

State of Rhode Island and Providence Plantations
DEPARTMENT OF BUSINESS REGULATION
Division of Design Professionals
1511 Pontiac Avenue
Buildings 68-69
Cranston, Rhode Island 02920

CONCISE EXPLANATORY STATEMENT

The Department of Business Regulation (“Department”) and Board of Examiners of Landscape Architects (“Board”) hereby amend the Rules and Regulations for the Board of Examiners of Landscape Architects effective twenty (20) days from the date of filing with the Secretary of State. No comments were received and there is no difference between the text of the proposed amendments as published in accordance with R.I. Gen. Laws § 42-35-3 and the final amended regulation.

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

**BOARD OF EXAMINERS OF
LANDSCAPE ARCHITECTS**

RULES AND REGULATIONS

Revised

RHODE ISLAND STATE BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS

RULES OF THE BOARD

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RHODE ISLAND STATE BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS

RULES OF THE BOARD

I. DEFINITIONS

- A. The Rhode Island State Board of Examiners of Landscape Architects (hereinafter the "Board") is established pursuant to Chapter 51 of Title 5 of the General Laws of the State of Rhode Island (hereinafter "R.I. Gen. Laws") to regulate the practice of landscape architecture in the State of Rhode Island.
- B. The American Society of Landscape Architects shall hereinafter be referred to as "ASLA".
- C. The Council of Landscape Architectural Registration Boards shall hereinafter be referred to as "CLARB".
- D. The State of Rhode Island Department of Environmental Management shall hereinafter be referred to as "DEM".
- E. The "Seal" shall be an embossed circular seal or rubber stamp of a design and size approved by the Board. It shall contain the name of the landscape architect, the registration number, the word "Registered" above the State's emblem, and the words "Landscape Architect" below the registration number.
- F. The Uniform National Examination previously prepared and distributed by CLARB shall hereinafter be referred to as the "UNE."
- G. The Landscape Architecture Registration Examination prepared and distributed by CLARB shall hereinafter be referred to as the "L.A.R.E."
- H. Direct Control and Supervision: Shall mean personal supervision of, knowledge of, and acceptance of responsibility for landscape architectural work by a registered landscape architect.
- I. The Certificate of Authorization may be referred to as "COA."
- J. Certificate of registration or license shall refer to the document of authorization to practice and also the license to practice landscape architecture.

II. BOARD PROCEDURES

A. Election of Officers:

The election of officers shall take place at the annual meeting of the Board, and the Board shall elect from its members a Chairperson, Vice-Chairperson, and Secretary. The term of each officer so elected shall be for one year, but he/she shall continue to serve until his/her successor has been elected.

If an elected officer does not complete his/her term the board shall elect another member to fill the vacant position.

B. Duties of Officers:

1. The Chairperson of the Board shall preside at all meetings, appoint all committees subject to confirmation by vote of members of the Board, and shall perform all other duties ordinarily pertaining to the office of Chairperson as herein prescribed or as may be directed by the Board. The Chairperson shall be an "ex-officio" member of all committees.

2. The Secretary, with the assistance of such clerical help as the Board may provide, shall carry out the duties prescribed for that office and shall perform all other duties ordinarily pertaining to the office of Secretary, or as herein prescribed or directed by the Board. The Secretary shall be charged with the custody of all records and property of the Board, including use of the official seal of the State of Rhode Island.

3. The Vice-Chairperson shall assume the duties of the Chairperson in his/her absence and any other duties as may be directed by the Board.

4. In the event that the Chairperson and Vice-Chairperson are not available for a meeting, a quorum of the Board can appoint a Chairperson Pro Tem for the purposes of conducting the meeting.

C. Office: The Board shall meet and transact its business at the Department of Business Regulation or another suitable location as approved by the Department.

D. Information: The public may obtain information by contacting the Board by telephone or in writing.

E. Public Inspection: The Board shall make available for public inspection all rules, written statements of policy or interpretation, or final orders, as required by applicable law.

F. Meetings:

1. The Board shall hold at least three (3) meetings per year.

G. Voting:

1. Voting: The Board shall be deemed to have taken action upon any matter when there is a quorum present and a majority vote is taken.

III. EXAMINATIONS

A. General Examination Procedures:

1. The examination shall be the Landscape Architect Registration Examination ("L.A.R.E") prepared and administered by CLARB. The Board may administer a supplemental state exam if and only if approved by the Director of the Department of Business Regulation.

- 2 The Board shall, in its discretion, determine the content, grading standards, and administer any state supplemental examination(s) approved by the Director of the Department.

