

Nebraska State Board of Landscape Architects
Board Meeting Minutes
September 17, 2014
215 Centennial Mall South, Lincoln, NE

CALL TO ORDER

The meeting was held at 215 Centennial Mall South, Fifth Floor, Lincoln, Nebraska. Chairperson Bryers called the meeting to order at 12:36pm and informed the public of the location of the Open Meetings Act. Notice of the meeting was published on the Board's website and in the Lincoln Journal Star in accordance to the Open Meetings Act.

Roll Call: Eileen Bergt, Dennis Bryers, David Ciaccio, JoAnne Kissel, Todd Maiellaro, Gary Wells

Staff Present: Jean Lais, Administrative Assistant (AA)

Public Comments

No members of the public were present

Public Notice Publication as submitted to the Lincoln Journal Star provided for review.

A CLARB Annual Meeting, September 24-27, 2014, Reston VA

Approval of Voting Delegate - The Board approved Bryers as the Voting Delegate at the CLARB Annual Meeting

Action Motion by Ciaccio, second by Wells to approve Bryers as the Voting Delegate at the CLARB Annual Meeting. Voting Yes: Ciaccio, Kissel, Maiellaro, Wells, Bergt, Bryers; Voting No: None

Approval of CLARB Board of Director Delegates - Due to unforeseen circumstances John Tarkany has withdrawn his name as a candidate for Secretary. The members deferred the vote to Bryers.

B Review and Discussion of Statute Revision Language for Introduction in 2015

Copies of the current statutes, CLARB Model Law, Statute Revision Task Force's final recommendations, and a summary of the proposed revisions, along with the proposed revisions were provided for review. A copy of the final revisions are attached to these minutes.

Action Motion by Kissel, second by Bergt to accepted the revisions to the Professional Landscape Architect Act as discussed. Voting Yes: Ciaccio, Kissel, Maiellaro, Wells, Bergt, Bryers; Voting No: None

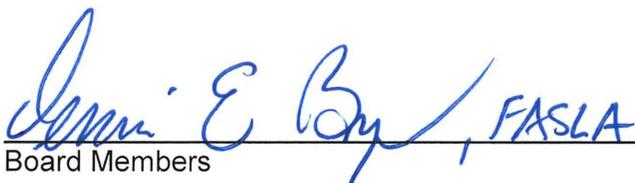
Coordinating Professional Amendment

The members agreed to move forward with pursuing the amendment. Bryers will contact Senator Cook to see if she would be willing to introduce the amendment. No formal action taken.

List of Stakeholders to be Notified of Revisions

A copy of the revisions will be sent to the listed stakeholders.

Adjournment: The meeting adjourned at 4:00


Board Members


Date

Professional Landscape Architects Act Revision

Draft: September 17, 2014

81-8,183.01. Act, how cited.

Sections 81-8,183.01 to 81-8,206 shall be known and may be cited as the Professional Landscape Architects Act.

81-8,184. Terms, defined.

For purposes of the Professional Landscape Architects Act, unless the context otherwise requires:

