

Chapter 804 Landscape Architect Board

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DIVISION 1

PROCEDURAL RULES

804-001-0000

Notice Rule

Before adoption, amendment or repeal of any rule, the State Landscape Architect Board shall give notice of the intended action:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date of the intended action.

(2) By mailing a copy of the notice to persons on the State Landscape Architect Board mailing list, established under ORS 183.335(7), at least 28 days before effective date of the rule.

(3) By mailing or furnishing a copy of the notice to:

(a) Oregon Chapter of the American Society of Landscape Architects;

(b) Capitol Press Room.

Stat. Auth.: ORS 183 & 671

Stats. Implemented: ORS 183.333 & 671.415

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 2-1998, f. & cert. ef. 4-22-98

804-001-0002

Biennial Budget

Pursuant to the provisions of ORS 182.462, following a public hearing held May 11, 2007, the Board adopts by reference the Oregon Landscape Architects Board 2007-09 biennial budget of \$278,860 covering the period July 1, 2007, through June 30, 2009. The Board Administrator, with the approval of the Board, will amend budgeted accounts as necessary, within the approved budget of \$278,860, for the effective operation of the Board. The Board will not exceed the approved budget amount without amending this rule, notifying all registrants, and holding a public hearing. Copies of the budget are available from the Board's office.

Stat. Auth.: ORS 671.415, 182.462 & 670.310

Stats. Implemented: ORS 671.415, See 1999 OL, Ch. 1084

Hist.: LAB 1-1997(Temp), f. & cert. ef. 9-3-97; LAB 1-1998, f. & cert. ef. 2-5-98; LAB 1-2001 (Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; Administrative correction 12-2-02; LAB 1-2005, f. & cert. ef. 2-14-05; LAB 2-2005, f. & cert. ef. 5-18-05; LAB 2-2007, f. 5-22-07, cert. ef. 7-1-07

804-001-0005

Model Rules of Procedure

The Attorney General's Model Rules of Procedure under the Administrative Procedures Act, in effect on January 1, 2008, are adopted as the rules of procedure for the State Landscape Architect Board.

Stat. Auth.: ORS 183 & 671

Stats. Implemented:

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 2-1986, f. & ef. 3-5-86; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89; LAB 3-2006, f. & cert. ef. 8-14-06; LAB 4-2008, f. & cert. ef. 11-7-08

804-001-0014

Selection of Board Members

(1) Appointment of Board Members:

(a) A vacancy exists when a board member completes the term for that position, resigns, becomes incapacitated, or otherwise is incapable of performing the duties of a board member, or is removed from office or is not reappointed by the Governor prior to the expiration of the member's current term.

(b) A vacancy does not exist when an actively sitting board member completes the member's first or second full or partial term, so long as the member is reappointed by the Governor to a second or third term. A member who is eligible for reappointment to a second or third term shall give the board and the Governor written notice of intention to seek reappointment before the expiration of the member's term.

(2) Qualifications for Licensee Membership on the Board:

(a) A licensee is qualified to seek nomination for board membership if the licensee is registered by the board; has practiced as a registered landscape architect for a minimum of five years, and has lived in the State of Oregon for a least three years preceding appointment to the board.

(b) A licensee is not qualified for nomination to board membership if the licensee has been convicted, plead guilty, or plead nolo contendere to any criminal charge if the relationship of the facts which support the charge and all intervening circumstances tend to show that the licensee is not fit to hold the position, in the discretion of the board.

(c) A licensee is not qualified for nomination to board membership if the licensee, within the previous five years, has been disciplined by the board for a violation of ORS Chapter 671 or the rules adopted by the board.

Stat. Auth.: ORS 671.415

Stats. Implemented: 1997 SB 546

Hist.: LAB 3-1998, f. & cert. ef. 5-20-98 Suspended by LAB 1-2001(Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; LAB 1-2005, f. & cert. ef. 2-14-05; LAB 3-2006, f. & cert. ef. 8-14-06

804-001-0015

Election of Officers

The board may elect a Chair, Vice Chair and Treasurer once a year at the first board meeting held after July 1. The new Chair, Vice-Chair and Treasurer's terms will begin at the end of the meeting at which they are elected.

Stat. Auth.: ORS 183 & 671

Stats. Implemented: ORS 671.459

Hist.: LAB 1-1984, f. & ef. 1-5-84; Renumbered from 804-030-0025; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 1-2001 (Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; Administrative correction 12-2-02; LAB 1-2005, f. & cert. ef. 2-14-05

804-001-0020

Charges for Copies and Documents

(1) All requests shall be submitted in writing for copies of public records pertaining to the State Landscape Architect Board and available at the Board's office.

(2) Charges for copies may be assessed as follows:

(a) For copies requested by other state agencies and by general public: \$0.25 per copy;

(b) For copies an additional amount shall be set at the discretion of the administrator for staff time required for search, handling, copying, and delivery.

Stat. Auth.: ORS 183 & 671.415

Stats. Implemented: ORS 192.440(3) & 357.885

Hist.: LAB 1-1984, f. & ef. 1-5-84; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89; LAB 1-1998, f. & cert. ef. 2-5-98

DIVISION 3

DEFINITIONS

804-003-0000

Definitions

The definitions of terms used in ORS 671.310 to 671.459, and the rules of this chapter are:

(1) "Assumed or Fictitious Name" — A false name taken as one's own.

(2) Business entity: an individual and any other association of persons providing landscape architectural design and consulting services.

