

# *Arkansas State Board of Landscape Architects*

## **RULES**

### **RULE I**

#### **SCOPE & DEFINITIONS.**

##### **A. Scope.**

1. Purpose.

These Rules of the Arkansas State Board of Landscape Architects (“Board”) are set forth for the purpose of interpreting and implementing the Landscape Architectural Practice Act, A.C.A. §17-36-101 *et seq.*, establishing the Board, and conferring upon it responsibility for licensing of landscape architects and the regulation of the practice of landscape architecture.

2. Severability.

If any provision of these Rules or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these Rules which can be given effect without the invalid provision or application, and to this end the provisions of these Rules are declared to be severable.

##### **B. Definitions.**

1. Definitions defined by Statute.

Definitions defined in the Landscape Architectural Practice Act, A.C.A. §17-36-101 *et seq.*, shall have the same meanings when used in these Rules unless the context or subject matter clearly requires a different interpretation.

2. Definitions defined herein.

As used in these Rules, the following definitions of words and terms shall have the following meanings unless the context or subject matter clearly requires a different interpretation.

a. “Landscape Architect” means a person licensed under the authority of the Landscape Architectural Practice Act.

b. “Information” means any document or record submitted to the Board or as required by the Board as a part of any consideration or action by the Board.

c. “Applicant” means an individual who has submitted an application for licensure to the Board.

d. “L.A.R.E.” means the current Landscape Architect’s Registration Examination prepared by CLARB.

e. “CLARB” means the Council of Landscape Architectural Registration Boards.

f. “CEU” means Continuing Education Unit.

g. “Emeritus Landscape Architect” means a licensed landscape architect retired from active practice of landscape architecture, who is 65 years of age or older. An emeritus landscape architect may use the title “landscape architect” but may not practice landscape architecture as defined in A.C.A. §17-36-102.

h. “Examination” means the current examination accepted by the Board.

3. Masculine pronouns when used in these Rules shall also include the feminine and legal entities.

# *Arkansas State Board of Landscape Architects*

## **RULES**

### **RULE II**

#### **INFORMATION FOR PUBLIC GUIDANCE.**

- A. Board Members.  
The names, mailing addresses, telephone numbers, and electronic addresses of Board members can be obtained from the Board's office or website.
- B. Official Documents and Forms.  
The Board has a list of official forms used and a list of all formal written statements of policy and written interpretative memoranda, orders, decisions and opinions resulting from adjudications which may be obtained from the Board's office or website.
- C. Copies.  
Copies of all forms used by the Board, written statements of policy and written interpretive memoranda, and all orders issued by the Board may be obtained from the Board's office.

### **RULE III**

#### **GENERAL ORGANIZATION.**

- A. Board Operations.
  - 1. Offices – Little Rock at a location designated by the Board.
  - 2. Terms of Office for Officers – One (1) year beginning July 1.
  - 3. Election of Officers – Annually, held no later than June 1.
  - 4. Regular Meetings – At the discretion of the Board and not less than twice annually.
  - 5. Special Meetings – Special meetings can be called by the Chair, Vice Chair or majority of the voting members of the Board.
  - 6. Place of Meetings – In the State of Arkansas where directed by the Chair, Vice Chair or majority of the voting members of the Board.
  - 7. Notice of Meetings – The Chair or Vice Chair will cause notice to be given to each member at least seven (7) days prior to the meeting, unless such notice is waived by all members.
  - 8. Records and Reports – The Secretary-Treasurer is responsible for the following, but may designate the actual preparation to the staff:
    - a. Minutes and official reports,
    - b. Register of applicants, examinations, certifications, licensees and renewals,
    - c. Correspondence, and
    - d. Receipts and disbursements.
  - 9. Funds – Collected and deposited to the account of the Board by the Secretary-Treasurer, except as he may delegate these duties to the staff.
  - 10. Depository – Checking and savings accounts in a financial institution chartered in the State of Arkansas or the Arkansas State Treasury.

# *Arkansas State Board of Landscape Architects*

## **RULES**

11. Committees – The Board may create standing and *ad hoc* committees. The Chair shall select members and a quorum shall be a majority of the voting members of the committee.
- B. Board Seal.  
The Board hereby adopts as its seal the following:



The seal of the Board shall be applied to all licenses issued by the Board.

- C. Dates of Board Actions.  
When the Board requires any action on a specific date and that date falls on a weekend or a holiday, the date will be extended to the next business day.