1. Professional landscape architect means a person who, ~~by reason of his or her knowledge acquired by professional education or practical experience, or both, is qualified to engage in the practice of professional landscape architecture as provided in the act~~ is licensed by the board to practice landscape architecture;
2. Practice of professional landscape architecture means the ~~performance of professional services such as consultations, investigations, reconnaissance, research, planning, design, or responsible supervision in connection with projects involving the arranging of land and the elements thereon for public and private use and enjoyment, including the alignment of roadways and the location of buildings, service areas, parking areas, walkways, steps, ramps, pools, and other structures, and the grading of the land, surface and subsoil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape and aesthetic values, in accordance with accepted professional standards of public health, welfare, and safety. Practice of professional landscape architecture includes the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this subdivision but does not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, the design of public streets and highways, utilities, storm and sanitary sewers, and sewage treatment facilities which are ordinarily included in the practice of engineering or architecture, or the making of land surveys or final land plats for official approval or recording. Nothing contained in the act shall preclude a duly licensed professional landscape architect from performing any of the services defined as practice of professional landscape architecture in this subdivision in connection with the settings, approaches, or environment for buildings, structures, or facilities. Nothing contained in the act shall be construed as authorizing a professional landscape architect to engage in the practice of architecture, engineering, or land surveying. Nothing in the act shall prohibit any person, firm, or corporation or their officers, agents, or employees from preparing planting plans for plant materials in connection with the sale of nursery stock, plants, trees, shrubs, flowers, sod, or other plant material, outdoor decorative ornaments, seed, fertilizer, chemicals, gardening tools and equipment, and related items of merchandise or the propagation, planting, or growth of any indoor or outdoor plants~~ application of the principles of mathematical, physical and social sciences in consultation, evaluation, planning, design (including, but not limited to, the preparation, review 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 in the performance of professional services. These professional services include, but are not limited to:
 - a. Investigation, selection and allocation of land and natural resources for appropriate uses;
 - b. Development of feasibility and site selection studies to govern the planning, design and management of the land;
 - c. Preparation, review and analysis of land use master, site, and comprehensive development plans, subdivision plans and preliminary plats;

Professional Landscape Architects Act Revision

Draft: September 17, 2014

- d. Determining the location and siting of improvements, including buildings, site features, access and environs for those improvements;
 - e. Design of sites, landforms, water features and water bodies; site grading, storm water drainage and management; sediment and erosion control; non-inhabitable structures; park and recreation facilities; vehicular roadways, greenways, streetscapes; equestrian, bicycle and pedestrian circulation systems; site lighting, irrigation, plantings, related construction details and specifications; and
 - f. Preservation and management of natural, cultural, historic and aesthetic resources;~~and~~
- ~~2.~~
2. Board means the State Board of Landscape Architects ~~created by the act.~~
 3. Coordinating Professional means a design professional who coordinates, as appropriate, the work of all design professionals involved in a project.
 4. Design professional means a professional landscape architect, licensed architect, or professional engineer. The term licensee shall be considered synonymous with design professional.
 5. Landscape Architect Intern means an individual who has been duly enrolled as an landscape architect intern by the board.
 6. License means an authorization granted by the board to practice landscape architecture.

81-8,184.01. ~~Act; intent~~ **Purpose of the Act.**

~~It is the intent of the Legislature, through the Professional Landscape Architects Act, to safeguard the life, health, and property of the citizens of this state and to insure that the landscape architects serving the public meet minimum standards of proficiency and competency. To protect public health, safety and welfare, this act regulates the title and practice of landscape architecture in the State of Nebraska. No person may engage in the practice of landscape architecture nor use the designation of Professional Landscape Architect, Landscape Architect, Landscape Architecture, or Landscape Architectural or any derivative thereof, nor advertise any title or description tending to convey the impression that he or she is a landscape architect, unless the person is authorized in the manner hereinafter provided and thereafter complies with all the provisions of this Act. The practice of landscape architecture is a privilege granted by the board, based on the qualifications of the individual evidenced by a license.~~

81-8,185. **License required; ~~display of certificate of licensure~~; current certificate holder; how treated.**

1. No person shall engage in the practice of professional landscape architecture or use or advertise any sign, title, or description tending to imply or designate that such a person is a professional landscape architect unless he or she is licensed as such as provided in the Professional Landscape Architects Act. ~~Every licensee shall display his or her certificate of licensure in a conspicuous place at his or her place of business.~~
2. Any person holding a certificate of registration under the act as of July 19, 2012, shall be deemed to be duly licensed under the act until the expiration of such certificate.

81-8,186. **State Board of Landscape Architects; members; appointment; terms; vacancies.**

There is hereby created a State Board of Landscape Architects consisting of six members who shall be appointed by the Governor.

1. Five members of the board shall be professional landscape architects and one ~~member~~ shall be a ~~layperson of the age of legal majority~~ member of the public.

