

## BOARD OF LANDSCAPE ARCHITECTS

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

February 4, 2008

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 11, 2007, which was called to order by Chairman Vincent C. McDermott at 9:37 AM in Room No 121 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

### **Board Members Present:**

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

### **Board Members Not Present:**

Paul E. Courchaine	Board 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 11, 2007 meeting of the Board; for review and approval. *After a thorough review, the Board voted, unanimously, to approve the minutes as submitted. (Wing/Towers).*

1B. Continuation of discussion of proposed changes to the Regulation for the practice of landscape architecture to incorporate the use of electronic seals from Mr. Steven J. Schwane and of other proposed changes as suggested by Board review. Mr. Schwane stated that these changes were sent to the Governor's Office on October 2, 2007 as the first step in the process then the Office of Policy and Management must approve the same. To date, the Governor's Office has not responded. Mr. Schwane has spoken with the Department's Legislative liaison and asked that he check on their progress.

## **2.) New Business**

2A. Letter from Ms. Mary A. Scipioni, dated October 14, 2007, concerning her application for licensing by written examination. Mr. McDermott reviewed Ms. Scipioni's application history with the Board. He explained that essentially she has passed the examination and now the issue is work experience under the supervision of an approved design professional. Mr. McDermott had the chance to review this application prior to today's meeting and noted that her work experience time is short of the required amount.

Mr. McDermott reviewed of the work experience she has obtained since the Board allowed her to sit for the L.A.R.E. noting her current position with Environmental Design and Research (EDR) from May 2007 to present and her part time work with Walter Cudnohufsky Associates from September 2002 through December 2003. The Board had asked her to provide them with a more detailed breakdown of her work hours with Walter Cudnohufsky Associates since she listed this work as "part time" in an effort to be sure that their assessment of her time was accurate. In response, Ms. Scipioni e-mailed her response to Mr. Kuzmich noting that she worked 15 hours per week at this part time position. Upon a thorough review of her work experience, the Board determined that she is approximately eight (8) months short of the work experience mandate of two years. Once she has fulfilled this work experience requirement, they encouraged her to reapply at that time.

*After more detailed discussion, the Board voted, unanimously, to not approve her application for a landscape architect license in Connecticut at this time.*

*They cited the General Statutes of Connecticut, Section. 20-370. Examination for licensure. Fee." and the requirement specified, therein, of evidence of a minimum of two years' practical experience under the direct supervision of a licensed landscape architect. Based upon this directive, they determined that she is ineligible for licensing at present. In addition, the Board does not have the authority to waive any statutory requirements. (Towers/Wing)*

2B. Letter from Mr. Michael J. Blier, dated October 3, 2007, concerning the reinstatement of his landscape architect's license. Mr. Kuzmich noted that in the correspondence received from this applicant, the applicant asks that the Board reissue his license subject to his completion of the continuing education as required through July 31, 2008 to get him back on schedule, per say. Mr. Kuzmich noted that subsequent to this letter, he received a substantial amount of correspondence that appears to be continuing education material. In addition, Mr. Kuzmich noted that in 2006 when Mr. Blier initially started the reinstatement procedure, he had the CLARB forward to the Department an updated Council Record. The pattern in which Mr. Blier's reinstatement is following coupled with the conversations Mr. Kuzmich had with Mr. Blier and his office staff has created a somewhat confusing situation.

Mr. McDermott stated that if Mr. Blier had completed all the continuing education that would bring him current with all other licensees, then he would be inclined to issue his license subject to completion of the CEU's due on July 31, 2008. Mr. Schwane noted the Regulation does permit the Board to grant Mr. Blier's request relative to his delinquent continuing education and reissuing his license. Mr. Huntsman noted to the Board that it is easier to refrain from granting the license than granting the license and have to take it back given that once an individual has a professional license, that person has rights to due process. Mr. Huntsman asked that any concerns the Board has relative to this individual completing the required CEU's take into account this advice.

