

BOARD OF LANDSCAPE ARCHITECTS
TEL. NO. (860) 713-6145

May 15, 2009

State of Connecticut
Department of Consumer Protection
Occupational & Professional Licensing Division
165 Capitol Avenue
Hartford, Connecticut 06106

The Board of Landscape Architects held a regular meeting on March 10, 2009, which was called to order by Chairman Vincent C. McDermott at 9:31 AM in Room No 121 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Board Members Present:

Vincent C. McDermott	Chairman
W. Phillips Barlow	Board Member
Paul E. Courchaine	Board Member
Stephen Wing	Board Member

Board Members Not Present:

Denise E. Cooper	Board Member
Robert W. Hammersley	Board Member
Shavaun Towers	Board Member

Others Present:

Robert M. Kuzmich, R.A.	License and Applications Specialist
Steven J. Schwane	Administrative Hearings Attorney/DCP
Janice K. Parker	Examination Candidate
Cynthia Knauf	Examination Candidate

Note: The administrative functions of this Board are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information, call Richard M. Hurlburt, Director, at (860) 713-6135.

1.) Old Business

1A. Minutes of the December 9, 2008 meeting of the Board; for review and approval. *After a thorough review, the Board voted, unanimously, to approve the minutes as written. (Wing/Barlow) It is noted that Mr. Courchaine abstained from the vote.*

1B. Continuation of discussion concerning the Continuing Education Submission of Mr. Joseph R. Cairone. Mr. Kuzmich explained that at the last Board meeting, they had given this licensee until February 27, 2009 to submit the balance of his continuing education requisite. To date, the Department has not received anything. *As such, the Board voted, unanimously, to refer this case to the Legal Division for appropriate action. (Courchaine/Wing)*

1C. Update from the Department regarding the status of pending Audits to be conducted by the Department for the continuing education period from August 1, 2006 through July 31, 2008. Mr. Schwane received five landscape architects files from the Trade Practices Division who have not responded to their CE audit letters. Certified letters were sent to all and receipt acknowledgements of the mailings have been received. One licensee has requested inactive status and the other four have not responded. Administrative complaints will now be enacted against these four licensees.

As an aside, Mr. McDermott noted that at his recent attendance at the *CLARB Spring Meeting*, continuing education enforcement was discussed. Connecticut should be proud of their response to the Board's CE Audit and their flexibility in giving some of their licensee's additional time to become compliant. He noted that over time, the amount of recalcitrant's has dropped and the quality of the submissions have improved

1D. Continuation of discussion concerning Draft Revisions to General Permits for the Discharge of Storm-Water and Dewatering Wastewaters from Construction Activities. Mr. McDermott stated that subsequent to their last meeting, a similar and related issue surfaced regarding a Landscape Architect's ability to sign certain *DEP* documents in the context of a *Coastal Site Plan Permit* submitted by a licensee in Fairfield County who was barred by some Towns from submitting a *Coastal Area Management (CAM) Application*. This individual first went directly the *Department of Consumer Protection* in lieu of going directly to the Board. Mr. McDermott became aware of this situation by his inclusion in an E-Mail chain.

This situation raised the more general issue of what Landscape Architects can and can not do with respect to *Department of Environmental Protection (DEP)* rules and regulations. This prompted the memorandum written by Mr. McDermott

included in today's agenda package. Mr. McDermott has spoken with the Department's Deputy Commissioner who has since made contact with her counterpart at *DEP*. Their response was a lack of awareness of this restriction (by their own admission) and asked for the appropriate citation as to what Landscape Architects are and are not allowed to do.

The two issues in question are: 1.) Who is allowed to seal Erosion and Sedimentation Control Plans and who is allowed to do the inspection? and, 2.) Can an unlicensed non-state employee review plans prepared by Landscape Architects and comment on them when these individuals may not be licensed themselves.

Since the Board's last meeting, there is now a revised draft by the *DEP* of the *Storm Water General Permit Requirements* which now identify Landscape Architects as being authorized to prepare such plans. The issue still remains that before these plans can be accepted by *DEP*, they still must be reviewed by the local *County Conservation District*; an agency that may use unlicensed (by the Department of Consumer Protection) people for this purpose.

Mr. Schwane discussed the issue of whether, in fact, that the *Sediment and Erosion Control Plan* must be created and sealed by a licensed individual or does this work lie somewhere in between needing a license or not. Mr. McDermott cited industry guidelines which refer back to State Law which, in turn, confirms that licensed design professionals must prepare and seal this type of work.

After more extensive discussion, it was determined that the best course of action is for Mr. Schwane to provide the Department of Consumer Protection's Deputy Commissioner with the appropriate law (Statutes and Regulation) and to ask her to arrange a meeting with the *Department of Environmental Protection*.

2.) New Business

2A. Appearance before the Board by Ms. Cynthia Knauf for consideration to sit for the Landscape Architect Registration Examination. Ms. Knauf noted that she has a *CLARB Record* but her degree is not accredited. Mr. McDermott noted that the Board's issue is her lack of an accredited degree. As a result, she is applying by an alternate method permitted by the Board's law which requires eight years of acceptable practice consistent with those elements of the *Landscape Architect Registration Examination*. Ms. Knauf currently practices in the State of Vermont which does not have licensing for landscape architects, thereby eliminating any issue of unlicensed practice.

