

ALABAMA BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS

MINUTES **Board Meeting** **October 3, 2023**

The Alabama Board of Examiners of Landscape Architects met on Tuesday, October 3, 2023, located at 4000 3rd Avenue South at the Macknally Land Design, Suite #100, in Birmingham, Alabama to conduct regular business of the Board. The following members were in attendance: Ms. Lea Ann Macknally (Board Chair), Mr. Chad Watkins (Board Secretary) and Ms. Julie Stephens (member). Others in attendance were Mr. Keith Warren (Executive Director), Ms. Laura Howell (Board Legal Counsel), and Ms. Renee' Reames (recording secretary). Chairperson Macknally called the meeting to order at 10:32 a.m. Mr. Warren called Board member roll and he announced that a quorum of the members was present to conduct business.

Public notice of this regularly scheduled meeting was published on the Secretary of State's web site at www.sos.alabama.gov in accordance with the requirements of the Alabama Open Meetings Act and advertised on the Board's web site at www.abela.alabama.gov.

Approval of Agenda

Chairperson Macknally presented for Board approval the agenda for the October 3, 2023, meeting. A copy of the agenda was provided to the members prior to the meeting for their review.

MOTION: Mr. Watkins made a motion to approve the March agenda as presented. The motion was seconded by Ms. Stephens and unanimously approved by the Board.

Approval of Minutes

Chairperson Macknally presented for Board approval a copy of the March 7, 2023, minutes from the regular meeting and a copy of the August 1, 2023, minutes from the special/called meeting. A copy of the minutes was provided to the members prior to the meeting for their review. Ms. Stephens presented corrections to the March minutes to read Ms. Laura Howell on page 1, and persons (plural) concerning Rule 500-X-2-.13(2) on page 3 and applications (plural) under Approval of Applications on page 4. She also presented corrections to the August minutes to read all members were present on page 1.

MOTION: Ms. Stephens made a motion to approve the March regular meeting minutes and the August special/called meeting minutes as corrected. The motion was seconded by Mr. Watkins and unanimously approved by the Board.

REPORTS

Board Chair Report

Chairperson Macknally reported on the success of the CLARB annual meeting, commenting on the speakers and international attendance at the meeting. She reported on the virtual walk-through of the green space in South Carolina and remarked on using this as an example and tool in educating on the role of the landscape architect related to public safety and welfare. Mr. Watkins also

commented on his positive experience in attending the annual meeting. Chairperson Macknally announced that the CLARB's next annual meeting will be held in Buffalo, New York in September 2024.

Mr. Warren reported that the American Society of Landscape Architects (ASLA) recognizes landscape architecture as a STEM discipline. The Board discussed creating a reference fact sheet on LA profession, with virtual walk-through as an additional reference.

Executive Director's Report

Mr. Warren presented the Executive Director's Report (copy filed in the Official Book of Minutes). He reviewed the financial activities of the Board for the period ending August 31, 2023, to include a cash reconciliation report and detailed list of obligations vs. budget. He reported that the Board's budget would increase to \$95,000 in fiscal year 2024 and he presented an FY 2024 Operations Plan. MOTION: Mr. Watkins made a motion to accept the financial report, to include the FY 2024 Operations Plans, as presented. The motion was seconded by Ms. Stephens and unanimously approved by the Board.

Mr. Warren also reported on the number of licensees as of September 30, 2023, and indicated that there had been no consumer complaints in FY 2023.

He recommended that updates to the Board's website regarding the addition of online applications for new applicants and updates to the online renewal application process, and he asked the Board to consider obtaining an estimate on the redesign of the Board's website.

Mr. Warren reported on the new improved LSA software to submit rule revisions to be published in the *Administrative Monthly* publication.

The Board discussed creating and posting on the Board's website a history narrative of the Board.

Legal Counsel's Report

Ms. Howell presented Specifications for Administrative Services for the Board's approval. The Board discussed having suitable storage as indicated in the specification, etc. Ms. Howell reported that the current contract would expire in May 2024. The Board discussed having approved an emergency contract in March 2023, but the current contract was valid in its fifth year and final year, and the emergency contract was not required. The Board discussed releasing the RFP specifications, with a closing date of February 15, 2024, and considering the RFP responses at the Board's March meeting.