Professional Landscape Architects Act Revision

Draft: September 17, 2014

2. ~~All~~ Each members of the board shall be a citizen of the United States and a ~~have been~~ residents of ~~this state~~ the State of Nebraska for at least one year immediately preceding their appointments.
3. Each professional member shall have been engaged in the active practice of landscape architecture for at least five years at the time of his or her appointment, and shall be a professional landscape architect in this state.
4. Each member shall hold office after the expiration of his or her term until his or her successor is duly appointed and qualified. Vacancies in the membership of the board, however created, shall be filled for the unexpired term by appointment by the Governor. The Governor may remove any member of the board for misconduct, incompetency, or neglect of duty.

81-8,187. Board; members; term.

~~The term of office of the members appointed to the board shall be for five years and until their successor are appointed and qualified, except that the members first appointed, one shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years. The layperson appointed to the board shall serve a five-year term. As their terms expire, their successors shall be appointed for a term of five years.~~

81-8,188. Board; members; vacancies.

~~Vacancies occurring in membership of the board shall be filled by appointment for the unexpired term.~~

81-8,189. Board; members; compensation; expenses.

Members of the board shall serve without compensation except that they shall be reimbursed for their actual and necessary expenses incurred in the discharge of their duties pursuant to the Professional Landscape Architects Act as provided in sections 81-1174 to 81-1177.

81-8,190. Board; chairperson; meetings; quorum; personnel; employ.

The board shall elect annually from its members a chairperson and a vice-chairperson. The board shall meet at least once a year at a time and place fixed by the board. Three members shall constitute a quorum. The board may employ such technical and clerical assistants and incur such expense as may be necessary to properly carry out the Professional Landscape Architects Act. The board office shall be located in Lincoln, Nebraska.

81-8,191. Board; powers; Attorney General provide counsel.

The board or any committee of the board ~~shall be is~~ entitled to the ~~counsel and to the~~ services of the Attorney General in the connection with the affairs of the board and ~~shall have power to~~ may compel the attendance of witnesses, ~~pay witness fees and mileage as provided in section 81-1176 for state employees,~~ administer oaths, and ~~may~~ take testimony and proofs ~~and may administer oaths~~ concerning ~~any~~ all matter within its jurisdiction. The Attorney General shall act as legal advisor to the board and render such legal assistance as may be necessary in carrying out the Professional Landscape Architects Act. The board may expend funds to promote licensure in this state subject to section 84-733.

81-8,191.01. Board; powers; rules and regulations; conflict of interest.

The board may adopt and promulgate rules and regulations ~~which are needed in performing its duties to carry out the act.~~ Such rules and regulations may include, but are not limited to, a definition of conflict of interest for board members and the appropriate procedure to follow when a conflict arises. The rules and regulations or a code of professional conduct developed by the board shall also include definitions of or a list of specific practices which constitute fraud, deceit,

Professional Landscape Architects Act Revision

Draft: September 17, 2014

gross negligence, incompetence, or misconduct and the punishments for such practices which shall be used as the basis to place a professional landscape architect on probation or revoke or suspend a license pursuant to section 81-8,202 or accessing a penalty pursuant to sections 81-8,205 through 81-8,205.02.

81-8,192. ~~Board; certificates of licensure; list; filing~~Roster.

~~The board shall keep on file a record of all certificates of licensure granted and shall make annual revisions of such record as may be necessary. On or before January 31 of each year, the board shall file with the Secretary of State a complete list of those licensed under the Professional Landscape Architects Act with their addresses and the dates of licensure. The board shall maintain and make available to the public a complete roster of all landscape architects showing their name and last known address. The board shall file the roster with the Secretary of State annually and may distribute a copy to each licensed person as well as county and municipal officials.~~

81-8,193. Board; seal; adopt.

The board shall adopt and have an official seal which shall be affixed to all certificates of licensure granted and may adopt and promulgate rules and regulations necessary for the proper performance of such duty.

