

Nebraska State Board of Landscape Architects
Board Meeting Minutes
July 28, 2015
215 Centennial Mall South, Small Conference Room, Lincoln, NE

CALL TO ORDER

The meeting was held at 215 Centennial Mall South, Lincoln, Nebraska. Chairperson Bryers called the meeting to order at 8:32a 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, Gayle Malmquist, Todd Maiellaro, Gary Wells

Staff Present: Jean Lais, Administrative Assistant (AA); Sandra Weaver, Administrator (AD); Lisa Mathews, Compliance Officer (CO)

Appointments/Public Comments

Dennis Rubba – Presented background information on his petition to amend Title 231 of the NAC and his appeal of the Board's denial of his license application at the April 28, 2015, meeting.

A Consent Agenda

Meeting Minutes

April 28, 2015, meeting minutes were approved as presented

Late PDH submittal approvals

Approved: Michael Jerina

Action Motion by Ciaccio, second by Wells to accept the Consent Agenda as presented. Voting Yes: Wells, Ciaccio, Malmquist, Maiellaro, Bryers; Voting No: None; Absent: Bergt

Bergt entered the meeting at 8:35a

B Committee Reports

Officers Report

Chairperson Byers has contacted Senator Cook's office about sponsoring the Statute revisions in 2016. He is waiting for a reply. He has also contacted the Lincoln Public Works Department to follow up with the issues of landscape architects sealing certain drawings they currently only allow an engineer to seal. He is waiting for a reply.

CLARB

Announcement of Resignation of Chief Operating Officer Jim Penrod provided for review.

Office/Staff - None

C Old Business

Governance Issues

Draft Statute Language Revisions

Draft language to the statutes were provided covering LARE approval without an LAAB-accredited landscape architectural degree, exemption language, and licensure without a CLARB Certificate as per discussion at the April meeting and the proposed amendment from Dennis Rubba.

A paragraph was added to §81-8,196 to allow applicants without a LAAB-accredited degree to qualify to sit for the LARE.

The words "or its equivalent as determined by the Board" were added to paragraph 2a in Section §81-8,196, to allow an applicant who has not taken the LARE, but has met the equivalent to be set out in the rules, to become licensed without waiting the fifteen (15) years under paragraph 3.

The wording in paragraph 3 and 4 was simplified to read "...issued by a proper authority of any jurisdiction recognized by the board, ..."

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Wells raised concern the impact of this change would make on foreign applicants. Discussion was held that by stating the jurisdiction has to be recognized by the board, it would be at the Board's discretion and each application would be looked at on a case by case basis taking into account the reciprocal's jurisdictions requirements for practice and/or license.

A re-write of the proposed language in §81-8,206(2) was provided based on Ohio's language and the discussion held during the April 2015 meeting and comments received from the Nebraska Nursery and Landscape Association (NNLA).

Bergt questioned whether the wording in the proposed paragraph 3 "...from providing drawings or graphic diagrams that are necessary for the proper layout of the vendor's goods and materials for public or private land or arranging for the installation of the goods and materials..." would satisfy NNLA concerns with being able to design the placement of fountains, pavers, mulch, etc. The other members agreed this covers the stated concerns. The members approved the draft language and AA Lais will work with the bill drafter to get updated. Once completed, copies of the draft will be sent to the stakeholders for comment. The Board will meet again on September 1, 2015, to review any comments received, invite the stakeholders, and approve the final revision. It is the intention of the Board to have the revisions finalized and ready for introduction by October.

Action Motion by Wells, second by Ciaccio to approve the draft statute language as discussed. Voting Yes: Wells, Bergt, Ciaccio, Malmquist, Maiellaro, Bryers; Voting No: None

Landscape Architect Items - None

D New Business

Governance Issues

Board Policies

Alternative Exam Eligibility Policy

A new policy was presented to approve LARE applicants without a LAAB-accredited degree. This is necessary due to changes CLARB is making to the direct registration process starting with the December 2015 exam administration. AA Lais explained that while the statutes have a range of the fees the Board may charge and examinations is currently listed, there is no fee set for examination applications in the Rules. The policy was written to charge the "Initial License" fee at the time the application is submitted and not to require an additional fee when the applicant has completed the examination and is ready to receive their initial license. However, a licensing fee would still be required at that time.

Action Motion by Ciaccio, second by Malmquist to approve the Alternate Exam Eligibility Policy as presented. Voting Yes: Wells, Bergt, Ciaccio, Malmquist, Maiellaro, Bryers; Voting No: None

Draft Exam Application

AA Lais developed a new application to be used by LARE candidates who do not hold a LAAB-accredited degree. Discussion was held as to the need of an application. Since LARE applicants without a LAAB-accredited degree must be approved by the Board prior to registering for the exam, an application is needed to gather the information necessary to determine if the applicant meets the Board's requirements.

