

Regulatory Board Evaluation

Board of Landscape Architects

Licensure of the Practice of Landscape Architects is Needed to Protect Public Interest

Board Satisfactorily Complies with Most of the General Provisions of Chapter 30

All Chapter 30 Licensing Boards Should Be Required to Have a Website



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John Sylvia
Director

June 9, 2003

The Honorable Edwin J. Bowman
State Senate
129 West Circle Drive
Weirton, West Virginia 26062

The Honorable J. D. Beane
House of Delegates
P. O. Box 4275
Parkersburg, West Virginia 26104

Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a *Regulatory Board Evaluation of the Board of Landscape Architects*, which will be presented to the Joint Committee on Government Operations on Monday, June 9, 2003. The issues covered herein are "Licensure of the Practice of Landscape Architects Is Needed to Protect Public Interest;" "Board Satisfactorily Complies with Most of the General Provisions of Chapter 30;" and "All Chapter 30 Licensing Boards Should be Required to Have a Website."

We transmitted a draft copy of the report to the Board of Landscape Architects on May 16, 2003. The Board of Landscape Architects opted not to have an exit conference. We received the agency response on May 27, 2003.

Sincerely,

A handwritten signature in cursive script that reads "John Sylvia".

John Sylvia

JS/wsc

Joint Committee on Government and Finance

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Executive Summary

Issue 1 Licensure of the Practice of Landscape Architecture Is Needed to Protect Public Interest.

The Board's statute allows unlicensed individuals to perform the various functions of landscape architecture, however, they cannot hold themselves out to the public as a landscape architect unless they are licensed by the Board.

The profession of landscape architecture involves a measure of technical expertise in planning and designing the enhancement of the use of land. Without some level of expertise in this profession, environmental and monetary damages can occur. The purpose for creating the Board of Landscape Architects is to identify for the public those individuals who have obtained a level of technical expertise through formal college training and have passed the Board's examination. A landscape architect's responsibilities require specific knowledge based on a wide range of areas. These areas include landscape design, site planning, urban planning, regional landscape planning, park and recreation planning, land development planning, and ecological planning and design. The Board's statute allows unlicensed individuals to perform the various functions of landscape architecture, however, they cannot hold themselves out to the public as a landscape architect unless they are licensed by the Board. **Essentially, the Board provides title protection. The Legislative Auditor finds that licensing landscape architects is necessary for protecting the public interest of the State.**

Issue 2 The Board Satisfactorily Complies with Most of the General Provisions of Chapter 30

The Legislative Auditor finds that the Board of Landscape Architects complied with most of the applicable state laws and rules. The Legislative Auditor found two deficiencies in the Board's operation. First, the Board is currently not requiring any continuing education hours or verification of any form. Second, the complaint process of the Board has not been promulgated. All licensing boards are required to promulgate rules for the investigation and resolution of all complaints against licensees.

Issue 3 All Chapter 30 Licensing Boards Should Be Required to Have a Website

The Board does not have a website for accessibility of the public. WVC B30-1-12(c) only stipulates that boards shall regularly evaluate the feasibility of adopting additional methods of providing public access through other means including computerized communication. The Legislature may wish to consider requiring all Chapter 30 licensing boards to have a website by the start of 2005.

Recommendations

- 1. The Legislative Auditor recommends that the Board of Landscape Architects be continued.*
- 2. The Legislative Auditor recommends that the Board of Landscape Architects develop continuing education requirements as required by West Virginia code β 30-1-7a.*
- 3. The Board should develop rules that describe the method of investigating and resolving complaints as required by West Virginia code β 30-1-8(i).*
- 4. The Legislative Auditor recommends that the Board of Landscape Architects comply with mandated open meetings laws.*
- 5. The Legislative Auditor recommends that the Board of Landscape Architects update its listings in the government section of the Charleston area telephone book and the West Virginia State Government telephone book.*
- 6. The Legislative Auditor recommends that the Board of Landscape Architects continue with its plan to have a website for the Board up by September 2003 and that such website have a link to the State's website to further enhance public accessibility.*
- 7. The Legislative Auditor recommends that the Legislature consider amending WVC β 30-1-12(c) to require all Chapter 30 licensing boards to have a website in operation by January 1, 2005. Such website should consist of the required information listed in this issue and be accessible from the State's website.*

Review Objective, Scope, and Methodology

The following Chapter 30 board review of the Board of Landscape Architects is required by the West Virginia Sunset Law, Chapter 4, Article 10, Section 5B of *the Code*, as amended. The Board of Landscape Architects provides title protection to individuals who have met certain education and knowledge requirements.

