

Preliminary Evaluation of the State Board of Examiners of Landscape Architects

Recommendations: Waive from Full Evaluation

Extend Termination Date by 11 Years to July 1, 2024

Require Follow-up Report by October 1, 2011

The Sunset Review Process

This evaluation was undertaken under the auspices of the Maryland Program Evaluation Act (§ 8-401 *et seq.* of the State Government Article), which establishes a process better known as “sunset review” because most of the agencies subject to review are also subject to termination. Since 1978, the Department of Legislative Services (DLS) has evaluated about 70 State agencies according to a rotating statutory schedule as part of sunset review. The review process begins with a preliminary evaluation conducted on behalf of the Legislative Policy Committee (LPC). Based on the preliminary evaluation, LPC decides whether to waive an agency from further (or full) evaluation. If waived, legislation to reauthorize the agency typically is enacted. Otherwise, a full evaluation typically is undertaken the following year.

The State Board of Examiners of Landscape Architects (SBELA) was not scheduled for a preliminary evaluation under statute until 2010; however, DLS accelerated the review process for this board – along with several others – to more evenly distribute the number of evaluations conducted over the next few interims. The board last underwent a full evaluation as part of sunset review in 1991. DLS conducted a preliminary evaluation of SBELA in 2000, which found that the board was successfully fulfilling its statutory responsibilities and recommended a waiver from full evaluation. Chapter 73 of 2001 extended the board’s termination date by 10 years to July 1, 2013.

In conducting this preliminary evaluation, DLS staff reviewed applicable State law and regulations; recent legislative and regulatory actions; prior full and preliminary sunset reviews; annual reports submitted by the Department of Labor, Licensing, and Regulation (DLLR) related to the State Occupational and Professional Licensing Design Boards’ Fund; and other information provided by the board regarding expenditures, revenues, licensing, examinations, complaints, and disciplinary actions. In addition, DLS staff communicated by phone and e-mail with the chairman of the board, board administrative staff, the Deputy Commissioner of Labor, Licensing, and Regulation, and a trustee and members of the legislative committee of the Maryland Chapter,

of the American Society of Landscape Architects (ASLA). The board reviewed a draft of this preliminary evaluation and provided the written comments attached at the end of this document as **Appendix 2**. Appropriate factual corrections and clarifications have been made throughout the document; therefore, references in board comments may not reflect the final version of the report.

The Practice of Landscape Architecture

The profession of landscape architecture in the United States dates back to the late 1800s. Today, landscape architecture focuses on land analysis, planning, design, management, preservation, and rehabilitation. Landscape architects draw on a number of fields – such as engineering, architecture, art, planning, environmental science, and computerized design – to provide land beautification, environmental impact assessments, grading, and limited drainage system design. Although landscape architecture does not include the design of structures that are normally designed by licensed architects or engineers, landscape architectural services are often provided in coordination with these services on several types of projects. Landscape architects are involved in the planning of such sites as office plazas, public squares, parks, and thoroughfares.

Currently, every state but Vermont and the District of Columbia regulate landscape architecture. Four states have title acts or certification programs that only grant the right to use the title “landscape architect” or “certified landscape architect.” Forty-five states, including Maryland, have practice acts, which specify the type of work landscape architects may perform.

The profession of landscape architecture is represented primarily by ASLA, the Maryland chapter represents more than 370 professionals.

The State Board of Examiners of Landscape Architects

Landscape architects in Maryland became regulated 38 years ago, when the State Board of Examiners of Landscape Architects was created by Chapter 645 of 1971. Originally, the board was created as part of the Department of Natural Resources. The board was transferred to the jurisdiction of the Department of Licensing and Regulation (now the Department of Labor, Licensing, and Regulation or DLLR) in 1974, where it currently operates as part of the Division of Occupational and Professional Licensing. The board is one of five “design boards” under DLLR’s purview.¹ The purpose of SBELA is to safeguard public welfare, health, and property and to promote the public good by regulating persons who practice landscape architecture in the State.

¹The five design boards include the State Board of Architects, State Board of Certified Interior Designers, State Board of Examiners of Landscape Architects, State Board for Professional Engineers, and State Board for Professional Land Surveyors.