Mr. DeMarche raised an issue relative to this matter concerning individuals with lapsed Connecticut licensee's having to make up continuing education and first time licensee's from other States that have no continuing education requirements and are not subject to the same rules. Mr. McDermott distinguished the fact that the Board was concerned with landscape architects who have had no work in Connecticut for some time then come back into practice when times change and "blow off" the CEU requisite. It appears to Mr. McDermott that this is the case with Mr. Blier. Further, he has always been troubled, in the past, by how easy it was to reinstate a lapsed license. Mr. DeMarche agrees with the penalty but suggested that a more appropriate tact may be requiring a portion of the CEU's due in cases where there is a significant lapsed time period.

After a very extensive and lengthy discussion on the material Mr. Blier submitted, dated August 1, 2006 and November 19, 2007, the Board has requested that he provide them with a specific breakdown of his continuing education activities, on an item by item basis, and the associated credit he is asking for each as this is unclear to them from the information he submitted.

In addition, the Board advised that there is a regulatory requirement pertaining to continuing education that states that at least six (6) contact hours of each biennial continuing education requirement be earned by attendance at a live presentation of a continuing education program. The Board asked that Mr. Blier further define this requirement in terms of his work as a *provider* versus a *participant* in the activities he is asking for continuing education credit.

As an aside, the Board noted that this application raised a number of issues regarding the interpretation and application of the Regulatory Section pertaining to continuing education, specifically, as it applies to individuals such as Mr. Blier whose license has been lapsed for a significant period of time. It was noted that this matter continues to be under discussion.

**As such, the Board voted, unanimously, to postpone further action on his application for reinstatement of his license to practice landscape architecture in the State of Connecticut, pursuant to General Statutes of Connecticut, Chapter 396, Section 20-374. (Wing/Towers)** The Board convenes again on March 11, 2008 and required that Mr. Blier provide them with the above specified information no later than February 1, 2008 in order to allow adequate time for both the Department and the Board to review this material prior to this meeting.

2C. Update from the Department's Legal Department regarding the status of Audits conducted by the Department for the continuing education period from August 1, 2004 through July 31, 2006. Mr. Schwane noted that the Department has nearly completed their work and is down to one licensee who need 10 hours of CEU's and has shown proof of 7 ½ hours to date and provided proof of registration for an upcoming CEU activity. Once he has his certificate from this activity, this licensee's audit will be complete and that will also conclude the Department's work on the audits in general.

2D. Update from the Department's Legal Department regarding their Proposed Legislation for 2008. Mr. Schwane reminded the Board that their legislation consisted of basically civil penalties and registration of corporations. He was told that the Governor's Office does not want any proposed legislation that would increase or add fees. As such, the registration requirement for corporations is now out. The good news, however, is that the Board's legislation

is part of the Department's package along with the architects and engineers packages which is the number one priority of the Department. The Department's legislative liaison will try to reinstate the Board's legislative package in its entirety but Mr. Schwane was told not to count on it. Mr. McDermott noted that after the Board's last discussion on this matter, there was no sense of urgency from the landscape architect community in supporting this legislation and he is tired of pushing an issue no one else seems to care about.

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

- 1.) Connecticut State Library, *Notice of Intent to Amend Regulations*, as published in the *Connecticut Law Journal*, dated November 27, 2007.

Mr. Schwane gave the Board the republished second edition of this publication that the Board has in their package which now clearly includes landscape architecture. He also reviewed the entire publication noting various editions and deletions. Mr. McDermott stated that this revision will have a secondary effect for those municipalities who still question a landscape architect's legitimacy for preparing site plans.

2F. Application of Mr. Paul E. Bengtson for licensing by written examination; Mr. Bengtson is applying with a CLARB Council Record (No.4475) 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 his application. (Towers/Wing)**

2G. Application of Mr. Ryan C. Deane for licensing by written examination; Mr. Deane is applying with a CLARB Council Record (No.6250) 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 his application. (Towers/Wing)**

2H. Application of Ms. Paula L. Stahl for licensing by written examination; Ms. Stahl is applying with a CLARB Council Record (No.4649) 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 her application. (Towers/Wing)**

2I. Application of Mr. Cesar L. Valiente for licensing by written examination; Mr. Valiente is applying with a CLARB Council Record (No.3197) 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 his application. (Towers/Wing)*

2J. Updated list of applications processed for licenses subsequent to the September 11, 2007 meeting of the Board. The Board acknowledged this information.

