement

- 14-15 CLARB Examination Purchase Agreement revised language for Item 16, paragraph 1

Action **Approval of Financial Matters**

C Applications

- 1 a 1 **Application Overview Sheet**

2 Licensure/Examination

- a Applications for Licensure by Reciprocity - **Class 2 w/CLARB Certificate**

- 1-2 Paul Clinton, SD

- 3-4 Richard Nelson, NE

- 5-6 Mark Beauchamp (PA)

- b Applications for Licensure by L.A.R.E. Examination – **Class 1 w/CLARB Record**

- 1-2 Thomas Bentley, NE

Action **Approval of Licensure/Examination Applications**

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D Compliance Cases

- 1 a 0 **Logs - None at this time**
- 2 a 0 **New Cases – None at this time**
- 3 a 0 **Pending Cases – None at this time**
- 4 **Case Recommendations**
 - a 1 08.04 – Board response letter
 - 2 Complainant response letter
 - 3 Board review of website
 - b 0 09.02
- 5 **Compliance Issues**
 - a 1 Sample disclosure questions for renewals
 - 2-9 Attorney General's opinion to renewal disclosure questions and related e-mail correspondence
 - b 1-2 CLARB Disciplinary Action Database Usage Guidelines Draft

Action Approval of Compliance Case Disposition

E General Information/Committee Reports

- 1 **Meetings Schedule/Rosters**
 - a 1-2 Board Meeting Schedule
 - b 1 Roster of Board Members – Note 2010 expiration
 - 2 **Committee Reports**
 - a 0 Officers Report – Dennis Bryers, Chairperson
 - 3 **CLARB**
 - a 1 December Graphic Exam Sections Results
 - b 1-2 MBE Exchange Meeting Highlights
 - c 1-2 CLARB Spring 2010 Meeting Summary of Outcomes
 - d 1-2 CLARB Redline Review Pilot Program
 - e 1-2 CLARB Leadership Briefing on Overlapping Practice Issues
 - 4 a 0 **ASLA – None at this time**
 - 5 **Office/Staff**
 - a 1 NBEA Interim Director news release
-

F New Business

- 1 **Governance Issues**
 - a 1-2 Board policies and action history
 - b 0 Rules and Regulations
 - c 0 Statutes
 - d 0 Legislative items
 - 2 **Landscape Architects**
 - a Board Strategic Plan
 - 1-2 Strategic Plan Draft
- Action**
- b 1-2 First Time Renewal Continuing Education Notice on Renewal Form

Action

The next State Board of Landscape Architects meeting will be held on July 15, 2010, at 8:30am at 215 Centennial Mall South, Lincoln, Nebraska, Fifth floor, in the Small Conference Room.

Adjournment

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CALL TO ORDER

The meeting was held at 215 Centennial Mall South, 5th Floor, Small Conference Room, Lincoln, Nebraska. Chairperson Byers called the meeting to order at 8:35am and informed the public of the location of the Open Meetings Act

Roll Call: Eileen Bergt, Dennis Bryers, David Ciaccio, JoAnne Kissel, Gary Wells; Absent: John Royster

Staff Present: Dale Sall, Interim Executive Director (ED), Sandra Weaver, Administrator, Jon Wilbeck, Compliance Officer (CO), Jean Lais, Administrative Assistant (AA),

Public Comments

None scheduled

Agenda Items

No additions or corrections were made

Public Notice Publication

A Consent Agenda

1 Meeting Minutes

January 26, 2010 meeting minutes approved as presented

2 Late Submittals of Continuing Education

Submittals from Donald Godi, Lance Lang, Eric Casper, Arthur Thompson, Ronald Poe, and Matthew Gaber as approved by the Peer Review Committee and Board Chairpersons.