MOTION: Mr. Watkins made the motion to approve the RFP specifications for Administrative Services as amended. The motion was seconded by Ms. Stephens and unanimously approved by the Board.

Continuing Education Committee

Chairperson Macknally reported that CE committee chairman, Rip Weaver, could not attend the Board meeting and would be sending a written report of the committee's activities.

OLD BUSINESS

CLARB Uniform Standard – Review of Potential Changes the Board’s Statute and Rules

Chairperson Macknally presented a draft of the proposed changes to the Board’s statute and rules, prepared by CLARB associates, at the request of the Board. She explained that the Uniform Standard contains defensible, consistent, and equitable licensure requirements, and CLARB believes that by each board adopting the Uniform Standard, would greatly improve the landscape architecture mobility model, provide for increased equity in and access to licensure, improve the defensibility of landscape architecture licensure requirements, and ensure the continued protection of the health, safety, and welfare of the public and the environment.

§ 34-17-1 Definitions.

Add new item, *CLARB. The Council of Landscape Architectural Registration Boards comprised of members of licensure boards of landscape architecture across the United States and Canada.*

§ 34-17-20 Required.

The Board agreed to keep the continuing education requirement in the proposed statute changes. No changes to this section.

§ 34-17-21 Qualifications for Licensure – modify title and section renumbered:

Modify section to read *for licensing as a landscape architect, the applicant must:*

(1) Hold a degree in landscape architecture from a school or college approved by the Board or meet the alternative education requirements approved by the Board, and satisfy the examination and experience requirements prescribed by the Board.

Omit other section, except for further determination as to whether it was redundant to add a statement on Board requirements for reciprocity and retaining the statement, item (3) requiring U.S. citizenship, etc.

§ 34-17-22 Examination – Schedule; conduct.

The Board discussed the value of a state exam and agreed to remove the requirement for a state supplemental exam and replace with an attestation statement on the licensure application form by the applicant, that they have read and would abide by the Board’s statute and rules.

Add *the licensure examination shall be developed and administered by CLARB.*

Omit remainder of section § 34-17-22.

§ 34-17-23 Examination – Exception.

Repeal or reserve complete section due to redundancy; covered in proposed modifications to § 34-17-26 Reciprocity.

§ 34-17-25 Amount of Fees.

The Board considered the CLARB Uniform Standard and discussed replacing specific amounts with a statement that fees, not to exceed a specific amount, and stating that *all fees shall be prescribed by the Board.*

The Board agreed to retain the fees in the Board's proposed changes to the statute and some sections were renumbered.

Add the fees required for licensure as a landscape architect in this state shall be prescribed by the Board.

Modify item (7), to read the fee for administration, attestation review and recording of licensure for the practice of landscape architecture in Alabama is one hundred fifty dollars (\$150).

§ 34-17-26 Reciprocity.

Modified to read the Board, subject to the provisions of this chapter and the rules and regulations of the Board promulgated thereunder, may prescribe the qualifications for the landscape architect license by reciprocity.

Omit the remaining of the section § 34-17-26.

The Board reviewed changes to the Board's Rules, based on the CLARB Uniform Standards model.

500-X-2-.01 Definitions.

Add item (8) CLARB. The Council of Landscape Architectural Registration Boards comprised of members of licensure boards of landscape architecture across the United States and Canada.

Add item (9) EXPERIENCE IN THE REGULATION PRACTICE OF LANDSCAPE ARCHITECTURE. Section (9)(a) and (9)(b) continued below:

(a) To be considered "experience in the related practice of landscape architecture, "an applicant must gain experience in the following practice domains to ensure competency necessary to protect the public and the environment:

1. Project and Construction Management: includes pre-project management, project management, bidding, construction, and maintenance.

2. Inventory and Analysis: includes site inventory, physical analysis, and contextual analysis;

3. Design: includes stakeholder process, master planning, and site design;

4. Grading, Drainage, and Construction Documentation: includes site preparation plans, general plans and details, specialty plans, and specifications.

(b) All applicant's experience in the regulated practice of landscape architecture should be performed under the supervision of a licensed landscape architect or a licensed professional in a related field.