81-8,194. Board; fees; disposition; State Board of Landscape Architects Cash Fund; created; investment.

1. The board shall establish fees of ~~not less than one hundred~~ nor more than three hundred dollars for applications ~~for licensure, examinations,~~ certificates of licensure, ~~reciprocal licenses,~~ landscape architect intern enrollment, and renewals, ~~based on the administration costs incurred by the board.~~ The board may levy and collect fees for services related to this act. The board shall collect, account for, and remit such fees to the State Treasurer for credit to the State Board of Landscape Architects Cash Fund ~~which is hereby created.~~
2. Transfers may be made from the State Board of Landscape Architect Cash Fund to the General Fund at the direction of the Legislature. Any money in the State Board of Landscape Architects Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.
- 2.3. Warrants for the payment of expenses and compensation as provided for in the Professional Landscape Architects Act shall be issued by the Director of Administrative Services and paid by the State Treasurer upon presentation of vouchers regularly drawn by the chairperson and approved by the board. At no time shall the total amount of warrants exceed to the total amount of fees collected under the act and to the credit of the fund.

81-8,195. ~~Applications for licensure; statements; fee.~~

~~Applications for licensure shall be on forms prescribed and furnished by the board and shall contain statements made showing the applicant's education and a detailed summary of his or her technical work. Applications for licensure shall be accompanied by an application fee in an amount determined by the board.~~

81-8,196. ~~Applicant for licensure~~ License; application; forms; fee; requirements; examination; issuance.

~~Each applicant for licensure as a professional landscape architect shall complete an application that includes the following requirements:~~

Professional Landscape Architects Act Revision

Draft: September 17, 2014

- ~~(1) Proof that the applicant has met the eligibility standards set by the board in rules and regulations adopted and promulgated by the board in consultation with the Council of Landscape Architectural Registration Boards;~~
- ~~(2) Successful passage of a written or electronic examination in landscape architecture which is designed to determine the proficiency and qualifications to engage in the practice of professional landscape architecture; and~~
- ~~(3) That the applicant is of good character:~~
1. Applications for licensure shall be on forms prescribed and furnished by the board.
 2. The following shall be considered as the minimum evidence satisfactory to the board that an applicant is eligible for initial licensure, upon application, as a professional landscape architect:
 - a. Submittal of an application accompanied by the fee established by the board;
 - b. Submittal of a record maintained by the Council of Landscape Architectural Registration Boards;
 - c. Graduation from a program accredited by the Landscape Architecture Accreditation Board or its equivalent as determined by the board;
 - d. Passage of an examination on the technical and professional subjects as prescribed by the Board;
 - e. A record of three years or more of diversified post-degree experience directly related to landscape architecture under the direct supervision of the professional landscape architect or its equivalent as determined by the board; and
 - ~~(4)f. _____ Demonstration of good reputation and character.~~
 3. An individual holding a license to practice landscape architecture issued by a proper authority of any U.S. jurisdiction or foreign country recognized by the board, based on credentials that do not conflict with subsection (1) of this section and other provisions of this act may, upon application, be licensed as a professional landscape architect after demonstration of good reputation and character.
 4. An individual who has been licensed to practice landscape architecture for fifteen years or more in one or more U.S. jurisdictions or foreign country recognized by the board, and who has practiced landscape architecture in compliance with the licensing laws in the jurisdiction where their landscape architecture practice has occurred since initial licensure may, upon application, be licensed as a professional landscape architect after demonstration of good reputation and character.
 5. The board may accept the verified information contained in a valid Council Record issued by the Council of Landscape Architecture Registration Boards in lieu of the same information that is required on the form prescribed by the board.
 6. None of the examination materials described in this section shall be considered public records.
 7. The board may adopt the examinations and grading procedures of the Council. The board may also adopt guidelines published from time to time by the Council.
 8. Licensure shall be effective upon issuance.