Approval of Consent Agenda

Action Motion by Ciaccio, second by Kissel to approve the Consent Agenda. Voting Yes: Wells, Bergt, Kissel, Ciaccio, Bryers; Voting No: None; Absent: Royster

B Financial Reports/Matters

1 Budget Status Report – January, February 2010

NIS reports provided for review

2 MTD General Ledger Detail Report – January, February 2010

NIS reports provided for review

3 Fund Summary Report – January, February 2010

NIS reports provided for review

4 Financial Profile – January, February 2010

Report provided for review

5 Fiscal Activity Report to Date and Trends in Licensure – FY 09/10

Reports provided for review. AA Lais reported three licensees have contacted the office stating they would not be renewing. Two renewal reminders have been sent out, one the middle of December and one in January. One more will be sent before the end of the year. Chairperson Bryers will follow up with William Kubly.

6 Other Financial Matters

Appropriations Committee budget action request

Section 10 of LB 1 of the 101st Legislature, First Special Session, 2009, called for each state agency to submit a report on or before January 15, 2010, to the Appropriations Committee of the Legislature detailing specific actions and plans to implement budget actions pursuant to Legislative Bill 1, 2 & 3. The Boards response was sent to the Committee on February 4, 2010.

Appropriations Committee memo concerning strategic plan

LR 224, currently assigned to the Appropriations Committee, proposed investigation of several topics related to the budget processes. Questions concerning strategic plans were directed to state agencies, boards and commissions. The Board responded to the Committee stating no Strategic Plan currently

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exist for the Board, but steps have been taken to begin the process and should be completed in the next couple of weeks.

Approval of Financial Matters except contracts

Action Motion by Kissel, second by Wells to accept the Financial Matters with the exception of contracts.
Voting Yes: Wells, Bergt, Kissel, Ciaccio, Bryers; Voting No: None; Absent: Royster

Administrator Weaver left the meeting at 8:50am
ED Sall entered the meeting at 8:50am

7 Contract Review

FY 2010/2011 Proposed agreement from the Nebraska Board of Engineers and Architects

ED Sall reported the agreement amount of \$15,000 for the upcoming fiscal year, covers only the personnel cost. The boards will need to work together on the remaining costs over the next year. The previous hourly rate calculation proposed to the NBEA by the Board did not include the 36% benefit overhead. When this is added to the proposed calculation, it is right at \$15,000. The time of the Executive Director (ED) will depend on the jobs and/or issues he/she is involved with. In the past the Administrative Assistant has been the only contact. The ED was not involved in the running of the Board. Chairperson Bryers stated it has always been the intention of the Board to pay its fair share, but felt the former ED spent more time on the Board than was asked to.

Any additional projects/issues not listed on the Activities List will be billed at a rate of \$25 per hour. Chairperson Bryers asked that it be only at the Board's request. ED Sall stated before any extra work is provided, there will be a written agreement between both boards listing the estimated time and cost involved. With the new agreement, the ED will be the point of contact.

When negotiating the agreement for FY 11/12, a full two years of personnel time history will be available. IT and ED time will most likely decrease. Chairperson Bryers questioned when the review for the next agreement will be presented to the Board. ED Sall responded the time frame will most likely be February/March 2011 to give time to complete the cost analysis through December 2010. He suggested the committees from both boards meet jointly.

Kissel inquired as to when the strategic plan needed to be given to the Nebraska Board of Engineers and Architects (NBEA). ED Sall responded it should be presented as soon as possible as this will greatly help future agreement negotiations. In addition, the NBEA may be able to assist with the issues and goals based on past experience.

ED Sall and Ciaccio both commented that a combined board is still an open item. The boards involved will need to meet and work out any issues before presented to the legislation.

Sall left the meeting at 9:30 am

Chairperson Bryers stated the MOU for FY 09/10 was \$12,360, which was a 4.5% increase over the previous MOU. The new agreement of \$15,000 is a 22% increase. The new agreement initially included the cost of sending a staff person to the annual meetings. If staff did not attend, these monies would be lost to the Board. It also included \$600-\$700 for ecommerce, which cannot be used at this time due to the requirement of a seal to be provided at the time of renewal. The initial proposal could not be supported with the current budget. Wells commented the cost per licensee to support the proposed agreement would be approximately \$170 with 90 licensees. Chairperson Bryers stated the Board knows what we are getting in the proposed agreement. The NBEA has been able to show justification for what we will receive for the next fiscal year. Kissel commented there was a need to look at a different model of doing business in order to stay solvent. A fee increase will need to be looked at in the next couple of years to support the increased agreement amount.