### **RULE IV**

#### **RULE MAKING.**

- A. Authority.  
The Board has been authorized by the Legislature to promulgate Rules, A.C.A. §17-36-204(a). The Board follows the procedural requirements of the Arkansas Administrative Procedures Act, in particular A.C.A. §25-15-203 and §25-15-204. Additionally, the Board is required to abide by the provisions of A.C.A. §10-3-309.
- B. Format.  
The published Rules of the Board will be organized substantially in the following format:
- I. Statement of Organization and Operations
  - II. Information for Public Guidance
  - III. General Organization
  - IV. Rule Making
  - V. Emergency Rule Making
  - VI. Declaratory Orders
  - VII. Adjudicative Hearings
  - VIII. Licensing,
  - IX. *Et seq.* Substantive Rules and other Rules of the Board.
- C. Filing.  
Proof of filing a copy of the rule, amendment or repeal with the Secretary of State, the Arkansas State Library and the Bureau of Legislative Research will be kept in a file maintained in the Board office.
- D. Notice of Change.  
Notice of the Rule change will be posted in the Board office.

# *Arkansas State Board of Landscape Architects*

## **RULES**

### **RULE V**

#### **EMERGENCY RULE MAKING.**

- A. Request for Emergency Rule Making.  
The proponent of a Rule may request the Board to adopt an emergency Rule. In addition to the text of the proposed Rule or amendment to an existing Rule and any other information required by Rule IV C, the proponent will provide a written statement setting out the facts or circumstances that would support a finding of imminent peril to the public health, safety or welfare.
- B. Finding of an Emergency.  
Upon receipt of the written statement requesting an emergency rule making and documents or other evidence submitted in support of the assertion that an emergency exists, the Board will make an independent judgment as to whether the circumstances and facts constitute an imminent peril to the public health, safety or welfare which require adoption of the Rule upon fewer than 30 days notice. If the Board determines that the circumstances warrant emergency rule making, it will make a written determination that sets out the reasons for the Board's finding that an emergency exists. Upon making this finding the Board may proceed to adopt the Rule without any prior notice or hearing, or it may determine to provide an abbreviated notice and hearing.
- C. Effective Date of Emergency Rule.  
The emergency Rule will be effective immediately upon filing, or at a stated time less than ten (10) days thereafter, if the Board finds that this effective date is necessary because of imminent peril to the public health, safety or welfare. The Board will file with the Rule its written findings justifying the determination that emergency rule making is appropriate and, if applicable, the basis for the effective date of the emergency Rule being less than ten days after the filing the Rule pursuant to A.C.A. §25-15-204(e). The Board shall take appropriate measures to make emergency Rules known to persons who may be affected by them.

### **RULE VI**

#### **DECLARATORY ORDERS.**

- A. Purpose and Use of Declaratory Orders.  
A declaratory order is a means of resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, Rules or orders over which the Board has authority. A petition for declaratory order may be used only to resolve questions or doubts as to how the statutes, Rules, orders may apply to the petitioner's particular circumstances. A declaratory order is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from the Board. A petition or declaratory order must describe the potential impact of statutes, Rules, or orders upon the petitioner's interests.
- B. The Petition.  
The process to obtain a declaratory order is begun by filing with the Board a petition that provides the following information:
1. The caption shall read: Petition for Declaratory Order Before the Board.
  2. The name, address, telephone number and facsimile number of the petitioner.
  3. The name, address, telephone number and any facsimile number of the attorney of the petitioner.
  4. The statutory provision(s), Board Rule(s), or Board order(s) on which the declaratory order is sought.
  5. A description of how the statutes, Rules or orders may substantially affect the petitioner and the petitioner's particular set of circumstances, and the question or issue on which petitioner seeks a declaratory order.
  6. The signature of the petitioner or petitioner's attorney.

# *Arkansas State Board of Landscape Architects*

## **RULES**

7. The date.
- C. Board Disposition.
1. The Board may hold a hearing to consider a petition for declaratory statement. If a hearing is held, it shall be conducted in accordance with A.C.A. §25-15-208 and §25-15-213, and the Board's Rules for adjudicatory hearings.
  2. The Board may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. Within ninety (90) days of the filing of the petition, the Board will render a final order denying the petition or issuing a declaratory order.

### **RULE VII**

#### **ADJUDICATION.**

- A. General.  
This Rule shall apply in all administrative adjudication conducted by the Board. This procedure is developed to provide a process by which the Board formulates orders, for example, an order revoking a license to practice or imposing civil penalties.
- B. Presiding Officer.  
"Presiding Officer" means the person who presides at the hearing. The Board will designate a hearing officer, the Board Chair, or other qualified person as the presiding officer.
- C. Appearances.
1. Any party who appears in any adjudicatory proceeding has the right, at his own expense, to be represented by counsel.
  2. The respondent may appear on his own behalf.
  3. An attorney representing a party to an adjudicatory proceeding shall file notice of appearance as soon as possible.
  4. Service on counsel of record shall be the equivalent of service on the party represented.
  5. On written motion served on the party represented and all other parties of record, the presiding officer may grant counsel of record leave to withdraw for good cause shown.
- D. Consolidation.  
If there are separate matters that involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of a party.
- E. Notice to Interested Parties.  
If it appears that the determination of the rights of parties in a proceeding will necessarily involve a determination of the substantial interests of persons who are not parties, the presiding officer may enter an order requiring that an absent person be notified of the proceeding and be given an opportunity to be joined as a party of record.
- F. Service of Papers.  
Unless the presiding officer otherwise orders, every pleading and every other paper filed for the proceeding, except applications for witness subpoenas and the subpoenas, shall be served on each party or the party's representative at the last address of record.