~~81-8,197. Applicants; examination.~~

~~Examinations shall be administered by the board or the Council of Landscape Architectural Registration Boards at times to be set by the board in consultation with the council.~~

81-8,198. Licensee; ~~seal~~Seal; ~~use~~; ~~effect~~.

Each licensee shall provide himself or herself with a suitable seal with a uniform inscription thereon formulated by the board with which he or she shall stamp all plans, specifications, and reports prepared by him or her where applicable. The following shall be stated on the seal: State

Professional Landscape Architects Act Revision

Draft: September 17, 2014

of Nebraska, the licensee's name, the license number, and Professional Landscape Architect. ~~A license shall be presumptive evidence that the person named therein is legally licensed.~~

1. Whenever the seal is applied, the licensee's signature shall be across the seal. The board may adopt and promulgate rules and regulations for application of the seal.
2. The seal and date of its placement shall be on all technical submissions and calculations whenever presented to a client or any public or governmental agency. It shall be unlawful for a licensee to affix his or her seal and signature or to permit his or her seal and signature to be affixed to any document after the expiration of the certificate or for the purpose of aiding or abetting any other person to evade or attempt to evade the act.
3. The seal and date shall be placed on final plans and specifications, and reports as required in such a manner that the seal, signature, and date will be reproduced and be in compliance with rules and regulations of the board. The application of the licensee's seal shall constitute certification that the work was done in accordance with the act.

81-8,199. Certificate of licensure; ~~annual fee, payment;~~ issuance.

~~The board shall issue a certificate of licensure to each successful applicant upon payment of the annual fee. Each certificate shall be signed by two members of the board under the seal of the board. The certificate shall authorize the applicant to practice professional landscape architect.~~

1. The Board shall issue to any applicant who has met the requirements of the act, a certificate of licensure giving the licensee proper authority to carry out the prerogatives of the act. The certificate shall carry the designation Professional Landscape Architect. The certificate shall give the full name of the licensee and license number and shall be signed by two members of the board.
2. The certificate shall be prima facie evidence that the person is entitled to all rights, privileges, and responsibilities of a professional landscape architect while the certificate of licensure remains unrevoked and unexpired.
3. The board may issue a new certificate of licensure to replace any lost, destroyed, or mutilated certificate, or issue a duplicate of an active certificate upon request from the licensee. A fee not to exceed fifty dollars may be charged for each such issuance.

81-8,200. Certificates ~~of licensure;~~ fee; expiration; renewal; professional development requirements ~~notice.~~

Certificates of licensure shall expire on the ~~last day of December following their issuance or renewal~~ a date established by the board and shall become invalid on that date unless renewed ~~before the expiration date with the payment of a fee in an amount the board shall determine.~~ The board shall notify every ~~licensee~~ person licensed under the act of the expiration date of his or her certificate and the amount of the ~~annual renewal~~ fee required for renewal. The notice shall be sent at least one month in advance of the date of the expiration. Valid certificates may be renewed prior to expiration upon application and payment of applicable fees. The fee to be paid ~~for the renewal of a certificate after December 31 on an expired certificate~~ shall be increased by ten percent for each month or fraction of a month such payment is delayed, except that the maximum fee for a delayed renewal shall not exceed twice the amount of the original renewal fee and no renewals shall be made after ~~a lapse of~~ one year after of the original expiration date thereof. ~~Renewal fees shall not be required while the professional landscape architect is on active duty with the armed forces of the United States. Application for renewal of a lapsed license shall be in the same manner as provided for an original application pursuant to section 81-8,196.~~ The board may require individual licensees to obtain professional development as a condition of license renewal. The board shall adopt and promulgate rules and regulations as are necessary for the effective delivery of professional development as required

Professional Landscape Architects Act Revision

Draft: September 17, 2014

in this section. Expired certificates may be renewed in accordance with the rules and regulations of the board. All fees are non-refundable.