Action Motion by Ciaccio, second by Maiellaro to approve the LARE Exam Application as presented. Voting Yes: Wells, Bergt, Ciaccio, Malmquist, Maiellaro, Bryers; Voting No: None

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Draft Website Exam Language

AA Lais provided draft language to be posted on the website regarding the Alternate Exam Eligibility process.

Action Motion by Maiellaro, second by Malmquist to approve the draft website language as presented. Voting Yes: Wells, Bergt, Ciaccio, Malmquist, Maiellaro, Bryers; Voting No: None

Rules and Regulations

Dennis Rubba represented the Board with a proposed amendment to the Board's Rule 2.001.02 to allow applicants who have a CLARB record, but do not have a CLARB certificate to qualify for licensure in Nebraska. Also included for the Board's review as a letter of support from Heather Tomasek.

Dennis Rubba appeared before the Board petitioning an amendment be made to Chapter 2.001.02. He proposed applicants with a CLARB record, but who do not hold a CLARB Certificate, be qualified to become licensed in Nebraska.

He cited Section §81-8,201 which allows the Board to license an individual without examination if the requirements in the reciprocal state are substantially equivalent or higher than Nebraska's requirements. The definition of landscape architect in Chapter 1.002.9 of Title 231 of the NAC states a landscape architect "...shall mean a person who is licensed by the Board on the basis of education, practical experience, and/or examination..." and Chapter 4.002.02 which states "Any reciprocal applicant who has been registered or licensed in another US state or territory without passing an examination, or who is not CLARB Certified, may be required to successfully complete the LARE before being licensed..."

Rubba stated by approving the proposed language, the Board would still be able to use its discretion as to when the LARE would be required. He is proposing the amendment be made at the same time the other statute and rules revisions the Board is considering to be made in 2016.

Discussion was held that if the Board did proceed in including licensure without passing the LARE, the experience and education requirements would need to be adjusted to compensate to provide adequate evidence that the applicant has obtained the knowledge that would be otherwise tested by taking the exam. Subject was tabled until the Rules and Regulations are revised in 2016.

Statutes - None

Landscape Architect Items

Approve Delegates to the CLARB Annual Meeting, September 17-19, 2015, New Orleans, LA

In April, the Board approved up to three members and/or staff to attend with two of the registrations being covered by funds in FY14/15. The remaining delegate would be funded from FY15/16 appropriations. Wells indicated he may be able to attend, but needed to check his calendar. The deadline for registration and hotel reservations is August 24, 2015. He will send an email to Chairperson Bryers requesting final approval by that date if he is able to attend.

Approve Voting Delegate to the CLARB Annual Meeting

The Board approved Chairperson Bryers as the Voting Delegate to the 2015 CLARB Annual Meeting.

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Action Motion by Bergt, second by Ciaccio to approve Bryers as the Voting Delegate to the 2015 CLARB Annual Meeting. Voting Yes: Wells, Bergt, Ciaccio, Malmquist, Maiellaro, Bryers; Voting No: None

CLARB Slate of Officers for FY 2016

The Board authorized Bryers to vote for the FY2016 candidates at his discretion.

CLARB Proposed Governance Enhancements

A summary of the proposed changes to the Bylaws was provided for review along with a redlined copy of the changes.

The Board voted to approve the proposed governance enhancements as presented.

Action Motion by Wells, second by Maiellaro to support the proposed Bylaws changes at the CLARB Annual Meeting as presented. Voting Yes: Wells, Bergt, Ciaccio, Malmquist, Maiellaro, Bryers; Voting No: None

Peer Review Committee Appointment to fill Ronald Poe's seat

Chairperson Bryers spoke with Poe and he is willing to serve another term.

Action Motion by Ciaccio, second by Maiellaro to appoint Poe to another three year term. Voting Yes: Wells, Bergt, Ciaccio, Malmquist, Maiellaro, Bryers; Voting No: None

Strategic Plan

The current strategic plan was provided for review.

Chairperson Bryers informed the Board that Interim Director Wilson would like him to speak to the students with regards to licensure and CLARB. This will most likely be in conjunction with the ASLA Student chapter.

Bergt made the comment that during a class discussion the students were told that landscape architects do not work with plants which resulted with most of the students changing from landscape architecture to horticulture. She will be looking into getting more information to the discussion.

No action taken.

CO Mathews entered the meeting at 10:25a

Chairperson Bryers recused himself from the meeting at 10:28a

Action Motion by Bergt, second by Maiellaro to go into closed session for discussion of compliance cases not a matter of public information to prevent needless injury to the reputation of those involved. The limitations for going into executive session was restated by Vice-chairperson Bergt. Voting Yes: Wells, Bergt, Ciaccio, Malmquist, Maiellaro; Bryers Voting No: None;

E Compliance

New Cases- *None*

Action

Pending Cases

15.01

Reviewed and Discussed in Executive Session

Compliance Issues

City of Lincoln not allowing Landscape Architects to stamp certain drawings

No discussion or action taken.