# *Arkansas State Board of Landscape Architects*

## **RULES**

### G. Initiation and Notice of Hearing.

1. The Board initiates an administrative adjudication by issuing a notice of hearing.
2. The notice of hearing will be sent to the respondent by U. S. Mail with Restricted Delivery to the named recipient, Certified and Return Receipt Requested. Notice shall be sufficient if it is addressed to the respondent's latest address on file with the Board.
3. Notice will be mailed at least thirty (30) days before the scheduled hearing.
4. The notice will include:
  - a. A statement of the time, place, and nature of the hearing,
  - b. A statement of the legal authority and jurisdiction under which the hearing is to be held, and
  - c. A short and plain statement of the matters of fact and law asserted.

### H. Motions.

All requests for relief shall be by motion. Motions shall be in writing, or made on the record during a hearing, and shall fully state the action requested and the grounds relied upon. The original written motion shall be filed with the Board. When time allows, the other parties may, within seven (7) days of the service of the written motion, file a response in opposition. The presiding officer shall conduct such proceedings and enter such orders as are deemed necessary to dispose of issues raised by the motion.

### I. Answer.

A respondent may file an answer.

### J. Discovery.

Upon written request the Board will provide the information designated in A.C.A. §25-15-208(a)(3). Discovery requests should be received by the Board at least ten (10) days before the scheduled hearing.

### K. Continuances.

1. The Chair or Vice Chair may grant a continuance of hearing for good cause shown. Requests for continuances should be made in writing, shall state the grounds therefore and shall be made as soon as practicable and, except in cases of emergencies, no later than five (5) days prior to the date noticed for the hearing. In determining whether to grant a continuance, the Chair or Vice Chair may consider:
  - a. Prior continuances,
  - b. The interests of all parties,
  - c. The likelihood of informal settlements,
  - d. The existence of an emergency,
  - e. Any objection,
  - f. Any applicable time requirement,
  - g. The existence of a conflict of the schedules of counsel, parties, or witnesses,
  - h. The time limits of the request, and
  - i. Other relevant factors.
2. The Board may require documentation of any grounds for continuance.

# *Arkansas State Board of Landscape Architects*

## **RULES**

### L. Hearing Procedures.

1. The presiding officer presides at the hearing and may rule on motions, require briefs, issue a proposed decision, and issue such orders as will ensure the orderly conduct of the proceedings.
2. All objections shall be timely made and stated on the record.
3. Parties have the right to participate or to be represented by counsel in all hearings or pre-hearing conferences related to their case.
4. Subject to terms and conditions prescribed by the Administrative Procedures Act, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and upon request by the Board, may submit briefs and engage in oral argument.
5. The presiding officer shall maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly.
6. The presiding officer has the discretion to sequester witnesses during the hearings.

### M. Order of Proceedings.

The presiding officer shall conduct the hearing in the following manner:

1. Presiding officer shall give an opening statement briefly describing the nature of the proceedings;
2. The parties shall be given opportunity to present opening statements;
3. The parties shall present their cases in the sequence determined by the presiding officer;
4. Each witness shall be sworn or affirmed by the presiding officer, or the court reporter, and be subject to examination and cross-examination as well as questioning by the Board. The presiding officer may limit questioning in a manner consistent with the law;
5. When all parties and witnesses have been heard, parties may be given the opportunity to present final arguments.

### N. Evidence.

1. The presiding officer shall rule on admissibility of evidence and may, when appropriate, take official notice of facts in accordance with all applicable requirements of law.
2. Stipulation of facts is encouraged. The Board may make a decision based on stipulated facts.
3. Evidence in the proceeding shall be confined to the issues as to which the parties received notice prior to the hearing unless the parties waive their right to such notice or the presiding officer determines that good cause justifies expansion of the issues. If the presiding officer decides to admit evidence outside the scope of the notice over the objection of a party who did not have actual notice of those issues, that party, upon timely request, shall receive a continuance sufficient to prepare on the additional issue and to permit amendment of pleadings.
4. A party seeking admission of an exhibit must provide ten (10) copies of each exhibit at the hearing. The presiding officer shall provide the opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. All exhibits admitted into evidence shall be appropriately marked and be made part of the record.
5. Any party may object to specific evidence or may request limits on the scope of the examination or cross-examination. A brief statement of the grounds upon which it is based shall accompany such an objection. The objection, the ruling on the objection and the reasons for the ruling shall be noted in the record. The

# *Arkansas State Board of Landscape Architects*

## **RULES**

presiding officer may rule on the objection at the time it is made or may reserve the ruling until the written decision.

6. Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony shall briefly summarize the testimony or, with permission of the presiding officer, enter the testimony in the record. If the excluded evidence consists of a document or exhibit, it shall be marked as part of an offer of proof and inserted in the record.
  7. Irrelevant, immaterial and unduly repetitive evidence shall be excluded. Any other oral or documentary evidence, not privileged, may be received if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs.
  8. Reasonable inferences. The finder of fact may base its findings of fact upon reasonable inferences derived from other evidence received.
- O. Default.  
If a party fails to appear or participate in an administrative adjudication after proper service of notice, the Board may proceed with the hearing and render a decision in the absence of the party.
- P. Subpoenas.
1. At the request of any party, the Board shall issue subpoenas for the attendance of witnesses at the hearing. The requesting party shall specify whether the witness is also requested to bring documents and reasonably identify said documents.
  2. A subpoena may be served by any person specified by law to serve process or by any person who is not a party and who is eighteen (18) years of age or older. Delivering a copy to the person named in the subpoena shall make service. Proof of service may be made by affidavit of the person making service, if not served by a person specified by law to serve process. The party seeking the subpoena shall have the burden of obtaining service of the process and shall be charged with the responsibility of tendering appropriate mileage fees and witness fees pursuant to Rule 45, Arkansas Rules of Civil Procedure. The witness must be served at least two days prior to the hearing. For good cause, the Board may authorize the subpoena to be served less than two days before the hearing.
  3. Any motion to quash or limit the subpoena shall be filed with the Board and shall state the grounds relied upon.
- Q. Recording the Proceedings.  
The responsibility to record the testimony heard at a hearing is borne by the Board. Upon the filing of a petition for judicial review, the Board will provide a verbatim transcript of testimony taken before the Board.
- R. Factors to be Considered in Imposing Sanctions.
1. In addition to any other considerations permitted by the Landscape Architecture Practice Act, the Board in imposing any sanction may consider:
    - a. The nature and degree of the misconduct for which the licensee is being sanctioned.
    - b. The seriousness and circumstances surrounding this misconduct.
    - c. The loss or damage to clients.
    - d. The assurance that those who seek similar professional services in the future will be protected from the type of misconduct found.
    - e. The profit to the licensee.
    - f. The avoidance of repetition.



# *Arkansas State Board of Landscape Architects*

## **RULES**

- g. Whether the conduct was deliberate, intentional or negligent.
  - h. The deterrent effect on others.
  - i. The conduct of the individual during the course of the disciplinary proceeding.
  - j. The professional's prior disciplinary record, to include warnings.
  - k. Matters offered by the professional in mitigation or extenuation except that a claim of disability or impairment resulting from the use of alcohol or drugs may not be considered unless the professional demonstrates that he is successfully pursuing in good faith a program of recovery.
- S. Final Order.
- 1. The Board will serve on the respondent a written order that reflects the action taken by the Board. The order will include a recitation of facts found based on testimony and other evidence presented and reasonable inferences derived from the evidence pertinent to the issues of the case. It will also state conclusions of law and directives or other disposition entered against or in favor of the respondent.
  - 2. The order will be served personally or by mail on the respondent. If counsel represents respondent, service of the order on respondent's counsel shall be deemed service on the respondent.
- T. Duty of Sanctioned Professional.
- 1. In every case in which a professional's license is revoked or suspended or surrendered, the professional shall, within thirty (30) days of the revocation, suspension or surrender:
    - a. Return his license and any license pocket cards to the Board's office;
    - b. Notify all of his clients in writing that his license has been revoked, suspended or surrendered;
    - c. Notify all clients to make arrangements for other professional services, calling attention to any urgency in seeking the substitution of another licensed professional;
    - d. Deliver to all clients any papers or property to which they are entitled, or notify the client of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;
    - e. Refund any part of the fees paid in advance that have not been earned;
    - f. Keep and maintain a record of the steps taken to accomplish the foregoing;
    - g. File with the Board a list of all other state, federal and administrative jurisdictions by which he is licensed. Upon such filing, the Board will notify those entitled of the revocation, suspension or surrender; and
    - h. The professional shall, within thirty (30) days of revocation, suspension or surrender of the license, file an affidavit with the Board that he has fully complied with the provisions of the order and completely performed the foregoing or provide a full explanation of the reasons for his non-compliance. Such affidavit shall also set forth the address where communications may thereafter be directed to the respondent.
- U. Reinstatement After Suspension.
- 1. An order suspending a license may provide that a person desiring reinstatement shall file with the Board a verified petition requesting reinstatement.
  - 2. The petition for reinstatement shall set out the following:

# *Arkansas State Board of Landscape Architects*

## **RULES**

- a. That the individual has fully and promptly complied with the requirements of Rule VIII, Paragraph T pertaining to the duty of a sanctioned professional;
  - b. That the individual has refrained from practicing in this profession during the period of suspension;
  - c. That the individual's license fee is current or has been tendered to the Board; and
  - d. That the individual has fully complied with any requirements imposed as conditions for reinstatement.
3. Any knowing misstatement of fact may constitute grounds for denial or revocation of reinstatement.
  4. Failure to comply with the provisions of Paragraph T of this Rule shall preclude consideration for reinstatement.
  5. No individual will be reinstated unless the Board approves reinstatement by majority vote.
- V. Re-Licensure for Revoked or Surrendered License.
1. No individual who has had his license revoked or who has surrendered his license shall be licensed except on petition made to the Board. The application for re-licensure shall not be allowed until at least three (3) years after the revocation or surrender of license took effect.
  2. The applicant shall bear the burden of proof that he is rehabilitated following the revocation or surrender of his license, he can engage in the conduct authorized by the license without undue risk to the public health, safety and welfare, and he is otherwise qualified for the license pursuant to A.C.A. §17-36-101 *et seq.*
  3. The Board may impose any appropriate conditions or limitations on a license to protect the public health, safety and welfare.
  4. The Board may require that the person seeking re-licensure take the licensing examination.
- W. Emergency Action.
1. Emergency Notice of Hearing.  
If the Board finds that the public health, safety, or welfare imperatively requires emergency action and incorporates that finding in its order, the Board can summarily suspend, limit, or restrict a license. The notice requirement in Rule VII, Paragraph G does not apply and shall not be construed to prevent a hearing at the earliest time practicable.
  2. Emergency Order.  
An emergency adjudicative order shall contain findings that the public health, safety and welfare imperatively require emergency action and the action taken by the Board. The written order shall include notification of the date on which Board proceedings are scheduled for completion.
    - a. Written Notice.  
The written emergency adjudicative order shall be immediately delivered to persons who are required to comply with the order by utilizing one or more of the following procedures:
      - (1) Personal delivery;
      - (2) Certified mail, return receipt requested to the last address on file with the Board;
      - (3) First class mail to the last address on file with the Board;
      - (4) Fax may be used as the sole method of delivery if the person required to comply with the order has filed a written request that Board orders be sent by fax and has provided a fax number for that purpose.

# *Arkansas State Board of Landscape Architects*

## **RULES**

- b. Oral Notice.  
Unless the written emergency order is served by personal delivery on the same day that the order issues, the Board shall make reasonable immediate efforts to contact by telephone the persons who are required to comply with the order.
3. Emergency Suspension or Revocation Proceeding.  
Within ten (10) days after emergency action taken pursuant to this Rule, the Board shall initiate a formal suspension or revocation proceeding.
4. Voluntary Surrender of License.  
The licensee, in lieu of formal disciplinary proceedings, may offer to surrender his license subject to the Board's determination to accept the proffered surrender rather than conducting a formal disciplinary proceeding.

### **RULE VIII**

#### **LICENSING.**

##### A. General Licensing.

1. Scope.  
All Board action regarding licensure shall be governed by the Landscape Architecture Practice Act and, when applicable, A.C.A. §§25-15-208 to 213.
2. Maintain Current Address.  
All persons holding a license or permit issued by the Board are required to provide the Board with information so that the Board can remain in contact and provide notice of complaints and/or hearings. The licensee or permit holder is required to provide written notice to the board of any change in business and residence address within ten (10) working days of the change. Service by the Board of notices of hearing by mail addressed to latest address on file with the Board is deemed sufficient service.
3. Review of Application.  
The application and supporting documentation will be reviewed by the Board. The Board shall inform the applicant in writing if it determines that the application is incomplete, and shall specify why the application is incomplete. Upon the return of a completed application, a supplemental application, or the requested information, the Board shall reinitiate action on the application for license. If all requirements are met, the applicant will be allowed to take the licensing examination.
4. Denial of License.
  - a. If a preliminary determination is made that the application should be denied, the Board shall inform the applicant of the opportunity for a hearing on the application.
  - b. The Board shall set forth in writing the grounds or basis for the proposed denial of a license. Any hearing on the denial of a license shall be conducted in accordance with A.C.A. §25-15-208 and §25-15-213, and unless otherwise provided by law, the applicant shall have the burden of establishing entitlement to the license.
5. Suspension, Revocation, Annulment or Withdrawal.
  - a. Prior to the entry of a final order to suspend, revoke, annul, or withdraw a license, or to impose other sanctions upon a licensee, the Board shall serve upon the licensee a notice of hearing in the manner set out in A.C.A. §25-15-208 and Rule VII, Paragraph G.
  - b. The Board shall have the burden of proving that the alleged facts and violations of law stated in the notice.