(3) "Deceit" — An attempt to portray as true or valid something that is untrue or invalid.

(4) Delinquent renewal fee: a fee previously owed and not yet paid covering a specific period of time.

(5) "Emeritus" — Retired but retaining an honorary title corresponding to that held immediately before retirement.

(6) "Employing" — Hiring a person, not an independent contractor, for compensation.

(7) "Fraud" — Intentional perversion of truth in order to induce another to part with something of value or to surrender a legal right.

(8) "Grossly Negligent" — Reckless and wanton disregard for exercising care and caution.

(9) "Impersonate" — To assume, without authority or with fraudulent intent, the identity of another person.

(10) Late fee: a fee assessed when a payment is received after the date due.

(11) "Material Misrepresentation" — An untrue statement that is significant under the circumstances.

(12) "Renewal of Registration" — To annually maintain the current status of a valid registration or to bring a lapsed or expired registration to current, valid status.

Stat. Auth.: ORS 183 & 671

Hist.: LAB 1-1984, f. & ef. 1-5-84; LAB 1-1985, f. & ef. 7-1-85; LAB 2-1986, f. & ef. 3-5-86; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89; LAB 1-2005, f. & cert. ef. 2-14-05; LAB 3-2006, f. & cert. ef. 8-14-06

DIVISION 10

EXAMINATION QUALIFICATIONS

804-010-0000

Examination Qualifications

(1) To qualify to sit for the Board administered examination, an applicant for examination must have a degree from a program accredited and accepted by the Landscape Architecture Accreditation Board (LAAB).

(2) The degree program must be listed in LAAB's Accreditation Report current at the time of the candidate's graduation.

Stat. Auth.: ORS 183 & 671

Stats. Implemented: ORS 671.335

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 1-2001 (Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; Administrative correction 12-2-02; LAB 1-2005, f. & cert. ef. 2-14-05; LAB 1-2007, f. & cert. ef. 4-27-07

804-010-0010

Equivalent Education and Experience

(1) In lieu of the degree specified in OAR 804-010-0000, an applicant may satisfy the education requirement for examination eligibility by accumulating the required five years of credit through a combination of one or more of the following:

(a) Non-accredited B.L.A or M.L.A., four years credit;

(b) NAAB-accredited B.Arch. or M. Arch, four years credit;

(c) ABET-accredited degree in Civil Engineering, four years credit; or

(d) Any Bachelor's degree, two years credit; and

(e) Up to three years of diversified experience in landscape architecture under the direct supervision of a licensed landscape

architect can fulfill the balance of the five years required to sit for the examination.

(2) In allowing examination applicants the opportunity to combine education and experience in fulfilling the minimum qualification requirements established by statute, the board will apply the following evaluation criteria:

(a) Degrees listed in (1) above cannot be combined to satisfy the education credit requirement;

(b) The work experience applied as education credit may not also be used to satisfy experience requirements;

(c) Any degree awarded less than two years prior to the accreditation of the program will be accepted as an accredited degree;

(d) Any degree awarded after a program has ceased to be accredited will not be accepted as an accredited degree.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.335

Hist.: LAB 1-1982(Temp), f. & ef. 5-6-82; LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 2-1986, f. & ef. 3-5-86; LAB 2-1998, f. & cert. ef. 4-22-98; Suspended by LAB 1-2001 (Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; LAB 1-2005, f. & cert. ef. 2-14-05; LAB 1-2007, f. & cert. ef. 4-27-07

804-010-0020

Experience in Lieu of Education

(1) Applicants may qualify for examination under ORS 671.335(1) by completing eight years of experience under the direct supervision of a registered landscape architect.

(2) Applicants applying under the provisions of this section must submit a written request to the board seeking consideration of experience in lieu of education.

(3) The board shall supply the applicant with the format for submitting required documentation.

(4) A Board written response will provide the applicant with the Board's evaluation and conclusions regarding admission to the examination.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.335

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1983, f. & ef. 2-1-83; LAB 1-1984, f. & ef. 1-5-84; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 1-2001 (Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; Administrative correction 12-2-02; Renumbered from 804-010-0005, LAB 1-2007, f. & cert. ef. 4-27-07

DIVISION 20

EXAMINATION PROCEDURES

804-020-0001

Landscape Architect Registration Examination (LARE)

(1) The board administers the Landscape Architect Registration Examination (LARE) prepared by the Council of Landscape Architect Registration Boards (CLARB) to test the applicants' knowledge, skills, and abilities considered to be the minimum competency needed for protecting the health, safety and welfare of the public.

(2) The board administers sections of the LARE as designated by CLARB.

(3) Candidates must request of CLARB to provide verification to the Oregon Board of passing Sections A, B, and D of the LARE.

(4) In lieu of sitting for examinations at the Oregon examination site, the Board will honor test results from CLARB's regional test centers for Section C and Section E.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.335

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89; LAB 1-1992, f. 3-23-92, cert. ef. 4-1-92; LAB 2-1998, f. & cert. ef. 4-22-98; Renumbered from 804-020-0020. LAB 1-2007, f. & cert. ef. 4-27-07; LAB 4-2008, f. & cert. ef. 11-7-08

804-020-0003

Application

(1) An application for examination must be on forms provided by the Board.

