

STATE OF CONNECTICUT

BOARD OF LANDSCAPE ARCHITECTS

TEL. NO. (860) 713-6135

-MINUTES-

JANUARY 3, 2012

The Board of Landscape Architects held a regular meeting on January 3, 2012, which was called to order by Chairman Vincent McDermott at 9:32 AM in Room No 119 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Board Members Present:

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

Board Members Not Present:

W. Phillips Barlow	Board Member
--------------------	--------------

Vacancy:

One (Public Member)

Others Present:

Robert M. Kuzmich	Department of Consumer Protection
Steven J. Schwane	Department of Consumer Protection
Peter R. Huntsman	Attorney General's Office

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

Division E-Mail: occtrades@ct.gov

1.) Old Business

1A. Minutes of the September 13, 2011 meeting of the Board; for review and approval. It was noted that Mr. Wing was not in attendance at the Board's September 13, 2011 Regular Board Meeting. *As such, the Board voted, unanimously, to approve the minutes with the correction noted herein. (Courchaine/Rudek)*

2.) New Business

2A. Diversity Training presentation by Ms. Peggy Zabawar of the Department of Administrative Services. Ms. Peggy Zabawar from the Department of Administrative Services made a presentation to the Board of Landscape Architects on Sexual Harassment Prevention and Diversity. She noted that the State is committed to providing an environment free from discrimination, harassment, and retaliation. Ms. Zabawar explained that Boards and Commissions are held to the same standards as employees of the State in relating to one another and the public, and as such, Board or Commission Member behavior opens the State to the same liability.

2B. Proposed Registration Forms pertaining to the Practice of Landscape Architecture; for review and discussion by the Board. Mr. Kuzmich presented the Board with his draft of these forms for the Board to discuss. It was decided to leave the excerpts from the Public Act which defines the criteria for the registration on the form for Corporate Registrations as a benefit to the public. The Board also discussed the additional information asked of the applicants beyond what is specified in the Public Act. Mr. Huntsman noted that it is acceptable to ask for more information and cited other agencies that do so. Mr. McDermott stated that the purpose of the corporate registration licensing is to identify the personnel in responsible charge who act on behalf of the corporation or Limited Liability Company. This is what this Board wants to know. Other information is beneficial but not essential.

The Board also reviewed the revisions to the existing Joint Practice Form which now includes the profession of Landscape Architecture. *After more review and discussion, the Board voted, unanimously, to approve, both the new Corporate Registration Form and the revisions to the existing Form for Joint Corporate Practice. (Wing/Courchaine)*

The Board now discussed the ways in which to get the word out to the Landscape Architect community regarding these new registration types. It was decided to notify

the Connecticut Chapter of the American Society of Landscape Architects in writing. In addition, Mr. McDermott also suggested that the Department can provide written notice to licensees to be included in their license renewal notice.

2C. Discussion concerning the preparation of Site Plans for Municipalities and Declaratory Ruling on Municipal Requirements. Mr. McDermott read aloud to the Board a letter from Ms. Kate Throckmorton sent to Mr. Keith Lombardi dated December 21, 2011 which he was copied on. The letter is a formal complaint and addresses the requirement of the City of Norwalk's requirement that grading plans required under the City of Norwalk's Application for a Permit to Excavate and Fill, Section 97-4 of the City's Code, must be prepared by a licensed land surveyor. Under this requirement, it appears that landscape architects, as well as other licensed design disciplines, are excluded from the performing services for which they are authorized to perform under the Connecticut General Statutes, as amended.

Mr. Huntsman noted that a similar issue within the past year was addressed by the Engineer/Land Surveyor Board. In this matter the municipality actually visited the Board and discussed the situation with them. Mr. McDermott cited his discussions with both Ms. Throckmorton and other municipal officials on matters similar to her complaint with the City of Norwalk. He believes that the Board needs to take action on this matter.

Over the past years, the Board of Landscape Architects has found that many municipal local ordinances and codes were prepared many years ago and have not been updated to reflect current laws and regulations regarding the practice of landscape architecture as it is defined in the Connecticut General Statutes. Recognizing that this was a recurring problem, the Board issued a Declaratory Ruling in 2001 on whether municipal officials may require that site plans for land development projects be prepared only by licensed professional engineers. The instant matter wherein grading plans can only be prepared by a land surveyor is essentially the same issue addressed in their Declaratory Ruling.

In the May 8, 2001 decision, the Board ruled that municipal officials may not limit the scope of practice of landscape architecture as defined in the Connecticut General Statutes, Section 20-367(2) and in Section 20-368-1a(e) of the Regulations of the Connecticut State Agencies. In essence, licensed landscape architects may indeed prepare site plans and other supportive documents for land development projects that are submitted to municipalities for approval, including without limitation, site grading and incidental drainage plans, irrigation plans, planting plans, erosion and sedimentation control plans, construction details, and construction specifications.