After a presentation of her portfolio and resume to all members of the Board and extensive discussion among all members, ***the Board voted, unanimously, to approve Ms. Knauf's' application to sit for the Landscape Architect Registration Examination. (Barlow/Wing)*** Mr. McDermott cautioned Ms. Knauf that because of her lack of an accredited degree, she may not be eligible for a *CLARB Certificate* which would allow her reciprocity in other States. As such, this license may not be recognized in other jurisdictions because of the manner in which this Board accepted her application. Mr. Kuzmich will notify *CLARB* in writing of the Board's decision. Mr. McDermott briefly explained the mechanics of the *CLARB* application process.

2B. Appearance before the Board by Ms. Janice K. Parker for consideration to sit for the Landscape Architect Registration Examination. Ms. Parker is applying on the basis of eight years of approved experience and has not completed her degree from *Parson's School of Design*. Her application package contains letters of recommendation from past and present professional associates. In addition, Ms. Parker detailed her professional experience and presented the Board with a dossier of her work.

After an extensive discussion and review of her portfolio and resume by all members of the Board, ***they voted, unanimously, to approve Ms. Parker's application to sit for the Landscape Architect Registration Examination. (Courchaine/Barlow)*** Mr. McDermott cautioned Ms. Parker that because of her lack of a degree, she will not be eligible for a *CLARB Certificate* which would allow her reciprocity in other States. As such, this license may not be recognized in other jurisdictions because of the manner in which this Board accepted her application. Mr. McDermott stated her situation, in some aspects, may be more difficult than the previous applicant reviewed by the Board today because of her lack of a degree. He also noted that she will have to establish a *CLARB Record* as a part of admission to the *Landscape Architect Registration Examination*. Mr. Kuzmich will notify *CLARB* in writing of the Board's decision.

2C. Update from the Department's Legal Staff regarding any Board issues or otherwise. Mr. Schwane noted that the *State Library Regulations* have not yet been give to the *Regulations Review Committee*.

2D. Updated list of applications processed for licenses subsequent to the December 9, 2008 meeting of the Board. The Board acknowledged this information.

NAME	METHOD OF LICENSURE	DEPT. APPR'D DATE
Longo, John R.	Waiver of Exam; CLARB Council Certificate No. 7386; New York	February 3, 2009
Spencer, Kevin S.	Waiver of Exam; CLARB Council Certificate No. 3732; Pennsylvania	December 22, 2008
Szwalek, III, Stanley J.	Waiver of Exam; CLARB Council Certificate No. 45402; Michigan	December 22, 2008
Villavicencio, Oscar X.	Waiver of Exam; CLARB Council Certificate No. 4881; New York	January 22, 2009
Wolf, Tobias A.	Waiver of Exam; CLARB Council Certificate No. 6044; New York	February 20, 2009

2E. Any correspondence and/or business received in the interim.

1. *House Bill 6375* which proposes to eliminate most Board and Commissions in the *Department of Consumer Protection* was discussed by the Board. Mr. McDermott understands the issue of money that this Bill addresses. To that point, he stated that the cost of this Board equates to less than \$1,000.00 per year. Speaking for himself in a meeting with the Department's Deputy Commissioner, he is willing to forego his mileage reimbursement in an effort to preserve the Board and its importance to the Consumer. The Board has served the public and continues to serve the public well. All members are willing to do the same and essentially, work for free. The proposal, as the Board understands it, does not eliminate the licensing law and therefore requires some type of staff. A major affect of this law would be to eliminate the anomalies such as the examination candidates the Board interviewed earlier at today's meeting. Examination candidates such as these would no longer have the chance to apply because the determination of their credentials must be done by a licensed design professional in the discipline of their exam.

The Hearing for this Bill has not been scheduled to date. Mr. McDermott asked for a volunteer effort of the other Board Members to be present at the Hearing and to present a paper prepared by him to defend the Board to the legislature. Mr. McDermott will not be available and out of the Country when the Hearing will probably be held.

2. Mr. McDermott attended the recent *CLARB Spring Meeting* and gave an oral report to the Board. He stated that a local Chapter Member of ASLA should be invited to our Board meetings to better improve communications between the Board and the landscape architect community. As an example, he noted a real lack of understanding among landscape architects in terms of what the differences are between being licensed by the State and just being a member of the ASLA.

Further, he noted that CLARB has trimmed their staff and, for the first time, have a cash reserve. They also have one full secured examination in storage in case of any breach of security to the existing examination in place. CLARB's website will be updated in May 2009.

The "LACES" (*Landscape Architect Continuing Education System*) program was discussed. This system is used to standardize and evaluate continuing education courses. It was suggested, in light of the possibility of losing the Landscape Architect Board, that only LACES courses will be acceptable for CE credit thereby easing the burden of the staff person having to review all submissions. This would be a safeguard to the public by providing a standard for public health, safety, and welfare. CLARB is asking all Boards to consider these courses as being acceptable without further question. Mr. McDermott explained, in detail, the process by which a provider of these courses is approved.

Mr. McDermott stated that the Connecticut's Annual dues to CLARB will be changed to a single invoice incorporating both Regional and National dues. He noted that Connecticut's use of CLARB's *Council Record* for admission to the L.A.R.E. and use of the CLARB *Certificate Record* in the reciprocity application process saves the State approximately \$1, 500.00 in annual dues. There will be no increase in the dues this year.

The meeting adjourned the meeting at 10:54 AM. (McDermott/Barlow) The next regular meeting of the Board is scheduled for Tuesday, June 9, 2009, 9:30 AM, Room 121, State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Respectfully submitted,

Robert M. Kuzmich, R.A.
Board Administrator