(2) The application must be accompanied by the following:

(a) Official university transcript(s);

(b) Verification of one year of experience under the direct supervision of a registered Landscape Architect or experience verification from the registered Landscape Architect that supervised the applicants experience if applying by other than an LAAB accredited program;

(c) Application fee for the examination; and

(d) Examination fee for the examination.

Stat. Auth.: ORS 671

Stats. Implemented:

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89; LAB 1-2001(Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; Administrative correction 12-2-02; Renumbered from 804-020-0000, LAB 1-2007, f. & cert. ef. 4-27-07

804-020-0005

Reapply for Exam

(1) Applicants must submit a new application accompanied by the required fee to retake the failed portions of the examination.

(2) Retake applications do not need to include the official university transcript or verification of experience.

Stat. Auth.: ORS 671

Stats. Implemented:

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89; LAB 1-2007, f. & cert. ef. 4-27-07

804-020-0010

Date of Application Receipt

Applications to take the Landscape Architect Registration Examination (LARE) must be received in the board's offices no less than 90 days prior to the scheduled examination date.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.415

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 1-1987, f. & ef. 1-5-87; LAB 1-1992, f. 3-23-92, cert. ef. 4-1-92; LAB 1-1993, f. & cert. ef. 7-1-93; LAB 2-1998, f. & cert. ef. 4-22-98

804-020-0015

Refunds

(1) Examination fees are non-refundable, except under circumstances approved by the board.

(2) Refunds of examination application fees will not be made to individuals who fail to qualify for, withdraw from, or do not appear for, the examination.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.365

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 2-1998, f. & cert. ef. 4-22-98

804-020-0030

Date of Exams

(1) The LARE shall be administered on the dates established by CLARB.

(2) The Board shall establish the time and location of the exam.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.335

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 1-1992, f. 3-23-92, cert. ef. 4-1-92; LAB 1-1993, f. & cert. ef. 7-1-93; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 1-2007, f. & cert. ef. 4-27-07

804-020-0040

Examination Grading

The board shall accept the recommended grading procedures and minimum passing scores for all sections of the LARE as established by CLARB.

Stat. Auth.: ORS 671.

Stats. Implemented: ORS 671.335

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 1-1992, f. 3-23-92, cert. ef. 4-1-92; LAB 2-1998, f. & cert. ef. 4-22-98

804-020-0045

Notice of Score

The Board will notify applicants by mail of their examination Scores for section C and E of the LARE.

Stat. Auth.: ORS 671

Stats. Implemented:

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 1-2007, f. & cert. ef. 4-27-07

804-020-0065

Revoked Registration

Individuals whose licenses have been revoked must reapply and pass an appropriate examination, as determined by the board, to be re-registered.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.425

Hist.: LAB 1-1984, f. & ef. 1-5-84; LAB 1-1992, f. 3-23-92, cert. ef. 4-1-92; LAB 2-1998, f. & cert. ef. 4-22-98

DIVISION 22

QUALIFICATIONS FOR REGISTRATION

804-022-0000

Landscape Architect in Training (LAIT)

(1) A candidate who has successfully completed two or more sections of the LARE and is working toward registration as a Landscape Architect is qualified to register with the Board as a Landscape Architect in Training (LAIT).

(2) An LAIT registration must be renewed annually. An LAIT registration may only be renewed if the LAIT is working toward registration as a Landscape Architect.

(3) An LAIT may only engage in the practice of landscape architecture under the direct supervision of a Registered Landscape Architect.

Stat. Auth.: ORS 183, 671

Stats. Implemented: ORS 671.335, 671.345, 671.365, 671.425

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 1-1986, f. & ef. 1-3-86; LAB 3-1989, f. 6-23-89, cert. ef. 7-1-89; LAB 1-1992, f. 3-23-92, cert. ef. 4-1-92; LAB 1-1993, f. & cert. ef. 7-1-93; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 1-2001 (Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; Administrative correction 12-2-02; LAB 1-2005, f. & cert. ef. 2-14-05; LAB 3-2005, f. & cert. ef. 12-13-05; Renumbered from 804-020-0055, LAB 1-2007, f. & cert. ef. 4-27-07; LAB 3-2008, f. & cert. ef. 7-7-08

804-022-0005

Initial Landscape Architect Registration not by Reciprocity

(1) An individual may apply for initial registration as a Landscape Architect if they:

- (a) Are not now licensed in another jurisdiction; or
- (b) Have not been previously licensed in another jurisdiction.

(2) The application packet must include the following:

(a) Completed application form for Landscape Architect registration;

(b) Verification of passing all sections of the LARE;

(A) Exams passed under Board administration are already on file;

(B) Passing scores for exams not administered by the Board must be verified by the administering body.

(c) Verification of three years of work experience under the direct supervision of a registered Landscape architect which has been accrued after satisfying the Oregon examination requirement but may be accrued while sitting for the examination:

(A) Up to two years of the three years of experience may be supervised by a civil engineer, architect or credential planner;

(B) To fulfill the requirement of A above, the Board may consider other experience for up to one year of the experience requirement.

(b) Application fee;

(c) Annual renewal fee; and

(f) A signed Affidavit of Understanding which confirms that the applicant has read and understands the Oregon Revised Statutes and the Oregon Administrative Rules that govern the practice of landscape architecture.

(3) Upon acceptance by the Board of the application information, the applicant will complete an Oral Exam/Interview.