Objective

The objective of this Chapter 30 board review is to determine whether the Board of Landscape Architects is 1) necessary for the protection of public interest, and 2) whether the Board is operating in compliance with applicable laws and rules.

Scope

This regulatory board review covers the period from 2000 through 2002.

Methodology

The methodology of the review includes information for this report was compiled from annual reports, board minutes, expenditures, licensure qualifications, American Society of Landscape Architects, and continuing education information from other states. Every aspect of this review complied with Generally Accepted Government Auditing Standards (GAGAS).

Issue 1

Licensure of the Practice of Landscape Architecture Is Needed to Protect Public Interest.

This report is a *Regulatory Board Evaluation* of the Board of Landscape Architects, which requires by law a determination of whether or not it is in the public interest to continue licensure. The profession of landscape architecture involves a measure of technical expertise in planning and designing the enhancement of the use of land. Without some level of expertise in this profession, environmental and monetary damages can occur. Many colleges offer undergraduate and graduate degrees in landscape architecture. However, in some instances, the practice of landscape architecture can be learned through practical experience. The purpose for creating the Board of Landscape Architects is to identify for the public those individuals who have obtained a level of technical expertise through formal college training and have passed the Board's examination. The Board's statute allows unlicensed individuals to perform the various functions of landscape architecture, however, they cannot hold themselves out to the public as a landscape architect unless they are licensed by the Board. **Essentially, the Board provides title protection.** West Virginia is one of 46 states that have licensing boards to regulate landscape architects. **The Legislative Auditor finds that licensing landscape architects is necessary for protecting the public interest of the State.**

The Board's statute allows unlicensed individuals to perform the various functions of landscape architecture, however, they cannot hold themselves out to the public as a landscape architect unless they are licensed by the Board.

Licensure Ensures a Level of Education and Knowledge Has Been Attained

The Board of Landscape Architects as of 2002 licensed 136 individuals. To qualify to become a landscape architect, an individual must hold an undergraduate or graduate degree in landscape architecture from an accredited education institution and pass the board examination. **Information that a licensee has achieved a level of education and knowledge in the field of landscape architecture can be beneficial to the consumer.** The practice of landscape architecture is defined in WVC §30-22-2(a) as:

...the performance of professional services, including but not limited to consultations, research, planning, design or responsible supervision in connection with the development of land, where the dominant purpose of such professional services is the preservation, enhancement or determination of:

-
1. *Land uses;*
 2. *Natural land features;*
 3. *Ground cover and planting;*
 4. *Naturalistic and aesthetic value;*
 5. *Settings and approaches to structures or other improvements;*
 6. *Natural drainage; and*
 7. *Consideration and determination of inherent problems of the land relating to erosion, wear and tear, blight, or other hazard.*

A landscape architect's responsibilities require technical knowledge based on a wide range of areas. These areas include landscape design, site planning, urban planning, regional landscape planning, park and recreation planning, land development planning, and ecological planning and design. Concerns for public interest can arise by inadequate professional judgements, recommendations, design or construction that could result in monetary loss, flooding problems, physical harm and environmental damages. Many impairments resulting from professional misjudgement can be costly to restore. Some examples of potential problems arising from professional misjudgement are listed below:

Landscape Design, the historical core of the profession, is concerned with detailed outdoor space design for residential, commercial, industrial, institutional and public spaces. Areas of concern in this area include:

- i Improperly designed retaining walls can cause physical injury upon collapse, as well as adverse environmental impact on the area.
- ii Improper design of outdoor lighting systems can present fire and electrical hazards.

Site Planning focuses on the physical design and arrangement of man-made and natural elements of a land parcel. Areas of concern in this area include:

- i Improperly specified relationships between water supplies and water drainage facilities can result in contamination of community water supply.
- ii Omitting accommodations for persons with disabilities

can cause clients to be out of compliance with the Americans with Disabilities Act.