Add item (10) Degree in landscape architecture college or school approved by the Board. A degree in landscape architecture accredited by the Landscape Architectural Accreditation Board ("LAAB"), Canadian Society of Landscape Architects Accreditation Council ("LAAB"), or their international equivalent.

500-X-2-.02 Application for License, Procedure. Modification in title of section.

Modify (1) to read an application for licensure to practice landscape architecture will be....

Modify (1)(a) to read each applicant shall submit with the formal application for licensure, evidence sufficient to show the Board that the applicant is eligible for licensure as a landscape architect. An application for licensure will become null and void and forfeiture of fees if all required documents are not received within one (1) year of the initial date the application is received within the Board office.

Insert (1)(b) to read *formal application shall include an attestation by the applicant as evidence of having read and will abide by the Alabama statute and the rules and regulations of the Board.* The next item of this section shall be renumbered accordingly.

Modify (2) to read *All applicants shall be considered individually by the Board based upon evidence that the qualifications for licensure set forth in 500-X-2-.03 have been met. Licensure will be granted or denied following a roll call vote by the Board. The action taken by the Board on each application shall be recorded in the minutes, and a summary of the action taken by the Board shall be placed with the application.*

Modify (3) to read *an applicant, meeting all requirements of the Alabama statute and the rules and regulations of the Board, will be notified by the Board that the applicant has met eligibility for licensure as a landscape architect.*

500-X-2-.03 Qualifications For Licensure.

Modify complete section and items renumbered to read to obtain a license to practice landscape architecture in this state, an applicant must:

(1) Submit evidence that the applicant holds a degree in landscape architecture from a college or school approved by the Board or satisfy the alternative education requirements set forth in section 3; submit evidence of having completed two (2) years of experience in the regulated practice of landscape architecture of a grade and character satisfactory to the Board; and pass the licensure examination developed and administered by CLARB, as set forth in 500-X-2-.04;

(2) Hold an unexpired license in good standing issued under the laws of another jurisdiction approved by the Board, to practice landscape architecture, as set forth in 500-X-2-.06; or

(3) Present evidence of having completed at least eight (8) years of experience in the regulated practice of landscape architecture of a grade and character satisfactory to the Board. The applicant may earn credit toward the required years of lawful experience through one of the following options:

(a) If the applicant holds a degree or certificate in landscape architecture not from a college or school approved by the Board, then the person may be credited with one (1) year of experience for each year of schooling completed and deemed acceptable by the Board up to a maximum of four (4) years of credited experience, or

(b) If the applicant holds any degree or certificate, the applicant may be credited with six (6) months of experience for each one (1) year or schooling completed up to a maximum of two (2) years of credited experience.

(4) Each applicant may be required to submit for licensure, evidence sufficient, as determined by the Board, to show the Board that the applicant has met the qualifications for licensure as a landscape architect as provided herein.

The section would be renumbered to accommodate changes.

500-X-2-.04 Examination.

Modify the complete section and renumber items to read each applicant for licensure as a landscape architect must have successfully completed the registration examination prepared and administered by CLARB. The examination is designed to test the knowledge, skills and abilities required for the practice of landscape architecture in such a way that promotes and safeguards public welfare, health and property.

- (1) Grading of the registration examination will be by CLARB.
- (2) Successful completion of the registration examination will be determined as the applicant having received a grade equal to or greater than the minimum passing grade determined by CLARB on each section of the examination.

500-X-2-.05 Examination – Oral.

This section would be repealed or reserved.

500-X-2-.06 Reciprocity. Modification in title of section.

Modify the complete section to read the Board may grant licensure for the practice of landscape architecture in this State to an applicant who provides evidence acceptable to the Board that the applicant is licensed and in good standing to the practice landscape architecture under the laws of any jurisdiction approved by the Board, upon payment of the current fees established by the Board.
The remainder of the section was omitted.

500-X-2-.10 Fees – Amount.