The Need for Regulation

The regulation of landscape architecture ensures that consumers of landscape architectural services are protected from unqualified or incompetent practitioners. Regulation was instituted to establish and enforce certain minimum standards of competency and behavior within the industry.

Regulation is still viewed as a safeguard against poor workmanship. Substandard design has the potential to harm consumers, their property, and the environment. The regulation of landscape architects protects the public health, safety, and welfare of consumers who cannot be reasonably expected to know or recognize unsatisfactory or flawed design work. In the absence of regulation, consumers would have difficulty gauging the competency of practitioners and would have little or no recourse for poor workmanship.

Board Membership Potentially Insufficient to Meet Needs

The board consists of five members. Three members must be licensed landscape architects with at least five years of landscape architectural practice within Maryland. The remaining two members must be consumers. All members of the board are appointed by the Governor with the advice and consent of the Senate, and members serve three-year staggered terms. Under statute, at the end of a term a member continues to serve until a successor is appointed; however, in practice once a member's term has ended they do not continue to serve. Currently, there is one vacancy on the board (a consumer member). The board is required to meet at least twice annually, although it generally meets four times each year.

SBELA has the fewest members of any of the design boards. The State Board of Architects and the State Board for Professional Engineers each comprises seven members – five professionals and two consumers each. The State Board of Certified Interior Designers also has seven members – five certified interior designers, one licensed architect who provides interior design services, and one consumer. The State Board for Professional Land Surveyors comprises six members – three professional land surveyors, one licensed property line surveyor, and two consumers.

By law, a quorum for SBELA is a majority of the authorized members (three members). Thus, if more than two board members are unable to attend a meeting, a quorum requirement is not met. Given that there is currently one vacancy on the board, no more than one board member may be absent from a given meeting until that vacancy is filled. The assistant executive director indicated that it can be problematic convening a quorum. **DLLR, in consultation with the board, should consider proposing departmental legislation increasing board membership from five to seven by adding two additional professional members. This would make the composition of the board more closely mirror the makeup of the other design boards and eliminate the potential difficulty in achieving a quorum.**

Shared Staffing Sufficient for Board Needs

The board has four permanent and three contractual staff members available to it. One position, secretary to the board, is shared with the State Board for Professional Land Surveyors. All other positions, including an executive director, an assistant executive director, an investigator, and three contractual employees – an office secretary, an examination coordinator, and an outreach coordinator – are shared among all of the design boards. SBELA receives legal assistance from DLLR and other clerical and licensing assistance from the central staff of the Division of Occupational and Professional Licensing within DLLR. Though staffing is shared, it appears sufficient to meet the administrative needs of the board.

Major Legislative Changes Affecting the Board Since the 2000 Sunset Review

Chapter 73 of 2001 extended the termination date of the board from by 10 years to 2013. As shown in **Exhibit 1**, other major legislative changes since the last evaluation relate to the establishment of the design boards' special fund, the scope of practice for landscape architects, and the definition of design coordination provided by all design board professionals.

Five Design Boards within DLLR Work Cooperatively and Share Special Fund

As mentioned previously, there are five design boards within DLLR, including SBELA. The other boards regulate architects, interior designers, professional engineers, and professional land surveyors. Chapter 227 of 2003 established the State Occupational and Professional Licensing Design Boards' fund as a special, nonlapsing fund in DLLR. One of the major goals of this Act was to cluster the design boards, since they regulate similar types of professions, in order to equalize the licensing fees among the design boards. Through this clustering approach, the Act required the design boards to work more cooperatively together through a Joint Chairs Committee. The creation of the special fund and the formalization of the Joint Chairs Committee were implemented in response to recommendations made by DLS in the 2002 Sunset Evaluation of the State Board of Certified Interior Designers. The special fund will be discussed in greater detail later in this report.