Urban Planning deals with designing and planning cities and towns. Urban planners use zoning techniques and regulations, master plans, conceptual plans, land-use studies and other methods to set the layouts and organization of urban areas. Areas of concern in this area include:

- i Inadequate calculation and provision for stormwater drainage can result in flooding and costly damage to buildings, walkways, highways, and public facilities.
- ii Inadequate design of roads, pedestrian walkways, and parking areas can increase the occurrence of accidents.

Regional Landscape Planning merges landscape architecture and environmental planning. Landscape architects deal with the full spectrum planning and managing land and water, including natural resource surveys, preparation of environmental impact statements, etc. Areas of concern in this area include:

- i Failure to take into consideration the various environmental impacts when providing regional planning services can have serious consequences for water quality, fire prevention, beach and soil erosion, and stormwater pollution.
- ii Malpractice in this area can have a domino effect on many aspects of community life-traffic congestion (leading to increased accident rate and air pollution), blighted areas, compromised pedestrian safety, and loss in economic vitality of the region.

Park and Recreation Planning involves creating or redesigning parks and recreational areas in cities, suburban and rural areas. Areas of concern in this area include:

- i Specification of unsafe playground equipment or improper location of playground facilities can result in serious injury to children.
- ii Poor layout of pedestrian, bicycle, and vehicular traffic in park and recreation areas can cause collisions and injuries.

Land Development Planning can be done for large-scale, multi-acre parcels of undeveloped land and smaller sites in urban, rural and historic areas. Areas

of concern in this area include:

- ï Poor management of growth can lead to the rapid decline of previously robust economic enclaves. This phenomenon is common as suburban life supplants town centers.
- ï Improper planning for storm water drainage and other environmental impacts associated with development can lead to unexpected costs for local and state governments (and taxpayers).

Ecological Planning and Design studies the interaction between people and the natural environment. It is concerned with interpretation, analysis and formulation of design policies, guidelines and plans to ensure the quality of the environment. Areas of concern in this area include:

- ï Inappropriate specification and supervision of grading can result in landslides and massive erosion.
- ï Inadvisably choosing a site for a project that has an impact on wetlands or other environmentally sensitive areas can cause costly delays to projects, fines for the client, as well as irreversible environmental damage.

Exemptions from Licensure

Licensure of landscape architects is meant for title protection.

There are other individuals who are exempted from the Board's authority, however, they are not permitted to represent themselves as landscape architects. WVC ß30-22-10, Exemptions from article, states:

There are other individuals who are exempted from the Board's authority, however, they are not permitted to represent themselves as landscape architects.

Nothing contained in this article shall under any circumstances whatever be construed as in any way affecting the laws relating to the practice, licensing, certification or registration of architects, engineers, land surveyors and foresters.

An architect, engineer, land surveyor or forester licensed, certified or registered to practice his profession or occupation in West Virginia under the provisions of any law to regulate the practice of such profession or occupation is exempt from licensing under the provisions of this article,

and nothing contained in this article shall under any circumstances whatever be construed as in any way precluding an architect, engineer or forester from performing any of the services included within the definition of the term landscape architecture in section two of this article when incidental to the performance of his normal practice as an architect, engineer or forester or as requiring any such person to be licensed under the provisions of this article.

Community, city or other municipal, urban and regional planners and urban designers shall not be required to be licensed under the provisions of this article.

Every agriculturist, horticulturist, landscape contractor, nurseryman, gardener, landscape gardener, garden or lawn caretaker, and grader or cultivator of land is exempt from licensing under the provisions of this article.

Every agriculturist, horticulturist, landscape contractor, nurseryman, gardener, landscape gardener, garden or lawn caretaker, and grader or cultivator of land is exempt from licensing under the provisions of this article.

Nothing contained in this article shall under any circumstances whatever be construed as in any way precluding any person from making any landscape plans, drawings or specifications for any property owned, leased or rented by him or, without compensation therefor, for the property of any other person, or as requiring such person to be licensed under the provisions of this article.

None of the persons referred to in this section shall, however, use the title, "Landscape Architect," without obtaining a license under the provisions of this article.

Consolidation of Boards Should be Considered

A 1997 report by the Performance Evaluation and Research Division on the Board of Land Surveyors looked at consolidating four licensure boards due to their similar duties and functions. The boards were Professional Engineers Board, the Board of Architects, Board of Land Surveyors, and Board of Landscape Architects.