# *Arkansas State Board of Landscape Architects*

## **RULES**

### B. Application for Licensure.

#### 1. Applications.

- a. Every individual seeking a license shall submit an application to the Board in a form approved by the Board, accompanied by a photograph and the filing fee established in Rule VIII, Paragraph B, Section 2.
- b. To qualify for a license, an applicant must:
  - (1) Have passed all sections of the Examination,
  - (2) Hold a professional degree in landscape architecture from an accredited program accepted by the Board, and
  - (3) Be of good moral character as verified by three (3) persons not related to the applicant and who have known the applicant for a minimum of five (5) years.
- c. The Board may, prior to granting a license, require substantiation of the quality and character of the applicant's experience, notwithstanding the fact that the applicant has complied with the technical licensing requirements set forth above.

#### 2. Fees.

Every applicant shall include with his application the applicable nonrefundable filing fee(s) set forth as follows:

- |   |                       |
|---|-----------------------|
| a. Application for Licensure            | \$250.00              |
| b. Renewal of License                   | \$185.00              |
| c. Emeritus License                     | \$ 40.00              |
| d. Late Renewal Fee per month           | \$ 50.00              |
| e. Reinstatement Fee                    | \$350.00              |
| f. Duplicate or Replacement Certificate | \$ 50.00              |
| g. Examination Fee                      | \$As set by provider. |

### C. Licensing Procedures.

#### 1. Issuance.

A Certificate of License shall be issued to individuals meeting all requirements of the Act and Rules of the Board. The certificate shall bear the name and license number of the landscape architect.

#### 2. Duration.

Licenses shall expire on December 31 annually unless renewed. Applications for renewal in a form approved by the Board shall be delivered to the Board by December 31, accompanied by payment of the renewal fee as provided in Rule VIII, Paragraph B, Section 2.

#### 3. Late Renewal and Reinstatement.

##### a. Renewal.

Licenses for individuals which have expired which have not been renewed within thirty (30) days of expiration, may be renewed through the payment of a fee, which is the annual renewal fee in effect at the time plus a late renewal fee of fifty (\$50) dollars per month for the first three (3) months after

# *Arkansas State Board of Landscape Architects*

## **RULES**

expiration. A license which is not renewed within three (3) months of its expiration cannot be renewed but may be reinstated.

b. Reinstatement.

The applicant for reinstatement may, after three (3) months following the expiration of the license, submit to the Board the reinstatement fee and all applicable fees with documentation that shall satisfy the applicant is able to practice as a landscape architect without danger to the public health, safety and welfare.

4. Not Transferable.

A license shall not be transferable.

5. Emeritus License.

a. A licensee, who is retired from the active practice of landscape architecture and who is 65 years of age or older, may request emeritus status by filing the emeritus application and fee with the Board in a form approved by the Board.

b. An emeritus landscape architect may use the title "landscape architect," but may not practice landscape architecture as defined in A.C.A. §17-36-102.

6. Emeritus Readmission to Active Practice.

a. Emeritus licensees may be readmitted to active practice upon proper application and completion of seven (7) CEU's per year or portion thereof while on emeritus status, subject to a maximum of twenty-one (21) CEU's.

b. An emeritus licensee seeking readmission to active practice shall pay the annual license fee, less any emeritus license fee paid for that year.

D. Examination.

1. General.

Applicants for licensure by examination must successfully complete the written examination prepared or approved by CLARB as outlined below. All such applicants must have been approved as a candidate for the examination by the Board.

a. The Board or it's designee shall administer the examination once annually.

b. The Board will publish the date of the examination February 1 each year.

c. The application for examination and fees described in Section 2 below must be received in the Board's office by the close of business March 15 each year.

2. Application.

a. An applicant shall submit an application in a form approved by the Board accompanied by the non-refundable application fee and payment for the cost of the examination, as established by the provider of the examination plus any applicable administration fees.

b. The Board shall consider the application packet for the written examination if the following items are contained therein:

(1) The completed Arkansas application form, and

(2) Completion of the experience requirements as set forth in the Arkansas Landscape Architectural Practice Act.

c. Applicants shall be notified in writing of admittance to the examination.

# *Arkansas State Board of Landscape Architects*

## **RULES**

- d. Applicants shall pay the examination fees to be received in the Board office on or before a date specified by the Board.
  3. Disabled Examinees.  
Requests for reasonable accommodations to the examination to accommodate a disability must be made in writing to the Board. A physician's report must accompany such a request by a diagnostic specialist, along with supporting data, confirming to the Board's satisfaction, the nature and extent of the disability and nature of the requested accommodation. It shall be the responsibility of the applicant to timely supply any further information as the Board may require. The Board may obtain expert advice and counsel in regard to such requests. The Board has the final authority with regard to any accommodations concerning an examination.
  4. The Board or its designated representative shall administer a written examination prepared or approved by CLARB at a location designated by the Board. The examination shall always be administered in its entirety to new examination candidates and re-examination candidates at each testing period must take all portions not previously passed.
- E. Reciprocity.
1. Qualifications for Reciprocity.  
Reciprocal applicants must hold a license or registration which was issued under standards which were equivalent to those in Arkansas on the date of the original license and which is current and in good-standing in another state.
  2. Application.  
An applicant shall file an application in a form approved by the Board accompanied by the application fee provided in the Rule VIII, Paragraph B, Section 2.
  3. CLARB Certification.  
An applicant may submit a valid CLARB certificate for the Board's evaluation whether his qualifications for original licensure were equivalent to those required in Arkansas on the date of original license.