Exhibit 1
Major Legislative Changes Since the 2000 Sunset Review

<u>Year</u>	<u>Chapter</u>	<u>Change</u>
2001	73	Extends the termination date of the board by 10 years from July 1, 2003, to July 1, 2013.
	193	Clarifies the scope of practice for professional land surveyors and licensed property line surveyors.
2003	227	Requires the chairs of the five design boards to meet annually to discuss issues of mutual importance and post a joint newsletter on the DLLR web site. Establishes a State Occupational and Professional Licensing Design Boards' Fund, a special fund for the collection of license and permit fees from the five design boards. Repeals license and permit fees set in statute and instead requires the Secretary of Labor, Licensing, and Regulation to calculate the direct and indirect costs attributable to each of the design boards and to establish fees based on those calculations. Caps any fee increase by a design board at no more than 12.5% annually.
2005	129	Lowers the standard for specified disciplinary actions against a landscape architect applicant or licensee by removing the requirement that an individual "knowingly" committed a violation. Broadens the scope of violations by making a violation of any regulation the basis for a disciplinary action.
2008	273	Extends the termination date to June 30, 2013, for the special fund that serves all five design boards and related provisions, including the board's fee-setting authority.

Note: The five design boards include State Board of Architects, State Board of Certified Interior Designers, State Board of Examiners of Landscape Architects, State Board for Professional Engineers, and State Board for Professional Land Surveyors.

Source: Laws of Maryland

Chapter 227 also requires that the chairmen of each of the five design boards meet annually to discuss issues of mutual importance and publish a joint newsletter. In practice, the Joint Chairs Committee meets several times a year and has proven to be a useful and efficient way for the design boards to communicate amongst themselves and with DLLR. **The Joint Chairs Committee serves as an effective forum for the design boards to share ideas, work cooperatively, and support the combined interests of the design industry as a whole in the State.**

2001 Legislation Clarified Scope of Practice for Landscape Architects

Over the past decades, the landscape architecture industry has broadened to encompass such specializations as landscape design, site planning, urban planning, regional landscape planning, park and recreation planning, land development planning, ecological planning and design, historic preservation and reclamation, and the social and behavioral aspects of landscape design. To address the broadening scope of what it means to practice landscape architecture, Chapter 193 of 2001 clarifies the scope of practice of landscape architecture under State law. The Act changes the definition of “practice landscape architecture” to mean:

- to provide any service or creative work in the analysis or design of land and natural resources that requires training and experience in the application of the biological, physical, mathematical, and social sciences; and
- to perform design coordination of a project or portion of a project provided that the licensed landscape architect holds a current license issued by the board and has adequate education and experience in, and understanding of, the project or portion of the project being coordinated.

Chapter 193 also specifies that the definition of “practice landscape architecture” includes:

- consultation, research, analysis, assessment, selection, and allocation of land and natural resources;
- development of graphic, written, digital, and other appropriate criteria to govern the planning and design of land development and construction programs;
- in conjunction with site plan preparation, the performance of determining a grade, determining drainage, preparing and designing stormwater drainage systems (within specified limitations).

Furthermore, Chapter 193 also defines “design coordination” for each of the other four design boards as the review and coordination of services provided by individuals licensed or certified by any of the five design boards. An individual licensed or certified by any of the design boards may perform design coordination for a project or portion of a project provided that the

licensed individual holds a current license or certification by their respective board and has adequate experience in, and understanding of, achieving the purpose of the project or portion of the project being coordinated.

Board Operations

The major functions of the board include the issuance of licenses and permits, administration of examinations, investigation of complaints about landscape architects, and enforcement of the Maryland Landscape Architects Act.

Exhibit 2 shows key board performance measures for fiscal 2005 through 2009. During that five-year period, the board processed approximately 3,100 applications, averaging around 600 each year, and directly administered a total of 433 examinations, or about 87 each year. Over the same period, the board issued over 2,300 licenses and permits. The board advises that over this period, it did not revoke, deny, or suspend any licenses, nor did it hold any disciplinary hearings.

Exhibit 2
Board Performance Measures
Fiscal 2005-2009

	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>Total</u>	<u>Average</u>
Applications Processed	631	642	563	581	635	3,052	610
Exams Administered	91	80	84	98	80	433	87
Licenses/Permits Issued	437	448	436	515	512	2,348	470
Board Meetings Held	4	4	3	5	4	20	4

Note: Exams administered only includes a count of those exams directly administered by the board.

Source: Board of Examiners of Landscape Architects

Board Licenses Landscape Architects and Issues Permits to Corporations

The primary function of the board is to examine and license individuals who wish to practice landscape architecture in the State. The board also grants permits to corporations or partnerships practicing landscape architecture in Maryland. In addition to allowing businesses to practice landscape architecture, corporate permits allow firms to use the term “landscape architecture: in any titles or advertisements that represent the firm.