A survey of all 50 states found that 46 out of 50 states had some form of a landscape architecture board. Out of the 50 states surveyed 29 had stand alone boards, while the other 17 states had combined other professions that

performed similar duties together. Some of the 17 states combined architecture, landscape architecture, interior design, land surveyors, and engineering together due to common characteristics of these professions (Appendix B displays all states and their composition).

Conclusion

The Board of Landscape Architects as of 2002 licensed 136 individuals. Forty-six states have some form of a licensing board which regulates landscape architects. Landscape architects design residential areas, public parks and playgrounds, college campuses, golf courses, parkways, etc., so that they are not only functional, but also, aesthetic, and compatible with the natural environments. Landscape architects are individuals who have met the licensing requirements of the Board. The meeting of these requirements ensure that a level of education and knowledge has been attained by the licensee which can be beneficial information to the consumer. Without some level of expertise in this profession, environmental and monetary damages can occur. There are individuals who do many of the same things that landscape architects do and are exempted from the Board's authority. However, only licensees of the Board are permitted to represent themselves as landscape architects within the State. **Therefore, it is the opinion of the Legislative Auditor that the licensing of landscape architects is in the public interest.**

Recommendation 1

The Legislative Auditor recommends that the Board of Landscape Architects be continued.

Issue 2

The Board Satisfactorily Complies with Most of the General Provisions of Chapter 30.

The Board of Landscape Architects has satisfactorily complied with most applicable state laws and rules. These laws and rules, primarily found within the Board's own article of *Code* and in the general provisions of Chapter 30, are important in the effective operation of a licensing board. The Board complies with the following provisions:

- i A Board representative attended the orientation session provided by the State Auditor's Office in the required two year time frame (β30-1-2a(e));
- i The Board meets at least once annually (β30-1-5(a));
- i The Board maintains a roster of licensees and register as required by (β30-1-12);
- i The Board maintains a record of its proceedings (β30-1-12(a));
- i The Board has set fees by rule (β30-1-6(c)).

Non-Compliance with Continuing Education Requirements

In the general provisions applicable to all boards (β30-1-7a), boards are to establish continuing education requirements that include course content, course approval, hours required and reporting periods. The Board has not met its obligation to establish any form of continuing education requirements or verification. It should be noted that the Board's statute does not require continuing education. However, the Board is planning to follow Kentucky's structure for continuing education hours by the start of 2004 (see attachment to agency's response letter for future plans for continuing education hours). Kentucky requires 15 hours of continuing education annually. This is consistent with the requirements of other states requiring continuing education credits sampled from the American Society of Landscape Architects website.

The Board is planning to follow Kentucky's structure for continuing education hours by the start of 2004.

Testing Procedure

To test applicants for registration, the Board of Landscape Architects utilizes the Landscape Architect Registration Examination (LARE), which is prepared by the Council of Landscape Architectural Registration Board

(CLARB). In addition to this exam, each state is given the option to provide a state portion of an exam specifically geared toward plant materials which West Virginia does. Those applying for reciprocity must provide proof of registration and be in good standing in another state, must have passed the LARE or hold CLARB certification, and demonstrate their knowledge of plant materials native to the state of West Virginia. Reciprocity applicants with more than 10 years of registered experience, who maintained a CLARB certification potentially qualify for registration with no further examination pending Board review of their records. The Board described CLARB certification as:

CLARB certification, also known as a Council Record with CLARB, is a way for landscape architects to have all their records, from education through employment and registration to be maintained in one central location. For those seeking registration in multiple states it is a great service, for it simplifies the process.

CLARB currently charges an applicant \$225 to establish a Council Record, \$125 to forward the record to a state board, and another \$85 as a yearly maintenance fee. It is important to note that CLARB does not offer a credential. It develops an examination that is used by states to license landscape architects.

Recent Compliance with Open Meetings Laws

The Board is required to meet at least once annually and has done so, but has not sufficiently filed meeting notices until recently with the Secretary of States office as outlined in *Code* (B30-1-5(a))(see Table 1). The Board provided the Legislative Auditor with meeting minutes for which the Secretary of State had three notices on file. The Board currently has one upcoming meeting notice for 2003 filed at the Secretary of State's Office. The Board's lack of filing public notices for meetings with the Secretary of State's Office hinders public access and can potentially put any action of the Board in question. Public notice is important in the Board's charge to protect the public from possible incompetent practice.