B. Application Procedures:

1. Application for registration by examination:

- a) The date of the application deadline shall be determined by the Board but shall be no less than sixty (60) days before the examination date. Applications will be provided by the Board upon request. Applications, including all required documentation, must be received by the Board, and applicants must meet the requirements of the R.I. Gen. Laws § 5-51-6, on or before the application deadline. A full non-refundable payment shall be due within ten (10) business days of notification by the Board that an application has been approved.

b) Applications shall include three (3) references, including two (2) references from landscape architects each having at least four (4) years of experience as a registered landscape architect.

c) A two-year, full-time (35 hours/week) work experience is required according to R.I. Gen. Laws § 5-51-6 (3). To show evidence of required landscape architectural experience, or experience under an allied professional, the applicant shall present documentation on the form(s) provided by the Board. The supervising landscape architect or allied professional shall verify the documentation of experience. Experience gained from part-time work performed on a regular basis with a minimum of ten (10) hours per week shall be accepted if the total hours are equal to the full time employment requirement.

d) An approved course of study to fulfill the education requirement set forth by R.I. Gen. Laws § 5-51-6 shall include a Bachelor or Master of Landscape Architecture degree from an ASLA accredited program, or the following, at the discretion of the Board: a Bachelor or Master degree in a field related to landscape architecture, or completion of a non-accredited landscape architectural program.

e) Practical experience, as an alternative to the education requirement, shall mean full-time employment in landscape architectural work for a minimum of six (6) years under the direct supervision of an individual registered to practice landscape architecture under the laws of the state in which the work is performed. The applicant must present evidence to the satisfaction of the Board, of landscape architectural work performed by him or her, including drafting, grading, planting design, site design, and layout drawings.

f) Candidates who have taken and passed the L.A.R.E. at a CLARB testing site must meet the requirements of R.I. Gen. Laws § 5-51-6 and may be required to pass a state supplemental examination as deemed appropriate to the practice of landscape architecture in Rhode Island.

2. Board action relating to applications:

a) Failure to comply within thirty (30) days from the date of a written request from the Board for additional evidence or information or appearance before the Board may, in the discretion of the Board, be considered as just and sufficient cause for disapproval of the application.

IV. REGISTRATION BY RECIPROCITY

- A. Applicants shall meet the requirements of R.I. Gen. Laws § 5-51-7 and have two (2) years experience of a grade and character acceptable to the Board.
- B. The applicant shall provide evidence on the form supplied by the Board that his/her registration in the reciprocal state is current.
- C. The applicant shall provide confirmation from the reciprocal state's board that a Rhode Island registered landscape architect with comparable qualifications would be granted reciprocity in that state.
- D. The applicant who has passed the UNE or L.A.R.E. shall provide confirmation of the passing grades and year of passing from the state board that administered the examination or CLARB. The Senior's Examination administered by CLARB is accepted as equivalent to the L.A.R.E. or UNE.
- E. A CLARB certificate submitted with the application form shall constitute documentation of qualifications.
- F. The Board may require all applicants applying for reciprocity to pass such supplemental examination to the L.A.R.E. or to provide such additional documentation as is deemed appropriate to the practice of landscape architecture in Rhode Island and is approved by the Director of the Department of Business Regulation.

V. RENEWAL OF REGISTRATION

- A. One renewal notice shall be sent to each registered landscape architect and COA firm no less than 30 days before June 30 of the expiration year.
- B. A penalty fee shall be charged for renewal fees received after June 30 of the expiration year.
- C. It is the responsibility of each registered landscape architect to notify the Board in writing of any change in name or address.

VI. REINSTATEMENT OF EXPIRED REGISTRATION

- A. A prior registrant whose registration has expired may be reinstated at the discretion of the Board.

The Board may request three (3) examples of work performed during the lapsed period.

- B. A reinstated registrant shall pay the penalty fee, the annual renewal fee for each year the registration was expired, and the renewal fee for the current year.
- C. A prior registrant whose registration has expired for five (5) years or more shall reapply for registration.

VII. DISCIPLINE

All disciplinary matters shall be handled in accordance with Department of Business Regulation Central Management Regulation 2 entitled *Rules of Procedure for Administrative Hearings*.

VIII. USE OF SEAL OR STAMP

- A. For the purpose of signing drawings, plans, specifications, reports and other contract documents, each registered landscape architect shall have an individual seal or stamp as described in definitions.
- B. The seal/stamp shall be applied to the document and signed and dated by the registered landscape architect. The stamp or seal may be electronic. The stamp shall bear an original or an electronic signature.
- C. No landscape designs, specifications or other landscape documents submitted to a federal, state or municipal agency for permit or authorization shall be submitted without the seal or stamp of the R.I. registered landscape architect responsible for the work.

IX. UNLAWFUL PRACTICE

- A. As set forth in R.I. Gen. Laws Chapter 51 of Title 5, no person or firm shall represent himself/herself/itself as a practitioner of landscape architecture, or engage in the practice of landscape architecture, or offer to practice landscape architecture or use or employ any title, sign, card, or device implying that such person or firm is practicing or is authorized to practice landscape architecture in this State, without holding a certificate of registration issued by the Board.
- B. Any person who violates the provisions of R.I. Gen. Laws Chapter 51 of Title 5 shall, upon conviction, be subject to penalty as set forth in R.I. Gen. Laws § 5-51-16.
- C. The Board shall investigate any alleged violation of R.I. Gen. Laws Chapter 51 of Title 5.