~~81-8,200.01. Certificate of licensure; renewal; professional development requirements.~~

- ~~(1) As a condition for renewal of a certificate of licensure issued pursuant to the Professional Landscape Architects Act, a licensee shall be required to successfully complete fifteen hours of professional development within the preceding calendar year.~~
- ~~(2) The board shall not renew the certificate of licensure of any licensee who has failed to complete the professional development requirements pursuant to subsection (1) of this section, unless he or she can show good cause why he or she was unable to comply with such requirements. If the board determines that good cause was shown, the board shall permit the licensee to make up all outstanding required hours of professional development.~~

~~81-8,200.02. Professional development programs; rules and regulations.~~

~~The board shall adopt and promulgate rules and regulations as are necessary for the effective delivery and licensure of all programs of professional development required in section 81-8,200.01.~~

~~81-8,201. License without examination; when; fee.~~

~~The board may license without examination any applicant who is legally licensed or registered as a professional landscape architect in any other state, territory, or country whose requirements for licensure or registration are at least substantially equivalent to or higher than the requirements of the Professional Landscape Architects Act and which extends the same privileges of reciprocity to professional landscape architects licensed in this state and who has actively practiced for at least one of the three years immediately preceding the application for licensure without examination. The application for reciprocal licensure shall be accompanied by a fee in an amount the board shall determine.~~

~~81-8,202. License Enforcement; probation, revocation, or suspension; appeal.~~

~~The board may by a four-fifths vote of the entire board place a licensed professional landscape architect on probation or revoke or suspend the license of any professional landscape architect licensed under the Professional Landscape Architects Act whom it finds guilty of (1) deceit in obtaining a license, (2) fraud, (3) gross negligence, (4) incompetency, or (5) misconduct in the practice of professional landscape architecture. Such person shall have the right to appeal the revocation or suspension of his or her license, and the appeal shall be in accordance with the Administrative Procedure Act.~~

The board shall enforce the Professional Landscape Architects Act and rules and regulations, including enforcement against any unlicensed person. If any person refuses to obey any decision or order of the board, the board, or upon request of the board, the Attorney General or the appropriate county attorney shall file an action for the enforcement of the decision or order, including injunctive relief, in the district court. After a hearing, the court shall order enforcement of the decision or order, or any part thereof, if legally and properly made by the board and, if appropriate, injunctive relief.

~~81-8,203. Warrants for payment of expenses and compensation; issuance.~~

~~Warrants for the payment of expenses and compensation provided by the Professional Landscape Architects Act shall be issued by the Director of Administrative Services upon presentation of vouchers drawn by the chairperson, but at no time shall the total amount of warrants exceed the total amount of fees collected as provided by the act.~~

Professional Landscape Architects Act Revision

Draft: September 17, 2014

81-8,204. ~~Certificate of licensure; required; violation; injunction~~ Use of title; unlawful practice.

~~No person shall practice as a professional landscape architect or in any manner designate himself or herself as a professional landscape architect unless he or she has been issued a certificate of licensure pursuant to the Professional Landscape Architects Act. If such person does practice or attempt to practice under the designation of professional landscape architect, he or she may be restrained under permanent injunction.~~ Except as provided in section 81-8,206, an individual shall not directly or indirectly engage in the practice of landscape architecture in this state or use of the title of professional landscape architect or display or use any words, letters, figures, titles, sign, card, advertisement, or other symbol or devise indicating or tending to indicate that he or she is a professional landscape architect or is practicing landscape architecture unless he or she is licensed under the Professional Landscape Architects Act. A licensee shall not aid or abet any person not licensed under the act in the practice of landscape architecture.

81-8,205. ~~Injunction; prohibited acts; violation; penalty~~ Prohibited acts; penalties.