(4) The initial date of registration shall be the date of the meeting during which the Board approves the application for registration.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.335

Hist.: LAB 1-2007, f. & cert. ef. 4-27-07

804-022-0010

Landscape Architect Registration by Reciprocity

(1) Any person not registered as a Landscape Architect in Oregon, but who currently holds a license or certificate to practice in another state or territory, may file an application packet for registration under ORS 671.345.

(2) An application packet must include the following:

(a) A current Council of Landscape Architectural Registration Boards (CLARB) certificate to aid the board in determining the applicant's qualifications;

(b) A Board application form;

(c) An application fee;

(d) Annual registration fee; and

(e) Affidavit of Understanding stating that the applicant has read and understands the Oregon Landscape Architect Law and the Oregon Administrative Rules governing the practice of Landscape Architecture.

(3) In lieu of the CLARB certificate stated in (2)(a), the application packet must include:

(a) An official transcript from an LAAB accredited university in the university sealed envelope;

(b) Verification of a minimum of three years of work experience under the direct supervision of a registered Landscape Architect which was accrued after satisfying the degree requirement but may have been accrued while sitting for the examination;

(c) Proof of passing all sections of the national registration examination for Landscape Architecture;

(d) Identification of the state(s) where examinations were passed; and

(e) Identification of all states in which licensure is currently held.

(4) Registration may be granted after all application materials are approved.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.345

Hist.: LAB 1-1983, f. & ef. 2-1-83; LAB 1-1984, f. & ef. 1-5-84; LAB 2-1989, f. 7-1-89, cert. & ef. 6-23-89; LAB 2-1989, f. 6-23-89, cert. ef. 7-1-89; LAB 1-1993, f. & cert. ef. 7-1-93; LAB 2-1998, f. & cert. ef. 4-22-98; Renumbered from 804-010-0025, LAB 1-2007, f. & cert. ef. 4-27-07; LAB 1-2008, f. & cert. ef. 2-4-08

804-022-0015

Effective Date of Registration

(1) The initial date of registration for a Landscape Architect applying by exam and experience will be the date of the meeting during which the board approved the application.

(2) The initial date of registration for a Landscape Architect applying by reciprocity will be assigned upon Board approval of the application packet.

(3) The initial date of registration for an LAIT will be the date when the review of the completed application packet is complete.

(4) The initial date of registration will be effective for one calendar year. The registration will be subject to renewal on an annual basis.

(5) Payment of the initial registration fee must be submitted with the application for registration.

(6) A Landscape Architect may petition the board for 'emeritus' status upon retirement from the profession.

(a) An emeritus registrant may no longer practice landscape architecture; and

(b) Is subject to the same re-application process as an inactive registrant in order to resume the practice of landscape architecture; and

(c) Is not subject to continuing education requirements.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.376

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 2-1984, f. & ef. 5-1-84; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 1-2005, f. & cert. ef. 2-14-05; Renumbered from 804-030-0015, LAB 1-2008, f. & cert. ef. 2-4-08

804-022-0020

Reinstatement of Lapsed Registration

(1) If a registration lapses beyond the five year reinstatement period and an individual requalifies as prescribed in ORS 671.335 to 671.345, a new certificate number will be issued.

(2) Individuals seeking reinstatement after 60 days lapsed but within the five year reinstatement period must

(a) submit a written request for reinstatement to the board explaining why the registration renewal was late; and

(b) appear before the Board for an oral interview to reinstate the registration.

(3) Written requests must be received no later than 15 days prior to any regularly scheduled Board meeting in order to be considered at that meeting. Written requests submitted after this deadline may be held until the next regularly scheduled Board meeting.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.376

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 2-1986, f. & ef. 3-5-86; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89; LAB 2-1998, f. & cert. ef. 4-22-98; Renumbered from 804-030-0035, LAB 1-2008, f. & cert. ef. 2-4-08

DIVISION 25

CONTINUING EDUCATION

804-025-0000

Effective Date for Compliance with Continuing Education Requirements

The criteria and guidelines set forth in these rules for compliance with Continuing Education Requirements shall take full effect on July 1, 2006. At that time each registrant may be required to submit proof to the Board that they have met the requirements of this section in the manner prescribed.

Stat. Auth.: ORS 671.415

Stat. Implemented: ORS 671.395

Hist.: LAB 1-2005, f. & cert. ef. 2-14-05

804-025-0010

Continuing Education Requirements

(1) Exemptions: A registrant may be exempt, upon board review and approval, from continuing education requirements in any of the following situations:

(a) A registrant is called to active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a calendar year. This individual may be exempt from obtaining one-half of the required continuing education during that renewal period.

(b) A registrant experiences physical disability, illness, or other extenuating circumstances that prevents the registrant from practicing landscape architecture. The registrant shall provide supporting documentation for the board's review and approval. If the registrant elects to return to practice, the registrant shall complete all professional development hours required for one renewal cycle, in addition to those required for the next licensure renewal.

(2) Records: each registrant shall maintain:

(a) A log showing the subject and type of activity claimed, the sponsoring organization, location, duration and instructor's or speaker's name.

(b) Documentation sufficient to prove completion of the activity claimed such as attendance verification records, completion certificates or other documents;

(c) Required log and documentation for at least four (4) years.

(3) Audit: Upon request, each registrant shall provide proof of satisfying the continuing education requirements. If the registrant fails to furnish the information as required by the board or if the information is not sufficient to satisfy the requirements, the license shall not be renewed.

(4) Disallowance: If the board disallows one or more continuing education activities claimed, the board may, at its discretion, allow the registrant up to 120 days after notification to substantiate the original claim or to complete other continuing education activities sufficient to meet the minimum requirements.