To become a licensed landscape architect in Maryland, applicants must first meet educational and experience requirements to the satisfaction of the board. All applicants must then pass a nationally administered examination, the Landscape Architect Registration Examination (LARE). Statute also requires that all applicants be at least 18 years of age.

A corporation or partnership must hold a permit issued by the board before it may operate a business through which landscape architecture is practiced. To qualify for such a permit, corporations or partnerships must have at least one officer or partner who is a licensed landscape architect. If the corporation or partnership meets the requirements and submits an application fee to the board, the board issues a permit authorizing the holder to:

- operate a business through which a licensed landscape architect practices landscape architecture; and
- represent to the public that the business provides the services of a licensed landscape architect.

Reciprocity

The board's examination and qualification processes are facilitated by its membership in the Council of Landscape Architecture Registration Boards (CLARB). The council, a national coalition of state landscape architectural boards, formulates and grades the professional exam, directly administers parts of the exam, and sets uniform national standards to facilitate reciprocity among states.

The board may waive requirements for an applicant who is licensed to practice landscape architecture in another state. Such reciprocity requires that the applicant pay an application fee and provide evidence that, at the time the applicant was licensed in the other state, the applicant was required to pass an examination and meet qualifications that were substantially equivalent to the examination and qualifications in Maryland.

Number of Licensees Has Increased Substantially Since 2000

The board currently issues three different types of licenses or permits to practice landscape architecture in the State: (1) a landscape architect license; (2) a partnership permit; and (3) a corporation permit. While permits are issued to both partnerships and corporations that provide or offer to provide landscape architectural services, the permit type is uniform and is issued to business entities. Licenses and permits are valid for two years and can be renewed online at DLLR's web site.

Exhibit 3 compares the number of licenses and permits issued in fiscal 2000 to those issued in fiscal 2009. As of June 2009, there were 907 licensed landscape architects, 74 permitted corporations, and 4 permitted partnerships – this represents an increase of 52% in the number of licensed landscape architects and a 32% increase in the number of permitted corporations since the

2000 preliminary sunset evaluation. In that year, there were 598 licensed landscape architects, 56 permitted corporations, and 9 permitted partnerships. DLLR advises that such an increase is not aberrant when compared to the other design boards. According to the department, the design boards have seen an increase in the number of applications for reciprocal licenses in recent years, as individuals and corporations are conducting more business across state borders. While the percentage of permitted partnerships has decreased quite significantly, the absolute number of permitted partnerships is so low that such a fluctuation is relatively minor.

Exhibit 3
Number of Licenses and Permits Held
Fiscal 2000 and 2009

	<u>FY 2000</u>	<u>FY 2009</u>	<u>Percent Change</u>
Individual Licenses	598	907	51.7%
Corporate Permits	56	74	32.1%
Partnership Permits	9	4	-55.6%
Total	663	985	48.6%

Source: State Board of Examiners of Landscape Architects; Department of Labor, Licensing, and Regulation

Board Should Consider Expanding Academic Pathway to Licensure

LARE is a uniform national test sanctioned by the CLARB and administered nationally on dates established by CLARB. It consists of five sections: (A) project and construction administration; (B) inventory, analysis, and program development; (C) site design; (D) design and construction documentation; and (E) grading, drainage, and stormwater management. Generally, examinees do not pass all sections of LARE when they first take it.

Beginning in 2004, the three multiple choice sections (A, B, and D) of LARE are administered directly by CLARB twice each year (March and September) using a computer-based test administration system. The two nonmultiple choice sections (C and E) are administered by the board twice each year (June and December). Thus, the fees for sections A, B, and D are collected by CLARB from the examinee, while the fees for sections C and D are paid directly to the board. The examination fees that are collected by the board are deposited into a separate special fund. The money in this special examination fund is used to cover all costs associated with administering the examination – renting a testing location, purchasing the exams from CLARB, and other costs associated with proctoring the exam. According to DLLR, any money unused for any particular examination cycle reverts to the general fund.