~~Any person who violates a permanent injunction obtained pursuant to section 81-8,204, presents or attempts to file as his or her own the certificate of licensure of another, gives false or forged evidence of any kind to the board in obtaining a certificate of licensure, indorses any document which he or she did not actually prepare or supervise the preparation thereof, falsely impersonates another practitioner of like or different name, or uses a revoked certificate of licensure shall be deemed guilty of a Class III misdemeanor.~~

1. It is unlawful for any person to:

- a. Practice or offer to practice landscape architecture in this state without being licensed in accordance with the Professional Landscape Architects Act unless such practice or offer to practice is otherwise exempt under the act;
- b. Knowingly and intentionally employ or retain a person to practice landscape architecture in this state who is not licensed in accordance with the act unless otherwise exempt under the act;
- c. Advertise any title or description tending to convey the impression that he or she is a licensed professional landscape architect unless the person is duly licensed or exempt from licensure under the act;
- d. Present or attempt to use the certificate of licensure or the seal of another person;
- e. Give any false or forged evidence of any kind to the board or to any member of the board in obtaining or attempting to obtain a certificate of licensure;
- f. Falsely impersonate any other licensee of like or different name;
- g. Attempt to use an expired, suspended, revoked, or nonexistent certificate of licensure, practice, or offer to practice when not qualified;
- h. Falsely claim that he or she is licensed or authorized under the act; or
- i. Violate the act.

2. Any person who performs any of the actions in this section is guilty of a Class I misdemeanor for the first offense and a Class IV felony for the second or any subsequent offense.

81-8,205.01. Enforcement procedures.

A complaint against any person involving any matter coming within the jurisdiction of the board shall be in writing and shall be filed with the board. The complaint, at the discretion of the board, shall be heard within a reasonable time in accordance with the rules and regulations and may be heard through the use of a hearing officer. The accused shall have the right to appear personally with or without counsel, to cross-examine adverse witnesses, and to produce

Professional Landscape Architects Act Revision

Draft: September 17, 2014

evidence and witnesses in his or her defense. the board shall set the time and place of the hearing and shall cause a copy of the complaint, together with a notice of the time and place fixed for the hearing, be sent by registered mail to the accused, at his or her last-known mailing address known to the board, at least thirty days before the hearing. If after the hearing, the board finds the accused has violated the Professional Landscape Architects Act or any rules or regulations, it may issue any order or take any action described in section 81-8,205.02. If the board finds no violation, it shall enter an order dismissing the complaint. If the order revokes, suspends, or cancels a license, board shall notify, in writing, the Secretary of State. The board may reissue a license that has been revoked. Applications for the reissuance of a license shall be made in such a manner as the board directs and shall be accompanied by a fee established by the board.

81-8,205.02. Disciplinary actions authorized; civil penalties.

1. The board, after hearing and upon proof satisfactory to the board, may determine by two-thirds majority vote that any person has violated the act or any rule or regulation.
2. Upon a finding that a person has committed a violation, one or more of the following actions may be taken against such person upon a two-thirds majority vote of the board:
 - a. Issuance of censure or reprimand;
 - b. Suspension of judgment;
 - c. Placement of offender on probation;
 - d. Placement of a limitation or limitations on the holder of a license and upon the right of the holder of a license to practice the profession to the extent, scope, or type of practice for such time and under such conditions as are found necessary and proper;
 - e. Imposition of a civil penalty not to exceed ten thousand dollars for each offense. The amount of the penalty shall be based on the severity of the violation;
 - f. Entrance of an order of revocation, suspension, or cancellation of the certificate of licensure;
 - g. Issuance of a cease and desist order;
 - h. Imposition of costs as in an ordinary civil action in the district court, which may include reasonable attorney's fees and hearing officer fees incurred by the board and the expenses of any investigation undertaken by the board; or
 - i. Dismissal of the action.
3. The board may take into account suitable evidence of reform when determining appropriate action.
4. Civil penalties collected under subdivision (2)(e) of this section shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska. All costs collected under subdivision (2)(h) of this section shall be remitted to the State Treasurer for credit to the State Board of Landscape Architects Cash Fund.

81-8,206. Persons exempt from act.