- D. Pursuant to R.I. Gen. Laws § 5-51-16, the Board may maintain in any court of competent jurisdiction a suit for injunctive relief against any person or firm holding himself/herself/itself out as landscape architects or practicing landscape architecture without a certificate of registration and/or a certificate of authorization issued by the Board.

X. APPEALS

- A. Any person(s) or firm aggrieved or adversely affected by a final decision or final order of the Board may appeal therefrom in accordance with the provisions of R.I. Gen. Laws § 5-51-17.1 (i).
- B. Should any person(s) or firm be represented by legal counsel at any point in an appeal or in any matter, the Board shall not act on said matter without consultation with or representation by legal counsel.

XI. STANDARDS OF PROFESSIONAL CONDUCT

- A. Competence:

- 1. In practicing landscape architecture, a landscape architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by landscape architects of good standing, practicing in the same locality.

- 2. In designing a project, a landscape architect shall take into account all applicable state and municipal laws and regulations. While a landscape architect may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the meaning and intent of such regulations, once having obtained such advice, a landscape architect shall not knowingly design a project in violation of such laws and regulations.

- 3. A landscape architect shall undertake to perform professional services only when he or she, together with those whom the landscape architect may engage as consultants, is qualified by education, training, and experience in the specific technical areas involved.

- B. Conflict of Interest:

- 1. A landscape architect or firm shall not accept compensation for his/her/its services from more than one party on a project unless the circumstances are fully disclosed to and agreed by all interested parties.

- 2. If a landscape architect or firm has any business association or direct or indirect financial interest which is substantial enough to influence his or

her judgment in connection with his or her performance of professional services, the landscape architect shall fully disclose to his or her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the landscape architect shall either terminate such association or interest or offer to give up the commission or employment.

3. A landscape architect or firm shall not solicit or accept compensation from any material supplier, equipment supplier or contractor in return for specifying or endorsing their products or services unless the circumstances are fully disclosed to and agreed to by all interested parties.

4. When acting as the interpreter of construction or service contract documents and the judge of contract performance, a landscape architect or firm shall render decisions impartially, favoring neither party to the contract.

C. Full Disclosure:

1. A landscape architect or firm shall fully and accurately represent to a prospective or existing client or employer his/her/its qualifications and the scope of his/her/its responsibility in connection with work for which he/she/it is claiming credit.

XII. CERTIFICATES OF AUTHORIZATION

A. Requirements for Certificates of Authorization:

1. Pursuant to the provisions of the Rhode Island registration law regarding landscape architecture (Chapter 51 of Title 5 of R.I. Gen. Laws, as amended), any firm that practices or offers to practice landscape architecture within the State of Rhode Island shall obtain a COA to do so prior to practicing or offering to practice landscape architecture in this State. COA application fee shall be waived for firms consisting of one person.

2. Each firm applying for a COA shall designate one or more landscape architect(s) registered in the State of Rhode Island as being in direct control and supervision of all landscape architectural work. The failure to so designate a landscape architect shall result in denial of the application.

3. Obtaining an individual registration as a landscape architect in this State does not entitle a person to a COA for a corporation, partnership or sole proprietorship. A COA shall be applied for and obtained from the Board.

B. Criteria for Issuance of a Certificate of Authorization pursuant to R.I. Gen. Laws Chapter 51 of Title 5:

1. No COA shall be issued without a written application being filed with the Board.
2. At the time that the application is filed, the names of one or more landscape architects with valid registrations in the State of Rhode Island shall be provided. Each of the landscape architects so identified shall complete the affidavit prepared by the Board.
3. The Board shall not approve any application for a COA where the landscape architect in direct control and supervision is a subcontractor or independent contractor hired by the applicant.
4. Once issued, a COA shall remain valid for the period specified unless otherwise suspended or revoked. It is the responsibility of the firm to notify the Board when a landscape architect designated as being in direct control and supervision is no longer serving in that capacity. A COA for a firm without a designated landscape architect in direct control and supervision is no longer valid.

XIII. FEES

Fees apply equally to residents and non-residents and shall be paid in full before any action is taken by the Board. To any extent these fees vary from those imposed by statute, the statute controls.

1. Examination and re-examination	To be determined based on the CLARB cost plus administrative costs
2. Application for registration from applicant via a CLARB testing site	\$150.00
3. State supplemental examination section	\$ 25.00 (per section)
4. Reciprocity Application	\$150.00
5. Certificate of Registration initial registration fee	\$ 30.00
6. Biennial Registration renewal fee	\$80.00
7. Reinstatement of expired Certificate of Registration	\$ 25.00 plus \$ 40.00 for

every year or portion of a year

8. COA initial Application

\$ 50.00

9. Biennial COA renewal fee

\$100.00

10. Reinstatement of COA

\$ 25.00 plus \$ 50.00 for every year or portion of a year

Effective Date: July 28, 2016