Stat. Auth.: ORS 671.415

Stat. Implemented: ORS 671.395

Hist.: LAB 1-2005, f. & cert. ef. 2-14-05; LAB 4-2008, f. & cert. ef. 11-7-08

804-025-0015

Continuing Education Requirements for Reactivation of Registration

(1) If the inactive registration is less than one year, the Inactive registrant must provide proof of meeting all of the continuing education requirements of OAR 804-025-0020(2) for reactivation of registration.

(2) If the inactive registration is for one year or more, the Inactive registrant must provide proof of meeting the continuing education requirements of OAR 804-025-0020(2) during the two year period immediately prior to reactivation of registration.

(3) Delinquent registrants seeking reinstatement must provide proof of compliance with requirements of OAR 804-025-0020(2) for each year the registration has been delinquent before the registration may be considered for reinstatement.

Stat. Auth.: ORS 183 & 671

Stat. Implemented: ORS 671.335, 671.395 & 671.415

Hist.: LAB 4-2008, f. & cert. ef. 11-7-08

804-025-0020

Uniform Continuing Education Standards

(1) Definitions:

(a) Activity — any course or educational endeavor that has a clear purpose and objective and maintains, improves or expands the professional knowledge or skill of the registrant.

(b) Professional development hour (PDH) — one hour (with no less than 50 minutes of direct involvement, commonly referred to as a contact hour) of an activity that meets the requirements of these regulations.

(c) Structured educational activity — any activity that: has a sponsor other than the registrant, has evidence of pre-planning including a written objective and format, has an assessment component, and is documented and verifiable.

(d) Health, safety and welfare issue — any issue related to the practice of landscape architecture exemplified by the most current examination required for licensure.

(e) Common conversions:

(A) One university quarter credit hour = 30 hours.

(B) One university semester credit hour = 45 hours.

(C) One IACET Continuing Education Unit (CEU) = 10 hours.

(2) Basic Requirements:

(a) Each landscape architect shall complete 12 PDH units of acceptable continuing education requirements during the one-year period immediately preceding each annual renewal date as a condition for renewal.

(b) At least 9 PDH units of the continuing education requirement shall be earned by completing structured educational activities that directly address the health, safety, and welfare issues of the public as related to the practice of landscape architecture.

(c) If a registrant exceeds the total continuing education requirement in a renewal period, the registrant may carry a maximum of 12 PDH units forward into the next renewal period.

(3) Conditions For Acceptance:

(a) To be accepted as a PDH, a structured educational activity must be: related to the practice of landscape architecture, performed outside of the normal performance of one's occupation, and contemporaneously documented.

(A) Professional or Technical presentations; making professional or technical presentations at recognized professional meetings, conventions or conferences shall be the equivalent of one PDH.

(B) Teaching or instructing a qualified presentation shall constitute two PDH for each contact hour spent in the classroom. Teaching credits shall be valid for teaching a course or seminar in its initial presentation only. Teaching credits shall not apply to full-time faculty of any college or university.

(C) Authoring; Authoring (publishing) or presenting an original paper, article or book shall be the equivalent of preparation time spent, not to exceed 20 PDH per publication. Credit shall be given for authorship or presentation of that activity, but not for both. Credit cannot be claimed until actually published or presented.

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Credit shall be valid for authorship or presentation in its initial version only.

(D) Professional societies or organizations; Serving as an elected officer or appointed chair of a committee of an organization in a professional society or organization shall be the equivalent of 4 PDH. Professional development hours shall be limited to 4 PDH per organization and shall not be earned until the completion of each year of service.

(E) Professional boards or commissions; Serving as an elected officer or appointed member of a professional board or commission shall be the equivalent of 4 PDH. Professional development hours shall be limited to 4 PDH per organization and shall not be earned until the completion of each year of service.

(F) Professional examination grading or writing; Serving as an exam grader or on a committee writing exam materials for a professional registration examination shall be the equivalent of 4 PDH. A maximum of 8 professional development hours per biennium may be applied from this source.

(G) Attaining specialty certifications through examination from a qualified professional society or organization shall be the equivalent PDH's equal to two times the allotted examination time (i.e. 4 PDH's shall be granted for a certification exam of 2 hours in length). A maximum of 4 PDH credits shall be allowed where there is no specific limit on the examination time.

(H) Pro-bono service that has a clear purpose and objective and maintains, improves, or expands the professional knowledge or skill of the registrant shall constitute 1 PDH for every 4 hours of service; maximum 4PDH per year.

(I) Extended travel outside the State of Oregon may constitute 2 PDH per week of travel.

(J) Attendance at industry related exhibitions such as home and garden shows shall constitute 1 PDH per show; maximum 2 PDH per year.

(K) Mentoring one or more students for one day at the University of Oregon Landscape Architecture Shadow Mentor Day program or other mentoring event shall constitute 1 PDH per mentor day; maximum 4 PDH per year;

(L) Membership on the regulatory board for the practice of landscape architecture shall constitute 8 HSW PDH per year of membership.

(4) The board has final authority with respect to approval for courses, specific activities, and credit given.

(5) A Landscape Architect registered for 25 consecutive years or more shall meet continuing education requirement upon completing 4 hours per year of self study reading to learn of new products, ideas, design concepts and methods related to health, safety, and welfare that maintain, improve, or expand the professional knowledge or skill of the registrant.