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Action Motion by Wells, second by Bergt to accept the FY 10/11 agreement with the Nebraska Board of Engineers and Architects with the Board being more involved in the negotiations for the following year. Voting Yes: Bergt, Kissel, Ciaccio, Wells, Bryers; Voting No: None; Absent: Royster

CLARB Examination Purchase Agreement for the 2010/2011 Exam Administrations

Copy provided for review. The Agreement covers the graphic exam administrations for 2010 and 2011 years. Included in the terms of the contract are the procedures to be followed in assigning candidate ID numbers, cost of the exams, administration dates, handling of the exam materials, proctoring instructions, redline request procedure, and the litigation process.

Action Motion by Kissel, second by Ciaccio to accept the CLARB Examination Purchase Agreement. Voting Yes: Ciaccio, Wells, Bergt, Kissel, Bryers; Voting No: None; Absent: Royster

C Applications

1 Application Overview Sheet

2 Licensure/Examination

Applications for Licensure by Reciprocity - Class 2 w/CLARB Certificate

Approved: Paul Clinton, SD; Richard Nielson, NE; Mark Beauchamp, PA

Action Motion by Bergt, second by Ciaccio to approve the three applicants for licensure by Reciprocity Class 2 with a CLARB Certificate. Voting Yes: Ciaccio, Wells, Bergt, Bryers; Voting No: None; Abstain: Kissel; Absent: Royster

Applications for Licensure by L.A.R.E. Examination – Class 1 w/CLARB Record

Approved: Thomas Bentley, NE

Action Motion by Wells, second by Bergt to approve Bentley for licensure by L.A.R.E. Examination Class 1 with a CLARB Record. Voting Yes: Wells, Bergt, Bryers; Voting No: None; Abstain: Kissel, Ciaccio; Absent: Royster

Ciaccio left the meeting at 9:57am

CO Wilbeck entered the meeting at 10:00am

D Compliance Cases

1 Logs - None at this time

2 New Cases – None at this time

3 Pending Cases – None at this time

4 Case Recommendations

08.04 Board sent a letter to the Respondent to reword language on website to avoid any confusion as to the services offered by the Respondent. Respondent sent a letter stating objectionable language has been removed from the website. A review of the website done by Ciaccio confirmed the language had been removed. CO Wilbeck recommended closure. He will send a letter to the Respondent stating he has complied with the board's requirements and the case will be closed.

09.02 Board received an application for licensure from the Respondent and received approval. CO Wilbeck recommended closure.

5 Compliance Issues

Sample disclosure questions for renewals

The Board is looking into adding disclosure questions for renewals with regards to a licensee being convicted of a felony in connection with the profession and if the licensee has had a license to practice in another jurisdiction revoked, suspended or canceled. An opinion was received from the Attorney General's office stating it is unclear with the current law whether the Board has the authority to place

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these questions on the renewal form. This would require a change in statute. However, it appears the Board does have the authority to add these to the initial application. Further discussion was tabled until the next meeting.

CLARB Disciplinary Action Database Usage Guidelines Draft
Copy provided for review.

Wilbeck left the meeting at 10:30 am

Approval of Compliance Case Disposition

Action Motion by Bergt, second Kissel to accept the case dispositions as recommended by CO Wilbeck.
Voting Yes: Wells, Bergt, Kissel, Bryers; Voting No: None; Absent: Royster, Ciaccio

E General Information/Committee Reports

1 Meetings Schedule/Rosters

Board Meeting Schedule

Roster of Board Members

It was noted John Royster's current term expires on September 23, 2010. Bryers requested the board members begin searching and submit names to him for a Peer Review Committee Member to replace Brian Leaders whose term expires this year.

2 Committee Reports

Officers Report – *None at this time*

3 CLARB

December Graphic Exam Sections Results

Copy provide for review.