<b>Name</b>	<b>Method of Licensure</b>	<b>Dept. Approval Date</b>
Dumont, Ricardo C.	Waiver of Exam; CLARB Council Certificate No. 6060; MA	September 20, 2007
Clemson, Brian E.	Waiver of Exam; CLARB Council Certificate No. 5672; NJ	November 15, 2007

2K. "CHRO Reviews" CHRO CRITERIA PER SECTION 46a-80; none before the Board. It was noted that there are none before the Board today.

2L. Schedule of Board Meeting Meetings for 2008; please note that all Board meetings shall be held at the State Office Building, 165 Capitol Avenue, Hartford, Connecticut in Room No. 121 and commence at 9:30 AM. The Board acknowledged this information noting these dates posed no conflicts.

- 1.) March 11, 2008**
- 2.) June 10, 2008**
- 3.) September 9, 2008**
- 4.) December 9, 2008**

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

1. It was noted by Mr. McDermott that he received an e-mail from Mr. Paul Courchaine informing him that he would not be at today's meeting.
2. Board Member replacement procedures were discussed noting that several members received correspondence from the Governor's Office asking them if they wished to continue to serve. Mr. DeMarche did not receive this correspondence; however, he formally resigned from the Board earlier this year and offered to serve until a replacement for him has been appointed. To date, his spot on the Board has not been filled. Further, it was determined by the Board today that he is still an acting member for today's meeting and as such, they have a quorum to legally conduct business.

***3. The Board voted, unanimously, to add this newly received application of Ms. Barbara A. Barnes to the agenda as first motioned by Mr. Wing.*** Mr. Kuzmich explained that he has reviewed this application prior to today's meeting with Department Attorney Steven Schwane. Mr. Kuzmich noted that her application is for an initial license by written examination with a CLARB Record. The CLARB Record is on hold by CLARB because she lacked the work experience time. Although her actual calendar working time fulfills CLARB's requirement, a derogatory comment from a former employer has caused CLARB not to accept this part of her work experience which happens to constitute the majority of her time and therefore, she falls short of their requirement.

Mr. Kuzmich contacted CLARB for further clarification but they were unable to provide any further details. He then contacted the applicant, who was noticeably disturbed on the telephone, for further details. She stated she would forward to the Board written documentation clarifying the situation which the Board is in receipt of today.

After a thorough review of this documentation, which included recommendations of other employers who hold her in very high regard, Mr. Dermott concluded that this situation appears to be "a grudge match" with this particular former employer that he does not want to partake in. The other Board members concurred.

***As such the Board voted, unanimously, to recommend to the Commissioner of the Department of Consumer Protection to issue a license to Ms. Barbara Barnes having completed the education, examination, and experience requirements and not by virtue of a completed CLARB Certificate. (Wing/Towers)***

At the recommendation of the Board, it is so noted in these minutes and will be communicated to the applicant and CLARB that the Board approved her application based strictly upon the Statutory Requirements, as applicable, and the additional letters of Recommendation from her former employers. Further, they emphasize that this approval is for a Connecticut license only and that the applicant's status with the *Council of Landscape Architect Registration Boards* remains unchanged. As such, this may provide her with difficulty in obtaining licenses in other States. The Board also recommends that she pursue certification with CLARB in the future.

**4.** Mr. Kuzmich presented the Board with a plaque he received from the CLARB which thanks the Board for their support during CLARB's year of transition.

***The meeting adjourned at 11:10 AM. (Wing) The next regular meeting of the Board is scheduled for Tuesday, March 11, 2008, 9:30 AM, Room 121, State Office Building, 165 Capitol Avenue, Hartford, Connecticut.***

Respectfully submitted,

Robert M. Kuzmich, R.A.  
Board Administrator

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