Stat. Auth.: ORS 671.415

Stat. Implemented: ORS 671.395

Hist.: LAB 1-2005, f. & cert. ef. 2-14-05; LAB 1-2008, f. & cert. ef. 2-4-08

DIVISION 27

PROFESSIONAL PRACTICE OF THE REGISTRANT

804-027-0005

Landscape Architect in Training (LAIT)

(1) The Code of Professional Conduct (OAR 804, Division 50) applies to LAITs. LAITs have a duty to follow and uphold the Code of Professional Conduct as well as the statutes and rules governing the practice of landscape architecture (ORS 671.310 to 671.459 and OAR Chapter 804).

(2) The function of an LAIT is to develop skill and competence in the practice of landscape architecture that leads to the passing of the examinations required to become a Registered Landscape Architect.

(3) The LAIT has the power to engage in the practice of landscape architecture under the direct supervision of a Registered Landscape Architect except that the LAIT does not have the power or authority to stamp plans or documents. Only the supervising Registered Landscape Architect is allowed to stamp plans and documents.

Stat. Auth.: ORS 671 & 183

Stats. Implemented: ORS 671.315, 671.316, 671.335, 671.345, 671.365, 671.425 & 671.393

Hist.: LAB 3-2008, f. & cert. ef. 7-7-08

804-027-0010

Registered Landscape Architect

(1) Documents bearing the Registered Landscape Architect's seal and signature shall be those prepared under the supervision of the Registered Landscape Architect.

(2) The seal with the Registered Landscape Architect's signature shall appear on the title page of specifications and on every sheet of the working drawings, as well as on all professional documents and reports.

(3) Registered Landscape Architects shall not affix their seal or allow their seal to be fixed to any plans, drawings, documents, specifications, or reports not personally prepared or prepared under their supervision.

(4) Supervision means the Registered Landscape Architect has exercised guidance, professional judgment, and control in the preparation of all landscape architectural matters shown or contained within the document.

Stat. Auth.: ORS 671 & 183

Stats. Implemented: ORS 671.315, 671.316, 671.335, 671.345, 671.365, 671.425 & 671.393

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 2-1986, f. & ef. 3-5-86; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89; LAB 2-1998, f. & cert. ef. 4-22-98; Renumbered from 804-030-0005 & 804-030-0010, LAB 3-2008, f. & cert. ef. 7-7-08

DIVISION 30

GENERAL

804-030-0000

Facsimile of Seal

(1) Every registered landscape architect shall use a seal bearing the name of the registrant, the date of registration, the certificate number and the words "Registered Landscape Architect." A facsimile of the design and the lettering of the seal appear below: [Graphic not included. See ED. NOTE.]

(2) The seal shall have space for the registrant's signature through the center.

[ED. NOTE: Graphic referenced is available from the agency.]

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.315

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89; LAB 1-1993, f. & cert. ef. 7-1-93; LAB 2-1998, f. & cert. ef. 4-22-98

804-030-0005 [Renumbered to 804-027-0010]

804-030-0010 [Renumbered to 804-027-0010]

804-030-0011

Advertising

A registered landscape architect employed by a corporation or other business entity may advertise landscape architecture under the registrant's own name. A business registered with the State to provide landscape architectural services may advertise only under the registered business name.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.315

Hist.: LAB 2-1984, f. & ef. 5-1-84; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 1-2001 (Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; Administrative correction 12-2-02; LAB 1-2005, f. & cert. ef. 2-14-05; LAB 2-2006, f. & cert. ef. 6-26-06

804-030-0015 [Renumbered to 804-022-0015]

804-030-0020

Civil Penalties

Civil Penalties may be assessed up to \$5,000 for each offense. Such offenses include, but are not limited to:

(1) Unregistered individuals representing themselves as landscape architects.

(2) Registered landscape architects violating any of the provisions of ORS 671.310 through 671.459 or any rule adopted by the board.

Stat. Auth.: ORS 671.415, 671.950

Stats. Implemented: ORS 671.950

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 1-2001 (Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; Administrative correction 12-2-02; LAB 1-2005, f. & cert. ef. 2-14-05; LAB 1-2006, f. & cert. ef. 3-17-06; LAB 2-2008, f. & cert. ef. 3-20-08

804-030-0035 [Renumbered to 804-022-0020]

804-030-0040

Roster

The Board may publish a biennial roster containing the names of all registrants.

Stat. Auth.: ORS 671

Stats. Implemented:

Hist.: LAB 1-1984, f. & ef. 1-5-84; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89

DIVISION 35

CERTIFICATE OF AUTHORIZATION

804-035-0010

Qualifications for a Certificate of Authorization for Business Providing Landscape Architecture Services

(1) A business formed for the purpose of offering to provide or providing landscape architectural services is required to obtain a certificate of authorization from the board.

(2) Each such business shall meet the following requirements:

(a) For purposes of ORS 671.318, an "officer" of the business means an individual employed by the business in Oregon and having the authority on behalf of the business to enter into contracts for landscape architectural services and to otherwise make decisions regarding the execution and outcome of such services.

(b) Each business shall designate one or more registered landscape architects as being in responsible charge of the landscape architectural services and decisions of the business. In the case of a business with multiple offices, each office in Oregon shall have a designated registered landscape architect in responsible charge of that office.

(c) Each landscape architect designated as being in responsible charge of the business's landscape architectural activities and decisions shall file an affidavit of responsibility with the board.