Applicants can qualify to sit for LARE in two ways – the academic option and the nonacademic option. Under the academic option, applicants must show that they have graduated from an approved college or school of landscape architecture and have practical work experience in landscape architecture that is satisfactory to the board. In addition, the applicant’s education and experience must total at least six years. Individuals without formal educational training in landscape architecture may apply to take the professional exam under the nonacademic option. Under this option, applicants must demonstrate that they have eight years of practical work experience that is satisfactory to the board. Such experience may be gained by working under a licensed landscape architect, as long as the individual does not have “responsible” charge of the project. The board may also give credit toward the eight-year experience requirement for academic study at an approved college or school of landscape architecture.

There has been discussion in recent board meetings to allow individuals who possess a degree related to landscape architecture to sit for LARE. The chairman of the board indicated that the board was in preliminary discussions about this issue. Moreover, one member of the legislative committee of ASLA-MD indicated that this topic is under consideration nationally because there is a growing demand for landscape architects to perform duties that are not, in the strictest sense, landscape architecture (*e.g.*, planning and environmental science). **Therefore, the board should continue to explore the option of allowing individuals who possess degrees related to landscape architecture to sit for LARE under the academic option.**

Board Receives Few Complaints Against Landscape Architects

Enforcement of the State’s landscape architecture laws, rules, and regulations is a cooperative effort between SBELA and DLLR. Any consumer may file a complaint with the board for alleged violations committed by a licensee or an applicant for a license. Filed complaints are reviewed by a Complaint Committee comprising two members of the board (one professional member and one consumer member), which then makes a recommendation to the board. If the board believes that the licensee or applicant may have violated the law or regulations, the board refers the complaint to the Assistant Attorney General for review for possible administrative charges. After a hearing is held, the board issues a final order, which may be appealed to the circuit court. Any violation of the Maryland Landscape Architects Act is subject to criminal and civil penalties.

The board may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if the applicant or licensee:

- fraudulently or deceptively obtains or attempts to obtain a license for himself or someone else;
- fraudulently or deceptively uses a license;
- is convicted of a felony or a misdemeanor that is directly related to the fitness and qualification of him to practice landscape architecture;

- is guilty of gross negligence, incompetence, or misconduct while practicing landscape architecture;
- has had a license to practice landscape architecture in another state revoked or suspended by the other state for a cause that would justify revocation or suspension under Maryland law; or
- violates any regulation adopted by the board or provision of the statute governing landscape architecture.

Since 2005, the board has taken a total of four disciplinary actions against licensees. This is consistent with the low number of complaints the board receives (seven since 2005). Of the four disciplinary actions taken by the board, each resulted in a monetary fine ranging from \$250 to \$1,000.

Board Does Not Have Continuing Education Requirements

Of the five design boards, three (State Board of Architects, State Board of Certified Interior Designers, and State Board for Professional Land Surveyors) have a continuing education requirement as part of their license renewal process. In contrast, SBELA (and the State Board for Professional Engineers) does not have continuing education requirements. A number of other states require landscape architects to fulfill a continuing education requirement as a condition for continued licensing, including Delaware, Pennsylvania, and West Virginia.

Available Resources Cover Board Operations

A pilot program established by Chapter 227 of 2003 created a State Occupational and Professional Licensing Design Boards' Fund to ensure that costs for the five design boards, in the aggregate, were covered by their revenues, in the aggregate. The fund and fee-setting authority were set to terminate on June 30, 2008; however, Chapter 273 of 2008 extended the termination date for the special fund to June 30, 2013. Prior to the enactment of Chapter 227, the fees for the board were set in statute, the revenues were credited to the general fund, and the Governor included a general fund allowance for the board within the budget of DLLR.

Since 2003, the Secretary of Labor, Licensing, and Regulation has been charged with annually calculating the direct and indirect costs attributable to each of the design boards and providing this information to the boards. With consent of the boards, the Secretary is authorized to average the direct and indirect costs among the boards in order to establish fees that more equitably distribute the costs associated with the operation of each board across all five boards. With these calculations in mind, SBELA is charged with setting reasonable fees for its services by regulation. The fees charged are required to be set so as to produce funds to approximate the cost of maintaining the boards and may not be increased more than 12.5% over the previous year's fees.

In 2007, the design boards determined that the fund balance merited a fee reduction, and the across-the-board license fee of \$78 was reduced to the current fee of \$68. Prior to the enactment of the special fund, SBELA charged a \$100 fee for an original license and \$200 fee for biennial renewal. **Appendix 2** provides the board's current fee schedule.