Table 1
Opening Meeting Notices

Year	2001	2002	2003
Meeting Minutes	2	2	1
Open Meeting Notice Filed	0	2	1

Complaint Process Has Not Been Promulgated

According to the general provisions of Chapter 30, all licensing boards are required to promulgate rules for the investigation and resolution of all complaints against licensees. These rules, which were required to be in effect on or before July 1, 2001, have not been promulgated as required by WVC(§30-1-8(i)). The Board does have in rules the process to follow when a hearing is requested, however, these rules do not discuss the process of how complaints are to be investigated and resolved as is required.

The Board does have in rules the process to follow when a hearing is requested, however, these rules do not discuss the process of how complaints are to be investigated and resolved as is required.

The Board has received its only complaint this year. The complaint alleged unlicensed practice. There is no written administrative procedure on how it will resolve this complaint. The Board is implementing a procedure to address this complaint. The procedure consists of: contacting the individual the complaint was issued on for a statement, assigning a Board member to investigate the circumstances surrounding the complaint. The Legislative Auditor recommends the Board should promulgate procedural rules to address how to resolve future complaints.

Public Accessibility Can be Improved

The Board is required by the West Virginia Code §30-1-12(c) to be listed in the state government section of the Charleston area telephone book and the West Virginia State Government phone book. Though it is listed in these telephone books, the addresses and telephone numbers are incorrect. This hinders public access to the Board. Further research found the address and number listed on the American Society of Landscape Architects website was also incorrect, which has since been corrected.

Another way to improve public accessibility would be to create an internet site. Though the Board does not currently have an internet website, it is currently developing one. The Board hopes to have the website up by September of 2003.

The Board Is Financially Self-Sufficient

Financial self-sufficiency of regulatory boards is required by West Virginia Code §30-1-6(c). During the audit period, the Board has been self-sufficient (see Table 2). The total annual costs for the past three years have gradually increased due to cost increases in testing materials purchased from the CLARB, and the rising costs of insurance coverage.

Table 2
Board Revenues and Expenses, FY2001-FY2003

	FY 2001	FY 2002	FY 2003*
Revenues	\$8,345	\$10,335	\$9,845
Expenditures	\$9,776	\$8,840	\$7,903
EOY Cash Balance	\$3,743	\$5,237	\$7,179
<i>Source: FIMS Reports</i>			
* As of April 30, 2003.			

To be licensed by the Board, an individual currently pays \$40 for the initial licensure and an annual renewal fee of no more than \$50 (see Table 3). Compared to other states, West Virginia's fees are on the low end. The Board is considering raising fees to \$50 for the initial license and \$75 for an annual renewal by the start of 2004.

Table 3
List of Fees for Surrounding States

State	Initial Fee	Annual/Biennial Fee
Kentucky	\$200	Annual, \$150
Virginia	\$75	Annual, \$75
Pennsylvania	\$40	Biennial, \$125
Maryland	\$100	Biennial, \$200
Ohio	\$50	Biennial, \$125
West Virginia	\$40	Annual, \$50
<i>Source: American Society of Landscape Architects.</i>		

Conclusion

The Board of Landscape Architecture has complied with most of the general provisions of Chapter 30 of the *West Virginia Code*. The Board is making strides to be more accessible to the public by creating a website available September 2003. However, it still needs to correct the addresses listed in the State Government phone book and the Charleston area telephone book. The Board meets regularly and maintains adequate records of its meetings. The Board is making efforts to design and implement continuing education requirements within the next year. Rules should be created to describe the process the Board uses to investigate and resolve complaints. The Board is financially self-sufficient and is making adjustments to fees charged to licensees due to rising operation costs. The Board did not comply with the Open Meetings Law until 2003, but is now providing notification to the Secretary of States Office of its meetings.