(3) Each certified business shall notify the board in writing within 30 days of any change in:

- (a) Address;
- (b) Business status;
- (c) Officer status; or

(c) Status of the person or persons designated as being in responsible charge of the landscape architectural services and decisions of the business.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.315

Hist.: LAB 2-1984, f. & ef. 5-1-84; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 1-2001 (Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; Administrative correction 12-2-02; LAB 1-2005, f. & cert. ef. 2-14-05; LAB 2-2006 f. & cert. ef. 6-26-06, Renumbered from 804-030-0011; LAB 2-2008, f. & cert. ef. 3-20-08

804-035-0020

Application for Certificate of Authorization

(1) A business shall submit an application to the board, accompanied by the appropriate fee. See OAR 804-040-0000.

(2) The application shall be on forms prescribed by the board and shall contain the following information:

(a) Name and address of each partner, manager, officer, member, director, shareholder, or owner working in Oregon, indicating the professional status of each and their jurisdiction's registration number.

(b) Name and address of each landscape architect designated as being in responsible charge of the business's landscape architectural activities and decisions.

(c) Affidavit of responsibility from each landscape architect designated as being in responsible charge of the business's landscape architectural activities and decisions.

(3) Upon request, the applicant shall provide the Board with copies of document(s) regarding the formation and organizational structure and operation of the business, and any amendments to such documents, including, but not limited to, the following: articles of incorporation, by-laws, minutes, record of shareholders, partnership agreement, articles of organization, operating agreement, record of members, and annual reports.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.315

Hist.: LAB 2-1984, f. & ef. 5-1-84; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 1-2001 (Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; Administrative correction 12-2-02; LAB 1-2005, f. & cert. ef. 2-14-05; LAB 2-2006 f. & cert. ef. 6-26-06, Renumbered from 804-030-0011

804-035-0030

Issuance and Renewal of Certificate of Authorization

(1) Upon satisfactory completion of all requirements, the board may issue or renew a certificate of authorization. The certificate expires two years from the date of issuance or renewal unless earlier revoked, suspended, or not renewed under OAR 804-035-0040.

(2) The certificate may be renewed prior to its expiration date on the last day of the renewal month or within 30 days of the expiration date without payment of a late fee.

(3) A certificate of authorization issued by the board shall be displayed at the business's principal place of business in Oregon where the public can readily view it.

(4) A certificate that is not renewed within 30 days of its expiration date may be reinstated only as provided in OAR 804-035-0035.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.315

Hist.: LAB 2-1984, f. & ef. 5-1-84; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 1-2001 (Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; Administrative correction 12-2-02; LAB 1-2005, f. & cert. ef. 2-14-05; LAB 2-2006 f. & cert. ef. 6-26-06, Renumbered from 804-030-0011

804-035-0035

Reinstatement of Expired Certificate of Authorization

To reinstate a certificate that has expired more than 30 days, the business must provide the following:

(1) A written request to the Board for reinstatement of the certificate explaining the reason for failing to renew within 30 days of the expiration date;

(2) Any additional information the Board may request for purposes of considering the request for reinstatement;

(3) Payment of the current biennial renewal fee;

(4) Payment of any delinquent biennial renewal fees; and

(5) Payment of late fees.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.315

Hist.: LAB 2-2006 f. & cert. ef. 6-26-06

804-035-0040

Revocation of Certificate of Authorization

The board may revoke, suspend, or refuse to renew a certificate if the board finds that the business has:

(1) Committed any act of dishonesty, fraud, or deceit in obtaining or attempting to obtain a certificate;

(2) Not notified the board of a change in status under OAR 804-035-0010(3);

(3) Not had a registered landscape architect in responsible charge of the landscape architectural services and decisions of the business;

(4) Not had a registered landscape architect as an owner or officer of the business;

(5) Violated any provision of ORS 671.310 to 671.459, 671.992, or 671.005, or any rule promulgated thereunder.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.315

Hist.: LAB 2-2006 f. & cert. ef. 6-26-06

DIVISION 40

FEES

804-040-0000

Fees

The following are fees established by the board:

(1) Landscape Architect Registration Examination: an amount equal to the cost of purchasing the exam, or portions of the exam, from CLARB, plus the cost of postage, handling, examination site facilities and staff time for administration of the exam.

(2) Initial Landscape Architect registration: \$250.00.

(3) Initial Landscape Architect in Training registration: \$50.00.

(4) Registration renewal for Landscape Architect: \$250.00.

(5) Registration renewal for Landscape Architect in Training: \$50.00.

(6) Exam application fee (required to review qualifications to sit for each exam): \$50.00.

(7) Reciprocity application fee: \$100.00.

(8) Duplicate certificate: \$50.00.

(9) Late renewal fee: \$100.00: Lapsed Registration Fee to equal the full renewal fee plus late fee for each year the license has lapsed.

(10) Initial certification as an Authorized Business Entity in Landscape Architecture: \$225.00.

(11) Renewal fee for an Authorized Business Entity in Landscape Architecture: \$225.00.

(12) Emeritus Annual fee: \$25.00.

(13) Application fee for initial Landscape Architect registration: \$100.00.

(14) Application fee for business registration: \$100.00.

(15) Fee for registrant list: \$50.00.