As shown in **Exhibit 4**, board expenditures continue to exceed revenues attributable to it. As one of the smaller design boards, SBELA is unable to fully fund all of its expenditures from its own revenues, and thus must rely on fee revenues from the larger design professions to subsidize its operations. As such, when the board's revenues are combined with the revenues of the other design boards, it does not actually operate with a deficit. This was the legislative intent of Chapter 227, which created the special fund. As a whole, the design boards' special fund ended fiscal 2009 with a surplus of \$679,991.

Exhibit 4
Fiscal History of the State Board of Examiners of Landscape Architects
Fiscal 2005-2009

	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>
Total Revenues	\$43,030	\$46,890	\$50,099	\$50,124	\$62,949
Total Costs	53,484	101,178	95,357	94,096	99,990
Direct Costs	30,408	1,293	65,497	71,685	70,046
Direct Legal Costs	0	16,228	11,145	9,796	18,628
Indirect Costs	14,802	70,334	6,530	7,852	6,713
DLLR Indirect Costs	8,274	13,323	12,185	4,763	4,603
Surplus/(Deficit)	(\$10,454)	(\$54,288)	(\$45,258)	(\$43,972)	(\$37,041)

Source: Department of Labor, Licensing, and Regulations

The board's direct costs include salaries and benefits for staff, office supplies, and legal fees from the Office of the Attorney General within DLLR. The board's indirect costs are incurred at the departmental level, and include costs for activities and services related to budget, personnel, general services, and the Office of the Secretary. Indirect costs are allocated to each board by the Secretary's office using a federal cost allocation formula. In addition, the Secretary's office generates the occupational and professional (O&P) cost allocation for each board in DLLR, which reflects the costs incurred at the level of the Division of Occupational and Professional Licensing, including central licensing, the telephone center, the commissioner's office, and information technology costs. The O&P cost allocation is determined by a formula that, among other things, considers the number of licensees and the number of employees who support each board. The allocated costs are charged against the operations of the board.

Revenues and expenditures for the board have been relatively stable since fiscal 2007. Between fiscal 2005 and 2007, however, there was significant variation in accounting for direct costs and indirect costs. DLLR advises that there were issues in the board's budget for these years because the department was implementing new accounting standards and bringing on a new accounting team.

Recommendations

The State Board of Examiners of Landscape Architects is fulfilling its statutory requirements to the best of its abilities. **The Department of Legislative Services recommends that the Legislative Policy Committee waive the board from full evaluation and that legislation be enacted to extend the board's termination date by 11 years to July 1, 2024.**

After discussions with the current board chairman, the assistant executive director, and with representatives from the ASLA-MD, several issues merit further consideration by both the board and DLLR.

DLS recommends that SBELA, in conjunction with DLLR, submit a follow-up report to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee by October 1, 2011. The report should include an update on:

- **continuing education credits for landscape architects; and**
- **the possibility of allowing individuals with a degree related to landscape architecture to qualify to sit for LARE under the academic option.**

Board Should Consider Requiring Continuing Education Credits

As a result of technological advances and the further development of the profession of landscape architecture, it is important that members of the profession acquire and improve work-related skills. Of the five design boards, the State Board of Architects, the State Board of Certified Interior Designers, and the State Board for Professional Land Surveyors each have a continuing education requirement. In addition, a number of states require landscape architects to fulfill a continuing education requirement as a condition for continued licensing, including Delaware, Pennsylvania, and West Virginia. **The board should consider instituting a continuing education requirement, and report to the appropriate committees on the outcome of these discussions.**

Board Should Consider Expanding the Academic Option to Sit for LARE

As described earlier, there are two ways that an applicant may qualify to sit for LARE – the academic option and the nonacademic option. Only those individuals who possess a degree in landscape architecture may sit for the examination under the academic option. The board has discussed expanding the academic option to those who possess a related degree; however, this would require a statutory change. **The board should report to the appropriate committees on the result of its further discussions to expand the academic option to those individuals who possess a degree that is related to landscape architecture.**

Appendix 1. Schedule of Fees for the State Board of Examiners of Landscape Architects

