

# BOARD OF LANDSCAPE ARCHITECTS

*Tel. No. (860) 713-6145*

January 30, 2007

State of Connecticut  
Department of Consumer Protection  
Occupational & Professional Licensing Division  
165 Capitol Avenue  
Hartford, Connecticut 06106

The Board of Landscape Architects held a regular meeting on December 12, 2006, which was called to order by Chairman Vincent C. McDermott at 9:31 AM in Room No 121 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

## **Board Members Present:**

Paul E. Courchaine	Board Member
Dickson F. DeMarche	Board Member
Vincent C. McDermott	Chairman
Shavaun Towers	Board Member
Stephen Wing	Board Member

## **Board Members Not Present:**

Maureen B. Connolly	Public Member
Robert W. Hammersley	Board Member

## **Others Present:**

Robert M. Kuzmich	Board Administrator/DCP
Peter R. Huntsman	Assistant Attorney General
Steven J. Schwane	Administrative Hearings Attorney/DCP

Note: The administrative functions of this Board are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information, call Richard M. Hurlburt, Director, at (860) 713-6135.

## 1.) Old Business

1A. Minutes of the September 12, 2006 meeting of the Board; for review and approval. Mr. Huntsman noted the following corrections to the minutes. Page three, third paragraph, line two, the acronym “(DEP)” should be “(DOT)”. Page three, third paragraph, line five, after the word “firms”, delete the word “to”. *The Board voted, unanimously, to approve the minutes as corrected herein. (Courchaine/DeMarche).*

1B. Continuation of discussion of certified erosion control specialists; Mr. Vincent McDermott and Mr. Peter Huntsman provided the Board additional information regarding the specifics of the certification and origin of the Connecticut Department of Transportation’s requirement for this certification, respectively. Mr. Huntsman spoke with personnel from the Department of Transportation (DOT) to help clarify their requirements. He noted that DOT wants the person who is actually looking at the erosion and sediment control apparatus to be a landscape architect, engineer, or a certified erosion control specialist. They are, in effect, saying that if the individual is not otherwise qualified by means of his/her credentials issued by the Department of Consumer Protection as a engineer or landscape architect, then the individual must have this special certification. DOT noted that they don’t often require this credential and when they do, it is usually on sensitive projects such some done in the past near reservoirs.

Mr. McDermott stated that in DOT’s amendment to their solicitation for this work, the way Mr. Huntsman described what they really wanted was not how it was portrayed in their advertisement. Mr. Huntsman has asked for a copy of DOT’s solicitation as to this issue so that he can address the same and fix it in the future. Mr. McDermott noted that he is very satisfied and pleased that DOT is looking this specifically for qualified people. His original concern was that their search was to the exclusion of others who are qualified to do the work. It was noted that this issue was not discussed by the Engineer’s Board and recommended to Mr. Huntsman by this Board that they be made aware of this issue and its resolution in the future.

1C. Draft of proposed changes to the Regulation for the practice of landscape architecture to incorporate the use of electronic seals from Mr. Steven J. Schwane. Mr. Schwane explained that the draft the Board has before them starts the process of changing the regulation to accommodate this issue in accordance with their wishes as Mr. Schwane understands them. An issue the Board must consider is electronic signatures consistent with the mention of the same in the current regulation.

Mr. Schwane suggested that the Board's final language be reviewed by an expert in the computer field to be sure of its consistent with industry standards. He is looking to the Board for guidance over the next year or so as the process continues. Mr. McDermott asked if other Boards are looking at this issue and if so, perhaps the language should be the same for all Boards as applicable. Mr. Huntsman noted that both the architects and engineers boards have just started the process. It was suggested that if this Board takes the lead in this matter, other Boards may follow in their footsteps.