The Professional Landscape Architects Act shall not apply to:

- (1) Any ~~person who is an~~ employee of a licensed professional landscape architect ~~and~~ who performs landscape architectural ~~work-services~~ under the direction and supervision of ~~a the~~ licensed professional landscape architect, ~~but such work~~ These services does not include responsible ~~change-charge~~ of design or ~~the~~ administration of construction contracts; ~~or~~
- (2) Any ~~full-time~~ employee who performs landscape architectural ~~work-services~~ for his or her employer when all such ~~work-services are completed for is in connection with~~ a facility owned or operated by the employer and when such ~~work-services are not offered to the public and~~ does not endanger the public ~~welfare, health, and safety, and welfare and when the service is not offered to the public;~~

Professional Landscape Architects Act Revision

Draft: September 17, 2014

- ~~(3) Any architect or professional engineer, but such architect or engineer may not use the title landscape architect or professional landscape architect unless he or she is licensed pursuant to the act; or~~
- ~~(4) Any person who seeks advice or help of any other person in planning, planting, or maintaining the planting or conservation work on any property he or she owns or controls or who does such things himself or herself.~~
- (3) Nothing contained in this act shall be construed as authorizing a professional landscape architect to engage in the practice of architecture, engineering, geology, or land surveying. Similarly, nothing in this act shall be construed as authorizing an architect, engineer, geologist, or land surveyor to engage in the practice of landscape architecture.
- (4) Nothing in this act shall prohibit any person, officer, agent or employee of any business entity with experience and qualifications from preparing planting plans which define the arrangement of trees, shrubs, flowers, turf, or other plant materials within indoor or outdoor areas. This exemption is limited to the preparation of planting plans, and does not construe any additional professional services or practice of landscape architecture.

81-8,207. Repealed. Laws 1971, LB 98, § 8.

81-8,208. Transferred to section 81-8,183.01.

Landscape Architect Intern; enrollment; issuance.

1. The following shall be considered as the minimum evidence satisfactory to the board that an applicant is eligible for enrollment as an landscape architect intern:
 - a. Graduation from a program accredited by the Landscape Architectural Accreditation Board or its equivalent as determined by the board;
 - b. Submittal of a council record maintained with the Council of Landscape Architectural Registration Boards;
 - c. Perform services under the direct supervision of a licensed design professional;
 - d. Submittal of an application accompanied by a fee established by the board; and
 - e. Demonstration of good reputation and character.
2. The board shall issue a certificate of enrollment to each successful applicant which indicates his or her name has been recorded as such with the board office. Each certificate shall be give the full name of the intern, carry the designation Landscape Architect Intern, and be signed by the board chairperson. The certificate does not authorize the applicant to practice as a professional landscape architect.
3. The board may issue a new intern certificate to replace any lost, destroyed, or mutilated certificate, or issue a duplicate of an active certificate upon request from the intern. A fee not to exceed fifty dollars may be charged for each such issuance.

Landscape Architect Intern; renewal; re-enrollment.

Certificates of enrollment as an landscape architect intern shall expire two years after the date of issuance or renewal and shall become invalid on that date unless renewed before the expiration date with the payment of a fee as determined by the board. The board shall notify every person enrolled under the act of the date of expiration of the certificate of enrollment and the amount of the fee required for renewal. The notice shall be sent at least one month in advance of the date of the expiration. Expired certificates may be renewed in accordance with the rules and regulations of the board. A certificate may be renewed for up to six years total after initial issuance. After such time, a new application must be submitted in accordance to the rules and regulations of the board. If a certificate is not renewed within twelve months of expiration, a new application and fee shall be required.

Professional Landscape Architects Act Revision

Draft: September 17, 2014

Coordinating professional; requirement.

1. Design projects involving more than one design professional shall have a designated coordinating professional for the entire project. The coordinating professional may, but need not be, providing professional services on the project. The coordinating professional shall apply his or her seal in accordance with the act to the cover sheet of all documents and denote the seal as that of the coordinating professional.
2. The coordinating professional shall be responsible for reviewing and coordinating technical documents prepared by others for compatibility with the design of the project.