MBE Exchange Meeting Highlights

A copy of the meeting highlights from the Spring Meeting provided for review.

CLARB Spring 2010 Meeting Summary of Outcomes

Chairperson Bryers reported the new exam task analysis was started at the spring meeting. The analysis will be looking at the multiple choice sections only. The exam has been found to be psychometrically valid by an outside consulting firm.

The topic of how Boards define/recognize "welfare" as it relates to the practice was discussed in the regional meetings.

CLARB Redline Review Pilot Program

A copy of an article as it appeared in the March 2010 Member Board E-News outlining how the Redline Review Program will operate provided for review. Chairperson stated the Board has chosen to participate in the program.

CLARB Leadership Briefing on Overlapping Practice Issues

A copy of the white paper regarding overlapping practice issues provided for review.

4 ASLA – *None at this time*

5 Office/Staff

A copy of the news release naming Dale Sall as Interim Executive Director of the NBEA was provided for review. ED Sall is filling the position vacated by Melinda Pearson in February 2010. He will oversee the day-to-day operations of the organization until a permanent director is named.

F New Business

1 Governance Issues

Board policies and action history

At the request of Vice-Chairperson Royster, the current board policy list was combined with the board action history.

Rules and Regulations – *None at this time*

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Statutes – *None at this time*

Legislative items- *None at this time*

2 Landscape Architects

Board Strategic Plan

Kissel gave a report of the Strategic Plan committee and presented a draft plan for the board's consideration. Kissel explained the dates listed on the draft are subject to change, but reflect targets the committee felt each item should be addressed in and/or completed by. Approving the goals is the most important issue at this time.

New Statute - The current law is out of date. This would be replaced with a new statute based on the CLARB model law. Discussion was held whether the issues of updating the current statute and working toward a combined board should be worked on at the same time or separately. The Board needs to explore what would be the best approach before starting any negotiations.

Public Awareness – Wells raised concern the board was not in the position to promote the industry, but should look to ways the board can come alongside other associations and/or entities to support the awareness instead of taking the lead. Kissel explained the committee was not looking to take on the task of making the public aware of the profession, but raising the awareness of the Board's legally mandated role in the industry.

Ordinance & Code Development Assistance – The board could have a presence at certain conferences and other workshops across the state to help raise the overall awareness of the Board and what the Board's function is. As an example, the Board could partner with the College of Architecture at the University of Nebraska to put on a seminar or workshop. By adding a FAQ to the website, the committee felt this would eliminate most of the questions with regards to the statutes.

Coordination with Allied Design Professions – The committee felt it was important to interact with the other professions and to coordinate ongoing goals, issues, and strategies.

Future Combined Board – Research needs to be done on the potential benefits of creating a combined board for the design professions.

Concern was raised as to the manpower needed to accomplish the goals listed since most of the work would be shouldered by the board members. Chairperson Bryers suggested bringing in committee members from the industry to assist. Kissel reported the support received from outside the board would determine the priority of the action items. Chairperson Bryers would like to incorporate wording from the CLARB Strategic Thinking into the Board's plan. Wells stated a need to prioritize the most important goals and focus on those goals. Kissel responded the committee knows that due to budget constraints, not all the goals could be pursued at the present time.

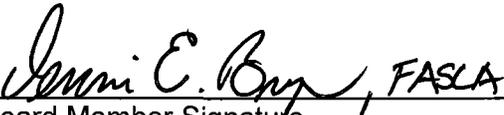
Chairperson Bryers will work on the structure of the plan. Further discussion was tabled to the next meeting.

First Time Renewal Continuing Education Notice on Renewal Form

Agreement was reached to add a disclaimer to the renewal notices stating the continuing education requirement is not required on the first renewal. This is to help eliminate some confusion during past renewal periods.

Adjournment Motion by Bergt, second by Wells to adjourn the meeting at 11:39am

The next State Board of Landscape Architects meeting will be held on July 27, 2010, at 8:30am at 215 Centennial Mall South, Lincoln, Nebraska, Fifth floor, in the Small Conference Room.


Board Member Signature


Date