Review by Department *Information Technology* personnel was discussed. Mr. Courchaine and Mr. McDermott offered to take the draft to coworkers and family with connections and/or expertise themselves in the computer industry for their review and comment. The goals of reviewing this language carefully are to protect the licensee from misuse of documents and protect the consumer from documents that may have been altered subsequent to their production and transmission. Mr. DeMarche noted that based on the Boards discussion today, their goal should be to make the change in the regulations in two distinct ways. The first would be in lay terms so that the Board can understand them. Secondly, the changes should be technical enough so that someone with the technical knowledge could understand them also.

It was decided that that all proposed revisions by the Board should be in by their next meeting scheduled for March 13, 2007 so that the publication process and associated hearings could begin. It was noted that the process is time consuming beginning with a review by the Governor's office which could be a significant delay. The process is estimated to take about a year.

Mr. McDermott asked the Board to consider other regulation changes, clean-up type housekeeping items, etc. at this time since the revision process is so cumbersome. He suggested that some changes may come from their later discussions in this meeting concerning continuing education.

1D. Review of audits of selected Connecticut licensed landscape architects for continuing education contact hours for the time period August 1, 2004 through July 31, 2006. Mr. McDermott informed the Board that he and Mr. Kuzmich reviewed all the submissions about one month ago and arrived at a list of submissions that need further review and discussion by the Board today. The following is a list of licensees audited for continuing education for the 2004-2006 biennium:

- |                                   |                                    |
|-----------------------------------|------------------------------------|
| 1. Avery, Robert; Lic. No. 892    | 22. Misiorski, Frank; Lic. No. 212 |
| 2. Chandler, Brian; Lic. No. 75   | 23. Morrison, Mark; Lic. No. 521   |
| 3. Civiletti, Laura; Lic. No. 587 | 24. Moser, David; Lic. No. 429     |

- |   |                                       |
|---|---------------------------------------|
| 4. Colby, Mark; Lic. No. 936            | 25. Newman, Sylvia ; Lic. No. 891     |
| 5. Cowles, Evan; Lic. No. 941           | 26. Page, Pamela; Lic. No. 445        |
| 6. Donovan, James; Lic. No. 455         | 27. Pollack, William; Lic. No. 889    |
| 7. Esslinger, G. Barry; Lic. No. 60028. | Radner, Michael; Lic. No. 971         |
| 8. Ford, Gina; Lic. No. 1038            | 29. Reski, Vikki; Lic. No. 730        |
| 9. Fielding, James; Lic. No. 861        | 30. Roise, Eric; Lic. No. 731         |
| 10. Fuhrman, Steven; Lic. No. 715       | 31. Sacco, Humbert; Lic. No. 21       |
| 11. Gordon, Dan; Lic. No. 806           | 32. Schechinger, Robert; Lic. No. 530 |
| 12. Guimond, Gary; Lic. No. 827         | 33. Searle, Cecilia; Lic. No. 414     |
| 13. Harlow, Garret; Lic. No. 948        | 34. Shadley, Pamela; Lic. No. 934     |
| 14. Hollander, Edmund; Lic. No. 688     | 35. Sinnette, John; Lic. No. 1000     |
| 15. Johnson, Kevin L; Lic. No. 762      | 36. Sousa, David; Lic. No. 405        |
| 16. Kent, Brian; Lic. No. 876           | 37. Stimson, Stephen; Lic. No. 917    |
| 17. Klein, James; Lic. No. 744          | 38. Spaulding, Bradford; Lic. No. 706 |
| 18. Linden, Thomas; Lic. No. 727        | 39. Towers, Shavaun; Lic. No. 409     |
| 19. May, Charles; Lic. No. 456          | 40. Tung, Andrew; Lic. No. 570        |
| 20. Miller, David; Lic. No. 1033        | 41. Ward, David; Lic. No. 896         |
| 21. Miniutti, Peter; Lic. No. 597       |                                       |

Some are requests for relief due to medical reasons; some are short the required amount of credits, acknowledge the same, and request time extensions; others may be of questionable material and need further review by all Board members. Mr. Kuzmich stated that the Department received 36 submissions out a total of 41 audits. Five licensees have not responded to date. The five licensees that did not respond are: **1. Brian Kent, 2. David Miller, 3. Peter Miniutti, 4. Mark Morrison, and 5. Bradford Spaulding.**

Mr. Kuzmich stated that the majority of calls he has received regarding the audits were from secretary's and office assistants and not from the licensees themselves. Judging from the nature of the questions, the licensees appear to be unaware they attested to the fact that they have complied with the continuing education requisite by virtue of the fact that they signed and returned their renewal notices that stated they acknowledge this action by signing the notice. The licensees are just now asking what they have to do to comply.

