



S T A T E O F C O N N E C T I C U T
D E P A R T M E N T O F C O N S U M E R P R O T E C T I O N

BOARD OF LANDSCAPE ARCHITECTS

Tel. No. (860) 713-6135

July 8, 2010

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 June 15, 2010, which was called to order by Chairman Vincent McDermott at 9:30 AM in Room No 121 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Board Members Present:

Vincent C. McDermott	Chairman
W. Phillips Barlow	Board Member
Paul E. Courchaine	Board Member
Nancy J. Rudek	Board Member
Shavaun Towers	Board Member
Stephen Wing	Board Member

Board Members Not Present:

Denise E. Cooper	Board Member
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Others Present:

Nelson Leon	Department of Consumer Protection
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Note: The administrative functions of the Boards, Commissions, and Councils are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information, contact Richard M. Hurlburt, Director, at (860) 713-6135 or Fax (860)-706-1255.

Agency Website: www.ct.gov/dcp

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1.) Old Business

1A. Minutes of the March 23, 2009 meeting of the Board; for review and approval. *After a thorough review, the Board voted to approve the minutes as written.*

1B. Update from Mr. Vince McDermott and continuation of discussion of issues pertaining to meeting held with Department of Environmental Protection and Department of Consumer Protection Representatives on September 23, 2009. Mr. McDermott noted that this issue concerns the draft regulation on the *Storm Water General Permits* and the inspection of erosion and sedimentation control. Both these matters have gone nowhere and as such, the Board's Attorney Mr. Peter Huntsman was asked to intervene on the Board's behalf in this matter. At this point, all the Board can do is to wait for a response from Mr. Huntsman.

2.) New Business

In response to her question, the qualifications for becoming a licensed Landscape Architect by written examination and the CLARB Certification Process was explained by Mr. McDermott to new Board Member Nancy Rudek while the Board proceeded with their review of the applications noted below.

2A. Application of Ms. Adalie M. Pierce-McManamon for licensing by written examination; Ms. Pierce-McManamon is applying with a *CLARB Council Record (No. 36389)* and has passed the *Landscape Architect Registration Examination with the Council of Landscape Architectural Registration Boards.* ***Upon completion of a thorough review, the Board voted, unanimously, to approve Ms. Pierce-McManamon's application. (Towers/Courchaine)***

2B. Application of Mr. Jonathan P. Tunsky for licensing by written examination; Mr. Tunsky is applying with a *CLARB Council Record (No. 31223)* and has passed the *Landscape Architect Registration Examination with the Council of Landscape Architectural Registration Boards.* ***Upon completion of a thorough review, the Board voted, unanimously, to approve Mr. Tunsky's application. (Towers/Courchaine)***

2C. Application of Mr. David G. Westmoreland for licensing by written examination; Mr. Westmoreland is applying with a *CLARB Council Record (No. 32199)* and has passed

the Landscape Architect Registration Examination with the Council of Landscape Architectural Registration Boards.

Mr. McDermott noted that he is unaware of what Tuliptree Site Design is in terms of a business. The employment verification and professional reference documentation was discussed, in detail, by the Board. Mr. McDermott noted that he knows Peter Trowbridge (Professional Reference) is a professor at Cornell University. Ms. Cheryl Quinn (Professional Reference) is a landscape architect with James Doyle Design Associates and apparently is not with Tuliptree Site Design. Mr. Michael Mushak, an employment verification reference from Norwalk Connecticut, appears to be the licensee at Tuliptree Site Design. It was noted that Mr. Mushak's dates of employment at Tuliptree were June 1, 2006 to May 18, 2007 during which time he supervised Mr. Westmoreland.

The Board also noted that there is a 7-month period at Tuliptree listed in his Mr. Westmoreland's CLARB Record for which there is no indication that there was a landscape architect there at that time based upon Mr. Mushak's working period at Tuliptree. It also appears that Mr. Mushak was an employee as well as supervisor of Mr. Westmoreland.

The Board noted that it appears to be that the candidate was working under the supervision of his employee who is a licensed landscape architect for approximately 11 months with an additional two years of employment under and engineer/land surveyor. The Board questioned whether Mr. Westmoreland was practicing without a license at Tuliptree and was the work he performed with the engineer/land surveyor considered landscape architecture. Mr. Wing noted that because of the candidate's age, it is conceivable that he may have or have had other employment history.

At the conclusion of their discussion, the Board motioned to table Mr. Westmoreland's application and ask him to come before them at their September 21, 2010 Regular Board Meeting for clarification of his employment history. Their request will be sent to the applicant in writing. (Barlow/Wing)

2D. Update from the Trade Practices Division regarding Complaints; for the Board's information. There was no information in writing for the Board at this time. Mr. Schwane is currently on vacation but Mr. McDermott had an opportunity to speak with Mr. Schwane prior to today's meeting. Mr. Schwane indicated that there were no further advancements on any of the Board's complaints. He did indicate that one complaint may be resolving itself.

2E. Update from the Department's Legal Staff regarding any Board issues or otherwise.

1. Public Act 10-48 – An Act Concerning Landscape Architects; Mr. Barlow noted that the Connecticut Chapter of the *American Society of Landscape Architects (ASLA)* took forward an initiative to amend the Limited Liability Company (LLC) regulations and allow Landscape Architects to be a part of a Joint Practice LLC. It was noted that these revisions passed without much difficulty.

2. 2011 Proposed Landscape Architecture Legislation; Mr. McDermott noted that he spoke with Mr. Schwane. Mr. Schwane asked if the Board wishes to resurrect their bill which addresses the inconsistencies between the penalties that the Department and the Board can assess for violations relating to this Board in comparison to what other Boards in the Department can do. More significantly, this bill also addresses the requirement for companies that are not practicing in their own name to have a Certificate of Authorization to practice landscape architecture. The question remains does the Board want to pursue this Bill again. After more extensive discussion, it was decided by the Board to do so.

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

1. In response to her question, Mr. McDermott explained the enforcement process to Ms. Rudek. He noted that the process the Department uses is arcane and gives the Board its due process. Investigation is initially done by the Department in the hopes of a resolution of the matter. If there is no resolution, than the Board may engage in a Hearing whereby the Department's lawyer acts a prosecutor and presents the case to the Board which they will then act upon. Mr. McDermott noted that many matters that come to the Department are determined not to be in their jurisdiction and may be a civil matter.

2. Mr. McDermott updated the Board regarding the Board of Professional Engineers and Land Surveyors efforts to draft regulations concerning electronic seals and signatures. Their system is more complicated and has not made it to a regulatory publication as of yet.

The meeting adjourned at 10:18 AM. (Courchaine/Barlow) The next regular meeting of the Board is scheduled for Tuesday, September 21, 2010, 9:30 AM, Room 121, State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Respectfully submitted,

Robert M. Kuzmich, R.A.

Board Administrator