## **RULE IX**

### **LANDSCAPE ARCHITECT'S SEAL.**

- A. Design
1. Each registered landscape architect shall procure a seal which shall contain the name of the licensee, license number and the words: "**Licensed Landscape Architect - Arkansas**"
  2. This seal shall be a minimum of one (1) inch in diameter and shall comply in format with the design set forth below:



Note: A landscape architect may continue to use the word "registered" in place of "licensed" landscape architect on an existing seal.

# *Arkansas State Board of Landscape Architects*

## **RULES**

### B. Use

1. Beginning July 1, 2002, landscape architects shall affix their seal, actual signature, and date of affixation to all original contract documents. Presentation documents (renderings, drawings used to communicate conceptual information only) are not required to be sealed, signed or dated.
2. Contract documents considered incomplete by the landscape architect may be released for interim review without the landscape architect's seal or signature affixed, but shall bear the landscape architect's name and be conspicuously marked to clearly indicate the documents are for interim review and not intended for bidding or construction purposes.
3. A landscape architect shall not sign or seal a document unless the document was prepared by the landscape architect or under the landscape architect's direct supervisory control.

## **RULE X**

### **CONTINUING EDUCATION.**

#### A. Purpose.

This Rule provides for a continuing education program to insure that all landscape architects remain informed of those technical and professional subjects appropriate to protect the public health, safety and welfare.

#### B. Policy and Administration.

The Board shall form a Continuing Education Committee. The Committee shall consist of three (3) members, two (2) of which shall be Board members. The Committee shall have the following duties:

1. To exercise general supervisory authority over the administration of this Rule, and
2. To make recommendations to the Board.

#### C. Scope and Exemptions.

##### 1. Scope:

Each Arkansas licensed landscape architect shall report the minimum continuing education units ("CEU's") as provided in this Rule as a condition for the annual renewal of his license beginning with renewal for the period January 1, 2004; provided however, CEU's qualified under this Rule, obtained in 2002 and 2003 will be considered for renewal for the licensing year 2004.

##### 2. Exemptions:

- a. A first time new licensee shall be exempt for renewal of his license at the first renewal date following the effective date of the initial license.
- b. An emeritus status landscape architect.
- c. The Board may approve exceptions for reasons of individual hardship including, without limitation, health, military service or other good cause.

#### D. Minimum Continuing Education Requirements.

1. Each Arkansas licensed landscape architect shall complete a minimum of seven (7) continuing education units each reporting period.
2. The reporting period shall be the calendar year immediately preceding the year for which the license is being renewed.

# *Arkansas State Board of Landscape Architects*

## **RULES**

3. One CEU shall represent a minimum of fifty (50) minutes of actual course time. No credit will be allowed for introductory remarks, meals, breaks, or business/administration matters related to courses of study
4. Teaching or instructing a qualified seminar, lecture, presentation, or workshop shall constitute two (2) CEU's for each contact hour spent in the actual first-time presentation. Credit shall be valid for teaching a seminar or course in its initial presentation only.

NOTE: Teaching credit shall not apply to full-time faculty at a college, university, or other educational institution.

5. Successfully completing one or more college or university classroom semester or quarter hours in landscape architectural subjects shall satisfy the continuing education hours for the year in which the course was completed.

### E. Continuing Education Programs.

1. A continuing education program is a structured course study of learning by an approved sponsor which contributes directly to the professional competence of a landscape architect.
2. A structured program shall consist of participation in an education activity presented by individuals or groups qualified by professional, practical, or academic experience to conduct courses of study.

### 3. Types of Programs.

- a. Seminars, lectures, presentations, workshops, or courses of a minimum of fifty (50) minutes in length.
- b. Tutorials, short courses, correspondence courses, televised or videotaped courses, monographs and other self-study courses, all of which must provide for interaction between the participant and instructor or administrator. This interaction usually takes the form of periodic examinations and must be documented. Said courses shall constitute the number of CEU's recommended by the program sponsor unless the Board determines another number of CEU's is applicable.
- c. Courses or programs offered by institutions of higher learning, specialty societies, professional organizations and government agencies. Provided, however, university and college courses offered in a degree program qualify as long as the course is not taken to meet the education requirements for licensure as a landscape architect.