Recommendations

2. *The Legislative Auditor recommends that the Board of Landscape Architects develop continuing education requirements as required by West Virginia code β30-1-7a.*
3. *The Board should develop rules that describe the method of investigating and resolving complaints as required by West Virginia code β30-1-8(i).*
4. *The Legislative Auditor recommends that the Board of Landscape Architects comply with mandated open meetings laws.*
5. *The Legislative Auditor recommends that the Board of Landscape Architects update its listings in the government section of the Charleston area telephone book and the West Virginia State Government telephone book.*
6. *The Legislative Auditor recommends that the Board of Landscape Architects continue with its plan to have a website for*

Issue 3

All Chapter 30 Licensing Boards Should Be Required to Have a Website.

In reviewing Chapter 30 licensing boards, many do not have a website. WVC §30-1-12(c) only stipulates that boards shall regularly evaluate the feasibility of adopting additional methods of providing public access through other means including computerized communication. It does not require that boards actually adopt such additional methods. The Legislature may wish to consider requiring all Chapter 30 licensing boards to have a website by the start of 2005. With society's technological growth and use of the internet for communication, it would provide enhanced service to the public if people could see if someone is licensed and in good standing.

A website for a licensing board should be required to have the following elements:

- ï Where a licensee received the required education;
- ï When a licensee completed the required education;
- ï When a licensee was licensed;
- ï The number of complaints, if any, filed against a licensee;
- ï The number of substantiated complaints, if any, against a licensee;
- ï A complaint form that can be downloaded and/or filed online; and
- ï A link to and from the State's website.

Licensing boards may be able to obtain assistance from the Information Services and Communications Division within the Department of Administration in developing a website.

Recommendation 7

The Legislative Auditor recommends that the Legislature consider amending WVC §30-1-12(c) to require all Chapter 30 licensing boards to have a website in operation by January 1, 2005. Such website should consist of the required information listed in this issue and be accessible from the State's website.

Appendix A : Transmittal Letter

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

May 16, 2003

David Kaiser
Board of Landscape Architects
1107 9th Street
Vienna, WV 26105

Dear Mr. Kaiser:

This is to transmit a draft copy of the Regulatory Board Evaluation of the Board of Landscape Architects. This report is scheduled to be presented to the Joint Committee of Government Operations on June 8, 2003. When we are aware of the time and location we will notify your agency. It is expected that a representative of your agency be present at the meeting to orally respond to the report and answer any questions the committee may have. We need your written response by noon on May 27, 2003 in order for it to be included in the final report. If your agency intends to distribute additional materials to the committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, June 5, 2003 to make arrangements.

We request that your personnel treat the draft as confidential and that it not be disclosed to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

Handwritten signature of John Sylvia in cursive script.
John Sylvia

Enclosure

Joint Committee on Government and Finance

Appendix B : Composition of State Boards

Composition of State Boards

States with No Board	CO, ND, NH, VT	4 States
States with Stand-Alone Boards	WV, OH, NV, UT, NC, SC, KY, PA, MD, WA, OR, CA, NM, NE, NY, MA, RI, CT, DE, ID, GA, FL, AL, MI, IL, AR, MO, IA, MT	29 States
States with Combined Boards	<p>VA-Board of Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects</p> <p>AZ-Arizona State Board of Technical Registration for Architects, Assayers, Engineers, Geologists, Home Inspectors, Landscape Architects and Surveyors</p> <p>WY-Wyoming State Board of Architects and Landscape Architects</p> <p>TX-Texas Board of Architectural Examiners</p> <p>OK-The Board of Governors of the Licensed Architects and Landscape Architects of Oklahoma</p> <p>KA-Kansas State Board of Technical Professions</p> <p>SD-South Dakota Board of Technical Professions</p> <p>MN-Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design</p> <p>AK-State Board of Registration of Architects, Surveyors, and Landscape Architects</p> <p>HI-Board of Professional Engineers, Architects, Surveyors, and Landscape Architects</p> <p>ME-The Maine State Board for Licensure of Architects, Landscape Architects, and Interior Designers</p> <p>NJ-New Jersey Board of Architects, which houses the Landscape Architect Examination and Evaluation Committee</p> <p>TN-State Board of Examiners for Architects and Engineers</p> <p>IN-Board of Registration for Architects and Landscape Architects</p> <p>WI-Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors</p> <p>MS-Landscape Architecture Advisory Committee Under Mississippi State Board of Architecture</p> <p>LA-The Horticulture Commission of Louisiana</p>	17 States

Source: American Society of Landscape Architects.