Mr. McDermott noted that he was asked by the Connecticut Chapter of the *American Society of Landscape Architects* to be a guest speaker at one of their chapter meetings last spring and address licensing. He was appalled by the general lack of knowledge (of those in attendance) about licensing. He was more appalled about their general lack of knowledge of the State of Connecticut Government operations and most appalled by the sparsity of attendees. Some attendees were not even aware of general terms common to their profession.

Mr. Huntsman questioned whether the regulations require the licensee to notify the Department within a set period of time of a change of address. He suggested that perhaps the Board may want to consider such a requirement in the context of their other proposed revisions similar to what is now required by the Department of Motor Vehicles.

Getting back to those licensees that did not respond to the audit letters, the Board will follow the procedures set forth by the Department's Legal Department and notify each of these individuals, by certified mail, that they must attend a *Compliance Meeting* scheduled for a certain date and time. The notice states that they have not complied with the CEU requisite and this may result in possible action against their license. The meeting gives them a chance to show compliance or, in some cases, individuals may prove compliance before the meeting by virtue of just receiving the Department's letter. *As such, the Board voted, unanimously, to authorize the Department to begin the compliance meeting process for these five above named individuals. (Wing/Demarche)*

The Board now extensively reviewed the candidates as selected by Mr. McDermott and Mr. Kuzmich from their prior meeting and decided upon action as detailed herein.

The following individuals were sent letters detailing their CEU deficiencies and **given an extension to February 28, 2007** to come into compliance:

1. Robert F. Avery, Jr., Lic. No. 892: deficient 10 contact hours. Although the documentation of his CEU's exceeds the required amount, a portion of his submittal was determined to be not consistent with subject matter relating to public health, safety, and welfare.

2. Evan R. Cowles, Lic. No. 941: deficient 2 contact hours. Although the documentation of his CEU's exceeds the required amount, a portion of his submittal was determined to be not consistent with subject matter relating to public health, safety, and welfare.

3. James Fielding, Lic. No. 861: deficient 2 contact hours. Although the documentation of his CEU's exceeds the required amount, a portion of his submittal was determined to be not consistent with subject matter relating to public health, safety, and welfare.

4. Steven Fuhrman, Lic. No. 715: deficient 5 contact hours. Although the documentation of his CEU's exceeds the required amount, a portion of his submittal was determined to be not consistent with subject matter relating to public health, safety, and welfare.

5. Michael P. Radner, Lic. No. 971: deficient ½ contact hour.

It was decided by the Board that the following individuals will be summoned for Compliance Meetings because of failure to comply with the CEU requisite.

1. Mark R. Colby, Lic. No. 93: No credit given for listed activities. Subject matter is not consistent with guidelines for continuing education.

2. Edmund D. Hollander, Lic. No. 688: short 20 CEU's. The majority of activities listed are not health, safety, and welfare related.

3. Charles P. May, Lic. No. 456: Although subject matter consistent with goal of continuing education, activities listed were not taken within the appropriate timeframe.

4. Frank A. Misiorski, Lic. No. 212: subject matter not consistent with guidelines for continuing education. It was noted that Mr. McDermott will send a letter to Mr. Misiorski regarding the dilemma both he (Misiorski) and other retired Connecticut landscape architects face. It will acknowledge the Board's efforts to relieve retired professionals from the continuing education requirement and still allow them to use the title of "*Landscape Architect*" as well the difficulty this Board has had in passing this bill through the *Connecticut General Assembly*.