Modify the complete section and renumbered to read fees of the Board shall be in the following amounts:

- (a) The application fee shall be one hundred fifty dollars.
- (b) The fee for the administration, attestation review and recording of licensure for the practice of landscape architecture in Alabama is one hundred fifty dollars (\$150).
- (c) The fee for the original certificate shall be fifty dollars (\$50).
- (d) The fee for a duplicate certificate shall be fifty dollars (\$50).
- (e) The annual license fee for residents and nonresidents of the State of Alabama shall be one hundred fifty dollars (\$150).
- (f) The delinquent penalty fee shall be fifty dollars (\$50).
- (g) The reinstatement fee shall be three hundred dollars (\$300.).
- (h) The inactive status fee shall be seventy-five dollars (\$75).

The Board agreed to remove references to the certificate of authorization that was no longer applicable.

The Board also reviewed the Appendix A to the Board's rules and discussed changes in relation to the proposed changes to the Board's statute and rules:

Appendix A. APPLICATION FOR REGISTRATION TO PRACTICE LANDSCAPE ARCHITECTURE, page one of the application modified regarding method of registration:

I. ACCREDITED DEGREE, EXPERIENCE, AND PASS CLARB NATIONAL EXAM

Must hold a degree in landscape architecture from a school or college approved by the Board, have completed two (2) years of experience in the regulated practice of landscape architecture, as determined by the Board, and satisfactorily pass the CLARB National Exam.

II. 8 YEARS EXPERIENCE AND PASS CLARB NATIONAL EXAM

Must have at least eight (8) years of experience in the regulated practice of landscape architecture, as determined by the Board, and satisfactorily pass the CLARB National Exam.

III. RECIPROCITY

An applicant who is licensed and in good standing to practice landscape architecture under the laws of another jurisdiction approved by the Board.

IV. CLARB CERTIFICATION

CLARB certification holders complete SECTION I – PERSONAL DATA – only and have your certificate file transmitted to the Board.

Chairperson Macknally asked the Board's Legal Counsel and Mr. Warren to proceed with the changes discussed, following the outline in the proposed Option 2 of changes presented by CLARB associates (copy available in official Book of Minutes) and present a draft at the next meeting.

Proposed New Disciplinary Rule 500-X-3

Ms. Howell presented a copy of the proposed new Rule 500-X-3 Disciplinary and Compliance Proceedings. The Board discussed amending the rule by removing reference to appointing authority in Definitions, item (15), along with duration that a member of the Board would serve that was listed under the heading of Investigative Committee, item (1) and (1)(a), changing the administrative proceedings notice to the licenses to twenty-one (21) days, and correcting typographical errors on page 1.

MOTION: Mr. Watkins made the motion to approve the new Rule, 500-X-3, as amended. The motion was seconded by Ms. Stephens and unanimously approved by the Board.

Proposed Changes to Rule 500-X-2-.13

Ms. Howell presented a copy of the proposed changes to Rule 500-X-2-.13 Unprofessional Conduct.

MOTION: Mr. Watkins made the motion to approve the changes to Rule, 500-X-2-.13, as presented. The motion was seconded by Ms. Stephens and unanimously approved by the Board.

NEW BUSINESS

Proposed Changes to Rule 500-X-2-.15

Mr. Warren presented a copy of the proposed changes to Rule 500-X-2-.15 Renewal and Expiration. The Board also agreed to add language from Act 2022-265 regarding reinstatement of a license and requesting inactive status of a license.

The Board discussed changes to the section to read, *(1) Registrants will be sent a notice on December 1 that their license will expire on January 31st. Instructions will be provided to renew license by January 31 without a penalty fee. If a registrant does not renew their license by January 31, the registrant will have until March 15 to renew in addition to paying a late penalty fee.*

(2) The right to practice as a Registered Landscape Architect expires January 31 of each calendar year unless renewed. The right to renew late expires March 15, of each calendar year. To be re-registered, a registrant who does not renew before March 15, of each calendar year will be required to file a new application and meet the statutory requirements in existence at the time of re-registration.

(3) If the annual license fee and penalty are not paid before the March 15 in the year in which it is due, the landscape architect's license is deemed expired.

(4) A landscape architect may reinstate an expired license for up to five years after the date of the original expiration by submitting to the Board a complete renewal application, proof of completion

of any required continuing education, payment of any accrued license fees and delinquent penalty fee, and payment of a reinstatement fee.

(5) A landscape architect may place his or her license on inactive status by annually submitting to the Board, between January 1 and January 31, a request for inactive status and an inactive status fee. The holder of an inactive status license may reactive his or her license by submitting to the Board a renewal form, current license fee, and one year of continuing education credits.