Action Motion by Ciaccio, second by Wells to close the executive session for discussion of compliance cases brought to the Board not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Wells, Bergt, Ciaccio, Malmquist, Maiellaro; Voting No: None; Abstain: Bryers

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Action Motion by Malmquist, second by Maiellaro in Case 15.01 Respondent will be required to pay renewals in arrears in order to avoid disciplinary action. Respondent is will also be required to apply for reciprocity in Nebraska to continue to practice in the State. Voting Yes: Wells, Bergt, Ciaccio, Malmquist, Maiellaro; Voting No: None; Abstain: Bryers

Chairperson Bryers re-entered the meeting at 11:05a

CO Mathews left the meeting at 11:08a

F Applications

Licensure/Examination

Applications for Licensure by Reciprocity

Approved: Ryan Evitts, MO; Isaac Krumme, KS; Alyssa Prazeau, IN; Richard Reineke, IL; Dennis Rubba, CO

Rubba provided background information in support of his appeal of the Board's decision at the April 28, 2015, meeting to deny his reciprocal license based on his not holding a CLARB Certificate per Chapter 2.001.02 of Title 231 of the NAC, nor having a CLARB Record which could be transmitted per Chapter 3.001.02. Statute §81-8,201 states "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..."

Rubba offered the following credentials in support of his experience being at least substantially equivalent to the current Nebraska licensure requirements:

- Thirty (30) years of experience in Colorado
- Holds two degrees in landscape architecture – BS Landscape Architecture from Colorado State University and a LAAB-accredited Master of Landscape Architecture from Harvard University
- Has designed and built over 800 projects with 200 awards
- Was granted a license in Colorado in 2008 in accordance to their grandfather clause
- Just received licensure in Iowa by reciprocity
- Has been inducted as a Fellow with the American Society of Landscape Architects
- Sits on the Colorado Board of Landscape Architects

He stated the following as he saw as hardships in not being granted a license in Nebraska:

- Cannot advocate for the profession in Nebraska
- Is a business owner in Nebraska who finds it difficult to:
 - Retain licensees
 - Is restricting in the hiring of landscape architects
 - Cannot pursue projects in Nebraska
- Nebraska is not extending same reciprocity privileges as the surrounding states
- Feels it diminishes his other licenses

The Board voted to approve the application by reciprocity of Rubba based on §81-8,201 and the qualifications presented.

Applications for Initial Licensure - None

Action Motion by Ciaccio, second by Maiellaro to approve the applications for Reciprocity as presented. Voting Yes: Wells, Bergt, Ciaccio, Malmquist, Maiellaro, Bryers; Voting No: None

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Action Motion by Maiellaro, second by Malmquist to approve the application of Rubba based on §81-8,201 and the qualifications presented. Voting Yes: Wells, Bergt, Ciaccio, Malmquist, Maiellaro, Bryers; Voting No: None

AD Weaver entered the meeting at 11:20a

G Financial Matters

Budget Status Report – April, May, June 2015

MTD General Ledger Detail Report – April, May, June 2015

Fund Summary Report – April, May, June 2015

Financial Profile FY 2014/2015 – April, May, June 2015

AD Weaver reported that 95% of the appropriated funds for FY14/15 were spent. Part was attributed to an increase in conference fees. Revenue was 106% of the projected receipts. The Cash Fund ending balance as of June 30th was \$31,483.

AD Weaver provided a spreadsheet with the breakdown of the FY15/16 appropriation and a copy of the appropriation bill passed by the legislature. All funds requested except for the e-commerce funds were approved in the final bill. As the Board will not be moving to online renewals until at least 2017, therefore, this cost is not needed in this biennium.

Travel was increased as Chairperson Bryers will no longer be funded by CLARB.

Other Financial Matters - None

Action Motion by Ciaccio, second by Wells to approve the Financial Matters as presented and discussed. Voting Yes: Wells, Bergt, Ciaccio, Malmquist, Maiellaro, Bryers; Voting No: None

AD Weaver left the meeting at 11:38a

H General Information

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

Board meetings and schedule was provided for review.

Roster of Board members was provided for review.

Licensing Trends

The Fiscal Activity Report and Trends in Licensure Report were provided for review.

Other

April 2015 LARE Results were provided for review.

Approved Board Policies & Record of Board Action to Change Statutes and Rules & Regulations were provided for review.

Adjournment: Motion by Ciaccio, second by Maiellaro to adjourn the meeting at 11:50am.

The next Board of Landscape Architects board meeting is currently scheduled for September 1, 2015 at 1:30pm at 215 Centennial Mall South, Lincoln, Nebraska, fifth floor, small conference room.


Board Member


Date