5. Vikki A. Reski, Lic. No. 730: subject matter not consistent with guidelines for continuing education; exceeded maximum of 6 CEU credits for self-directed activity without prior approval of the Board.

6. Stephen C. Stimson; LAR.917: only 8.25 hours of CEU's submitted; short 15.75 CEU's.

The Board also acknowledged a written request, dated October 3, 2006, from Mr. Robert C, Schechinger, Jr. regarding an extension of time to complete his continuing education requirement. His letter cites both personal and medical hardships. The Board approved his request in consideration of the circumstances outlined in Mr. Schechinger's letter and extended his continuing education completion date to February 16, 2007.

## **2.) New Business**

2A. Application of Ms. Abigail Adams for licensing by written examination; Ms. Adams is applying with a *CLARB Council Record (No.3587)* and has passed the *Landscape Architect Registration Examination with the Council of Landscape*

*Architectural Registration Boards. After a thorough review of her file, **the Board voted, unanimously, to approve Ms. Adams for licensing as a landscape architect in Connecticut. (Wing/DeMarche)***

2B. Update from Legal Department regarding any Board issues. Mr. Schwane stated that the Board proposed legislation, consisting of issuing civil penalties of up to \$1,000.00, establishing an “Inactive License” for retired licensees, and requiring registration for corporations, will not be taken up by the Department this legislative session. When asked for a reason by Mr. McDermott, Mr. Schwane stated that the number of bills proposed by the Department is limited by the Governor’s Office. This becomes a problem for the Department because of the number of bills needed to cover the wide variety of issues the Department deals with. In light of this information, Mr. McDermott then told the Board that their issues need to be communicated to outside people to help move their bills along. Mr. McDermott will talk to the Connecticut Chapter of the *American Society of Landscape Architects* and seek their assistance. The current drafts of the Board’s legislation will be given to Mr. McDermott for his use.

Mr. Schwane updated the Board regarding filing requirements for maps with the State Library. He noted changes that affect this Board; mainly adding statutory references to include landscape architects among the licensed design professionals. In addition, the definition of design professionals will be modified to include Landscape Architects. The State Librarian needs to seek the assistance of the Attorney General’s Office in making these changes since she is without in-house attorneys. Mr. Schwane will update the Board as necessary.

2C. Updated list of applications processed for licenses subsequent to the September 12, 2006 meeting of the Board. **The Board acknowledged this information.**

<b>Name</b>	<b>Method of Licensure</b>	<b>Dept. Approval Date</b>
Kammeyer, Kenneth K.	Waiver of Exam; CLARB Council Record No. 133; California	October 3, 2006
Howerton, Anne H.	Waiver of Exam; CLARB Council Record No. 5769; California	October 19, 2006

2D. Schedule of Board Meeting Meetings for 2007:

- |                           |                               |
|---------------------------|-------------------------------|
| <b>1.) March 13, 2007</b> | <b>3.) September 11, 2007</b> |
| <b>2.) June 12, 2007</b>  | <b>4.) December 11, 2007</b>  |

Please note all *Board of Landscape Architects* meetings are scheduled for **Tuesday’s at 9:30 AM in Room No. 121, State Office Building, 165 Capitol Avenue, Hartford, Connecticut.** The Board recognized these dates and acknowledged

them as essentially the same times as this past year. These dates will be transmitted to the Secretary of State's Office for their records.

2E. "CHRO Reviews" CHRO CRITERIA PER SECTION 46a-80; Mr. McDermott noted that there are none before the Board today.

2F. Any correspondence and/or business received in the interim.

***The meeting adjourned at 11:20 a.m. (Courchaine/Towers) The next regular meeting of the Board is scheduled for Tuesday, March 13, 2007, 9:30 a.m., Room 121, State Office Building, 165 Capitol Avenue, Hartford, Connecticut.***

Respectfully submitted,

Robert M. Kuzmich, R.A.  
Board Administrator