### 4. Approved Sponsors.

- a. The Board approves the Council of Landscape Architectural Registration Boards (CLARB), the American Society of Landscape Architects (ASLA) and the American Institute of Architects (AIA) as approved sponsors.
- b. Other organizations or entities may seek Board approval as a continuing education sponsor:
  - (1) In order to qualify as an approved sponsor, the organization or entity must establish to the satisfaction of the Board that it is regularly engaged in and is recognized as a provider of relevant professional continuing education.
  - (2) Subsequent to designation as an approved sponsor, programs offered by that sponsor shall be approved provided such courses meet the requirements of this Rule.
  - (3) Programs conducted by sponsors approved in another state or by a national continuing education accrediting body may be approved, provided the Board is satisfied that the sponsor meets the requirements of this Rule.
  - (4) Approved sponsors must timely comply with all reasonable requests from the Board for information or course materials. The Board reserves the right to withdraw approved sponsor



# *Arkansas State Board of Landscape Architects*

## **RULES**

designation and to deny CEU credit to licensees for the sponsor's failure to meet the requirements of this Rule.

- (5) The sponsor shall provide individual participant documentation to the participant for record keeping and reporting purposes and preserve a record of the licensees or participants for a period of three (3) years from the end of the year in which the program is completed.

### 5. Approved Courses.

A continuing education program or course will qualify only if it provides the following minimum standards:

- a. The sponsor is approved pursuant to the provisions of this Rule;
- b. The sponsor shall prepare in advance and preserve an outline of the program;
- c. The program is at least one contact hour (fifty minutes) in length as provided in Rule X, Paragraph D, Section 3;
- d. The program is conducted by a provider whose background, training, education or experience qualifies him to conduct the course effectively;
- e. The sponsor maintains a record of those persons completing the course and provides participant documentation for recording purposes;
- f. The sponsor must furnish those completing the course with written course materials of a quality and quantity which indicate that adequate time has been devoted to the speaker's preparation and that the written materials will be of value to the attendees in the course of their professional practice;
- g. The sponsor shall make available to the Board, upon request, information concerning the course including without limitation, a list of those in attendance, the course outline, a description of the method or manner of presentation and a set of all written materials pertinent to the course; and
- h. The course must be subject to evaluation before, during and after presentation.

### F. Reporting Continuing Education.

1. Each licensee shall report, in a form approved by the Board, along with his annual renewal application, the continuing education units which he completed during the reporting period immediately preceding the year for which the license is being renewed. A licensee can carry over a maximum of one-half of the required annual CEU's into the next period only.
2. Any untrue or false statement or the use thereof in a continuing education report shall constitute gross unprofessional conduct and will subject the landscape architect to license revocation or other disciplinary action.

### G. Continuing Education Audits.

1. Each CEU report shall be reviewed by the Committee and may be audited for verification of compliance with this Rule. For audit purposes, the licensees shall retain documentation of fulfillment of CEU requirements for a period of two (2) years after January 1 of the year for which the license is renewed.
2. The Committee may, upon audit for verification of compliance, disallow claimed credit for continuing education hours. The licensee shall have ninety (90) calendar days after notification of disallowance of credits to substantiate the reported CEU's or earn other CEU credit, which fulfills minimum requirements.

### H. Noncompliance and Sanctions.

1. Should an applicant report less than the required number of CEU's, he shall complete the balance of the CEU's for that reporting period and provide the Board with appropriate documentation no later than March 1

# *Arkansas State Board of Landscape Architects*

## **RULES**

of the year for which the license is renewed. Delinquent CEU's reported to the Board under this provision shall first apply to the deficiency and any remaining CEU's shall be applied to the current reporting period.

2. Should a licensee fail to timely report CEU's in conjunction with his renewal application or fail to timely file a report on completion of the balance of the CEU's as provided in paragraph one (1) of this section, the Board shall serve notice of noncompliance upon the licensee. The notice shall state the nature of the noncompliance. The licensee shall, within thirty (30) days of the date of the notice, deliver acceptable documentation to the Board that the licensee has successfully completed the minimum CEU's to correct the noncompliance.
3. In addition to the notice of non-compliance described above, the Board may institute a proceeding to impose disciplinary action against a licensee who fails to comply with any provision under this Rule. The disciplinary action for a licensee who completes the minimum number of CEU's during the period provided in paragraph one (1) of this section shall be a monetary penalty unless the Board determines that other disciplinary action is appropriate. The disciplinary action for a licensee who failed to obtain the minimum CEU's before the date for correction of the delinquency provided under paragraph one (1) of this section or who completed the minimum CEU's after notice of noncompliance under paragraph two (2) of this section may be suspension of the license unless the Board determines other disciplinary action to be appropriate.
4. A licensee who has been suspended pursuant to this section may file a petition for reinstatement which shall state the reasons for noncompliance, that the licensee is presently in compliance, any other information material and that the licensee has not practiced landscape architecture since the suspension under this section. The petitioner may request a hearing and the Board may require additional CEU's as a condition of reinstatement. Any reinstatement shall be subject to the provisions of A.C.A. §17-36-305.
5. Unless exempt under Paragraph C, Section 2 of this Rule, failure to obtain the minimum CEU's as provided in this Rule shall constitute grounds for refusal to renew, suspend or revoke a license or to take other disciplinary action pursuant to A.C.A. §17-36-306.