License and Permit Fees

<u>Type of License/Permit</u>	<u>Fee</u>
Landscape Architect License – New and Biennial Renewal	\$68
Permit (Business Entity) – New and Biennial Renewal	100
Reinstatement of License	100
Reciprocal License Application Fee	50
One-time Application Fee	35

Landscape Architect Registration Examination (LARE) Fees

<u>Section of Examination</u>	<u>Exam Fee</u>	<u>Admin. Fee</u>	<u>Total Fees</u>
Section A – Project and Construction Administration	\$90	\$65	\$155
Section B – Inventory, Analysis, and Program Dev.	120	70	190
Section C – Site Design	276		276
Section D – Design and Construction Documentation	200	80	280
Section E – Grading, Drainage, and Stormwater Mgt.	270		270
Total Examination Fees	\$956	\$215	\$1,171

Notes: The examination fees for Sections A, B, and D reflect the fees for the September 2009 examination, while the examination fees for Sections C and E reflect the fees for the December 2009 examination. Sections A, B, and D are administered directly by CLARB and the fees for those sections are paid directly to CLARB by the examinee. Sections C and E are administered by the board and examination fees for these sections are paid to the board. There is also a \$40 standard review fee or a \$120 red-line review fee for Sections C and E that are payable to CLARB. The board also charges a \$60 testing service fee for sections C and E, regardless if the examinee takes one or both parts.

Source: Code of Maryland Regulations, 09.28.03.03

**Appendix 2. Written Comments of the
State Board of Examiners of Landscape Architects**



MARTIN O'MALLEY, Governor
ANTHONY G. BROWN, Lt. Governor
ALEXANDER M. SANCHEZ, Secretary

DLLR Home Page • <http://www.dllr.state.md.us>
DLLR E-mail • mddllr@dllr.state.md.us

December 1, 2009

Ms. Jennifer B. Chasse
Senior Policy Analyst
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401-1991

Dear Ms. Chasse:

The Department of Labor, Licensing and Regulation (DLLR) has received the draft report of the preliminary evaluation of the State Board of Examiners of Landscape Architects (Board). We appreciate the time and attention that was spent reviewing the Board's operations.

We are pleased that the Report found that the Board is fulfilling its statutory duties to the best of its abilities and recommended that the Legislative Policy Committee waive the Board's full evaluation. Furthermore, we are pleased that legislation will be enacted to extend the board's termination date by 10 years to July 1, 2023.

After review of the Report, we have found the following factual errors/discrepancies:

On *Page 8*, in the paragraph titled "Reciprocity" it should be noted that CLARB is a national coalition of state landscape architectural, rather than architectural, boards.

On *Page 8*, in the first paragraph titled "Number of Licensees Has Increased Substantially Since 2000," it should be clarified that while permits are issued to both partnerships and corporations that provide or offer to provide landscape architectural services, the permit type is uniform and is issued to business entities, as noted on *Appendix I*.

On *Page 9*, the second word in the last sentence of the paragraph on the top of the page should be "partnerships," not "corporations."

We also note that the Report states that a number of other states require landscape architects to fulfill a continuing education requirement as a condition for continued licensing and recommends that the Board consider requiring continuing education as part of the license renewal process. Also, the Report recommends that DLLR and the Board consider submitting legislation to allow individuals with a degree related to landscape architecture to qualify to sit for the Landscape Architect Registration Examination. Finally, the Report recommends that DLLR, in consultation with the Board, consider proposing Departmental legislation increasing Board membership from five to seven members by adding two professional members in order to both mirror the composition of other design boards and eliminate the potential difficulty in achieving a quorum. As requested, DLLR will submit a follow-up report to the Legislative Policy Committee addressing these issues on or before the requested date of October 1, 2011.

We would like to express our appreciation for the candor and professionalism provided by your office in conducting this review. We look forward to working with the legislative staff addressing issues that were raised in the Report as well as future issues that may arise. If your office should require additional information or a clarification as to the corrections, please do not hesitate to contact me at (410) 230-6262.

Sincerely,

Jay Hutchins
Executive Director
Maryland Board of Land Surveyors

Cc: Secretary Alex Sanchez
Commissioner Stan Botts
Deputy Commissioner Harry Loleas
Board of Land Surveyors President Charles Maloy