Appendix C : Agency Response



STATE BOARD of LANDSCAPE ARCHITECTS

1107 Ninth Street, Vienna, WV 26105 (304) 295-9304

May 23, 2003

Mr. John Sylvia, Director
Performance Evaluation and Research Division
West Virginia Legislature
Building 1, Room W - 314
1900 Kanawha Blvd., East
Charleston, WV 25305-0610

RECEIVED
MAY 27 2003

PERFORMANCE EVALUATION AND
RESEARCH DIVISION

RE: Regulatory Board Evaluation
Draft Copy

Dear Mr. Sylvia:

The WV State Board of Landscape Architects is in receipt of the referenced document prepared by your office. This letter will serve as our written response to this draft in advance of our appearance before the Joint Committee of Government Operations on June 8, 2003.

Comments:

Page 4:

- **Consolidation of Boards should be Considered** - The number of stand alone Boards of Landscape Architects should be 29 as indicated in Appendix B, not 28 as shown in the text.

It should also be noted that some stand alone boards share administrative staff with other boards. This is true in Ohio for the Boards of Architects and Landscape Architects.

- **Conclusion** - The actual number of license renewals processed in 2002 was 136. The 190 total on our roster includes individuals who are not current with their renewals.

Page 6:

- **Non-Compliance with Continuing Education Requirements** - We will require 12 hours of continuing education (which is the national average) beginning with renewals in 2004. See the attached document which was sent to all our registered landscape architects with the current renewal notice.

Page 7:

- **Recent Compliance with Open Meetings Law** - We have been properly sending our meeting notices to the Secretary of State's office since our fall meeting in 2001. Table 1 should reflect 1, 2, 1 respectively for years 2001 thru 2003.

Page 8:

- **Public Accessibility can be Improved** - We attempted in 2002 to have our listing changed in the Charleston phone book but apparently it did not happen. We will attempt again this year.

We are not aware of the West Virginia State Government Phone Book or even who to contact to make a correction.

- **Board is Financially Self-sufficient** - Our financial picture is not as good as Table 2 would indicate. We project our 2003 EOY cash balance at \$3,200 and continuing to decrease to \$1,578 by EOY 2004. We will desperately need to adjust our fee structure by FY 2005.

We appreciate this opportunity to respond to your draft report and look forward to appearing on June 8th.

Sincerely,



David R. Kaiser, Chairman
WV State Board of Landscape Architects

**West Virginia Board of Landscape Architects (WVBLA)
Continuing Education Requirements**

Notice

Beginning with applications for renewal of license that expire on June 2004 and all subsequent expiration dates forward, each landscape architect shall have completed 12 PDH units of acceptable continuing education requirements during the period immediately preceding each renewal date as a condition of license renewal.

Pending an upcoming public comment period and filing with the Secretary of State and Legislative Rule Making Review Committee the continuing education requirements established by the WVBLA are as follows:

Professional Development Hours (PDH)

Twelve PDH units (one unit = 50 minutes of actual instruction) will be required annually for license renewal. Eight of the 12 units must be in structured education activities which directly address health, safety, and welfare issues of the public as related to the practice of landscape architecture. All 12 PDH units may be acquired in these subjects and activities. Four units may be in related practice subjects.

Licensees will be able to apply up to five units of continuing education electronically, or through satellite courses.

Recordkeeping

If a licensee exceeds the annual requirement in any year, he or she may carry a maximum of eight (8) PDH units forward into the subsequent year.

Each landscape architect is responsible for his or her own professional development activities and is required to keep records of his or her continuing education units. These records shall be maintained for three renewal periods. The Board will conduct random audits to establish compliance with the continuing education requirements. The landscape architect need only submit his or her records if requested by the Board.

Unit Conversion Chart

Consult the following table to verify the conversion of other units of credit to WVBLA units:

DEVELOPMENT ACTIVITY	WVBLA PDH Units
1 Post-graduate college or unit semester course (3 credit hours)	45
1 College or unit quarter course (3 credit hours)	30
1 IACET Continuing Education Unit	10
1 Hour in course work, seminars, professional conventions, workshops	1
1 hour of teaching in course work, seminars, professional conventions, workshops	2
Each published paper or article on landscape architecture subjects	5
Attending an ASLA Chapter meeting (Maximum of 4 points per year for attendance)	1