Stat. Auth.: ORS 671.415

Stats. Implemented: ORS 671.365

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1983, f. & ef. 2-1-83; LAB 3-1983(Temp), f. 10-14-83, ef. 11-1-83; LAB 1-1984, f. & ef. 1-5-84; LAB 2-1986, f. & ef. 3-5-86; LAB 1-1987, f. & ef. 1-5-87; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89; LAB 1-1992, f. 3-23-92, cert. ef. 4-1-92; LAB 1-1993, f. & cert. ef. 7-1-93; LAB 1-1998, f. & cert. ef. 2-5-98; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 1-1999, f. & cert. ef. 10-22-99; LAB 1-2001 (Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; Administrative correction 12-2-02; LAB 1-2005, f. & cert. ef. 2-14-05; LAB 2-2005, f. & cert. ef. 5-18-05; LAB 1-2006, f. & cert. ef. 3-17-06; LAB 2-2008, f. & cert. ef. 3-20-08

DIVISION 50

CODE OF PROFESSIONAL CONDUCT

804-050-0001 [Renumbered to 804-050-0005, 804-050-0010, 804-050-0015]

804-050-0005

Responsibility to the Board

(1) A Registered Landscape Architect or a Landscape Architect in Training must respond to written requests from the Board within 21 days after the request is mailed by registered or certified mail to the Registered Landscape Architect's or Landscape Architect in Training's address of record with the Board.

(2) If a Registered Landscape Architect or a Landscape Architect in Training has information which leads to a reasonable belief that another Registered Landscape Architect or Landscape Architect in Training has committed a violation of this Code of Professional Conduct, or that an individual or business is in violation of the statutes or rules governing the practice of landscape architecture (ORS 671.310 to 671.459 and OAR chapter 804), such information must be promptly reported to the Board.

(3) A Registered Landscape Architect must not dismiss from his or her employment, or take any other action punitive in nature against another Registered Landscape Architect because of the other Registered Landscape Architect's compliance with any part or subsection of this Code of Professional Conduct, or any other provision of OAR chapter 804, or any provisions of ORS 671.310 to 671.459.

(4) A Registered Landscape Architect must not knowingly prepare or stamp construction documents which are in violation of any codes, laws, or regulations.

(5) A Registered Landscape Architect must only verify landscape architecture experience of those applicants for examination or

registration that have been under the direct supervision of the Registered Landscape Architect.

(6) A Registered Landscape Architect must only affix a signature to the renewal form verifying completion of Professional Development Hours (PDH) if they have the proper documentation to validate completion of the PDH.

(7) A Landscape Architect in Training must only engage in the practice of landscape architecture under the direct supervision of a Registered Landscape Architect.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.393

Hist.: LAB 2-1987, f. & ef. 6-1-87; LAB 2-1998, f. & cert. ef. 4-22-98, Renumbered from 804-050-0001, LAB 3-2008, f. & cert. ef. 7-7-08

804-050-0010

Responsibility to the Profession

(1) Registered Landscape Architects must conduct professional duties with honesty and integrity. Registered Landscape Architects must comply with all rules and laws governing the practice of landscape architecture and with all orders of the Board.

(2) Registered Landscape Architects and Landscape Architects in Training must not accept, solicit or pay any inducement greater than \$50.00 in the course of professional work during one calendar year to any prospective client in order to gain necessary public approval.

(3) Contemporaneously with government employment, a Registered Landscape Architect must not engage in the private practice of landscape architecture with any person or firm who does business with the Registered Landscape Architect's employing agency if doing so would constitute any violation of ORS chapter 244.

(4) Registered Landscape Architects must only take credit for work they have performed.

(5) A Registered Landscape Architect must not knowingly misrepresent to clients or the public about the results that can be achieved through the use of the registrant's services, nor state that the Registered Landscape Architect can achieve results by means that violate this code or the law.

(6) Registered Landscape Architects must not reveal information obtained in the course of professional activities which they have been asked to maintain in confidence except when disclosure

(a) Could stop an act which creates a significant risk to the public health, safety or welfare, and could not otherwise be prevented, or

(b) Is necessary in order to comply with applicable laws, orders of a court, or requests or orders of the Board.

(7) A Registered Landscape Architect must perform professional services only when he or she is qualified by education, training, or experience in the specific areas involved.

(8) A Registered Landscape Architect must only sign or seal drawings, specifications, reports, or other professional work for which the Registered Landscape Architect has direct professional knowledge and direct supervisory control.

(9) A Registered Landscape Architect must apply technical knowledge and skills for clients in a manner that meets the standard of technical knowledge and skills applied by Registered Landscape Architects in good standing practicing in the State of Oregon.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.393

Hist.: LAB 2-1987, f. & ef. 6-1-87; LAB 2-1998, f. & cert. ef. 4-22-98, Renumbered from 804-050-0001, LAB 3-2008, f. & cert. ef. 7-7-08

804-050-0015

Responsibility to the Employer

(1) A Registered Landscape Architect must be truthful in representing personal qualifications, capabilities and experience to the client, employer, and public.

(2) A Registered Landscape Architect must not take credit for work performed under the direction of a former employer beyond the accurate definition of his or her project involvement.

(3) A Registered Landscape Architect must make full disclosure of all applicable project information to clients, public and other interested parties who rely on the Registered Landscape Architect's advice and professional work product.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.393

Hist.: LAB 2-1987, f. & ef. 6-1-87; LAB 2-1998, f. & cert. ef. 4-22-98, Renumbered from 804-050-0001, LAB 3-2008, f. & cert. ef. 7-7-08