MOTION: Mr. Watkins made the motion to approve the new Rule, 500-X-2-.15, as amended. The motion was seconded by Ms. Stephens and unanimously approved by the Board.

Proposed Changes to Rule 500-X-2-.08

Mr. Warren presented a copy of proposed changes to Rule 500-X-2-.08 Fees – Payment, Receipt. Following a review of the proposed changes, Chairperson Macknally deferred the matter to allow the Board an opportunity to review the rule as compared to the changes discussed in the CLARB Uniform Standard.

Proposed Specifications for Administrative Services Contract

Chairperson Macknally indicated that this matter had already been addressed in the Legal Counsel's Report.

Review of Board Letterhead, Newal Postcard, and Licensure Certificate

Chairperson Macknally deferred to the next Board meeting the review of board letterhead, licensee renewal postcards, licensure certificates, as indicated on the meeting agenda.

Review of Applications and Ratification of Licenses

Chairperson Macknally presented a list of new licensees for the Board's approval and called for a motion to approve the new licensees.

- Mr. Watkins moved to ratify approval of licensee #947. The motion was seconded by Ms. Stephens. Following a roll call vote, the motion was unanimously approved by the Board.
- Mr. Watkins moved to ratify approval of licensee #948. The motion was seconded by Ms. Stephens. Following a roll call vote, the motion was unanimously approved by the Board.
- Mr. Watkins moved to ratify approval of licensee #949. The motion was seconded by Ms. Stephens. Following a roll call vote, the motion was unanimously approved by the Board.
- Mr. Watkins moved to ratify approval of licensee #950. The motion was seconded by Ms. Stephens. Following a roll call vote, the motion was unanimously approved by the Board.
- Mr. Watkins moved to ratify approval of licensee #951. The motion was seconded by Ms. Stephens. Following a roll call vote, the motion was unanimously approved by the Board.
- Mr. Watkins moved to ratify approval of licensee #952. The motion was seconded by Ms. Stephens. Following a roll call vote, the motion was unanimously approved by the Board.
- Mr. Watkins moved to ratify approval of licensee #953. The motion was seconded by Ms. Stephens. Following a roll call vote, the motion was unanimously approved by the Board.
- Mr. Watkins moved to ratify approval of licensee #954. The motion was seconded by Ms. Stephens. Following a roll call vote, the motion was unanimously approved by the Board.
- Mr. Watkins moved to ratify approval of licensee #678. The motion was seconded by Ms. Stephens. Following a roll call vote, the motion was unanimously approved by the Board.

Adoption of 2024 Board Meeting Calendar

Mr. Warren presented two dates in 2024 for the Board to conduct regular business.

MOTION: Ms. Stephens made a motion to approve March 12 and October 8 for the Board to meeting in 2024. The motion was seconded by Mr. Watkins and unanimously approved by the Board.

Board Terms

The Board discussed notice to the licensees about the open seat on the Board.

MOTION: Mr. Watkins made a motion to notify licensees about Board terms and the open seat on the Board. The motion was seconded by Ms. Stephens, and unanimously approved by the Board.

Mr. Warren indicated that interested candidates who met the requirements to serve on the Board, must apply online with the Governor's office.

Annual Election of Board Officers

Mr. Warren reported that nominations for the position of Board Chair and Board Vice Chair were due annually. Ms. Stephens nominated Mr. Watkins as Board Chair. Mr. Watkins nominated Ms. Stephens as Board Vice Chair. The members accepted the nomination and were approved by acclamation.

ANNOUNCEMENTS AND OTHER BUSINESS

The Board discussed meeting in January 2024 to review the proposed changes to the Board's statute and Mr. Warren indicated that he would poll the members about a meeting date.

ADJOURNMENT

There being no further business of the Board, Mr. Watkins made the motion that the meeting be adjourn and Ms. Stephens seconded the motion. The motion was unanimously approved by the Board and Chairperson Macknally adjourned the meeting at 1:50 p.m.

Respectfully Submitted,

Chad Watkins
Board Chair

Keith E. Warren
Executive Director

/rr

Minutes Approved on _____/rr_____