The Board's ruling does not imply that the preparation of site plans is a right exclusive to landscape architects. It recognizes the rights prescribed by the General Statutes for

the practice of other design disciplines (engineering, architecture, etc.) and the frequent collaboration of all these licensed professions in the preparation of project site plans. No one profession may be excluded from practicing their profession in favor of another profession. When collaboration occurs, municipal officials should require the plans to be signed and sealed by each professional involved in their preparation.

After more extensive discussion, it was decided by the Board to have Mr. McDermott draft a letter to the City of Norwalk, to first be reviewed by the Commissioner, which will request that the City of Norwalk review their requirements for the preparation of grading plans related to the Application for a Permit to Excavate and Fill as well as other City of Norwalk codes related to site development plans and make the necessary revisions to allow landscape architects to perform the services that they are licensed to perform under the General Statutes and Regulations Connecticut State Agencies. The letter will include copies of all appropriate documentation which supports the Boards position on this matter including their Declaratory Ruling from 2001. ***As such, the Board voted, unanimously, to authorize Mr. McDermott to draft this letter. (Wing/Towers)*** Mr. Kuzmich will advise Mr. Lombardi of the Board's actions on this matter. It was also noted that the Professional Engineer's and Land Surveyor's Board will be copied on this letter.

2D. Application of Mr. Michael D'Angelo for licensing by written examination; Mr. D'Angelo is applying with a CLARB Council Record (No. 30436) and has passed the Landscape Architect Registration Examination with the Council of Landscape Architectural Registration Boards. ***Upon a thorough review, the Board voted, unanimously, to approve Mr. D'Angelo's application. (Wing/Courchaine)***

2E. Application of Mr. Matthew Langan for licensing by written examination; Mr. Langan is applying with a CLARB Council Record (No. 37771) and has passed the Landscape Architect Registration Examination with the Council of Landscape Architectural Registration Boards. ***Upon a thorough review, the Board voted, unanimously, to approve Mr. Langan's application. (Wing/Courchaine)***

2F. Application of Mr. David W. McConnell for licensing by written examination; Mr. McConnell is applying with a CLARB Council Record (No. 21487) and has passed the Landscape Architect Registration Examination with the Council of Landscape Architectural Registration Boards. ***Upon a thorough review, the Board voted, unanimously, to approve Mr. McConnell's application. (Wing/Courchaine)***

2G. Application of Mr. Wayne E. Violette for licensing by written examination; Mr. Violette is applying with a CLARB Council Record (No. 36230) and has passed the Landscape Architect Registration Examination with the Council of Landscape Architectural Registration Boards. ***Upon a thorough review, the Board voted, unanimously, to approve Mr. Violette's application. (Wing/Courchaine)***

2H. Application of Ms. Stephanie J. White for licensing by written examination; Ms. White is applying with a CLARB Council Record (No. 24755) and has passed the Landscape Architect Registration Examination with the Council of Landscape Architectural Registration Boards. Upon a thorough review, the Board voted, unanimously, to approve Ms. White's application. (Wing/Courchaine)

2I. The Department has set the following dates for the Board of Landscape Architects for the Calendar Year 2012:

January 3, 2012 **September 11, 2012**

March 13, 2012 **December 11, 2012**

June 12, 2012

2J. Updated list of applications processed for licenses subsequent to the September 13, 2011 meeting of the Board.

NAME	METHOD OF LICENSURE	DEPT. APPR'D DATE
Brooke, Jonathan M.	Waiver of Exam; CLARB Council Record No. 764; IN	December 2, 2011
Fanger, Leslie D.	Waiver of Exam; CLARB Council Record No. 26698; MA	December 13, 2011

2K. Report from Trade Practice Division regarding complaints pertaining to Landscape Architecture; for the Board's information. Mr. Kuzmich advised the Board that he received an e-mail from the Department's Investigator stating that there are no updates to provide to the Board as of today's meeting.

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

1. Mr. Schwane advised the Board on the matter concerning Storm Water General Permitting as it relates to the Department of Energy and Environmental Protection. He read aloud to the Board an e-mail he received from their Hearing Officer, Mr. Ken Collette. It states that the involved parties are discussing settlement of their issues. In addition, there may be a brief a legal issue regarding the Endangered Species Act requirements at the conclusion of the discussions. In the meantime, DEEP staff will provide him with a revised permit and response to comments that he will post on the

DEEP website and provide to the individuals that presented comment on the permit this past June. He will also provide a link to that information when it is posted.

Mr. McDermott advised that although DEEP's latest draft cleans up the complexity of the language, it still does not address the Board's main objection in being able to provide the services they are authorized to do by Statute and not be restricted by the Department of Energy and Environmental Protection in doing so. He also advised that the Department (*D.E.E.P.*) is proposing to adapt a new Storm Water General Permit sometime in February 2012 although he has his doubts if this can be done at this point due to the legal timeframe in which this must be accomplished.

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

1. Mr. McDermott discussed the issue concerning American Society of Landscape Architects (ASLA) promotion of the use of the designation Professional Landscape Architect or "PLA" after a landscape architect's name. The problem that arises is that an individual does not have to be licensed to be a full member and use the ASLA designation. Ms. Towers stated that this promotes huge public confusion in their assumption that everyone using their letter designation is a licensed professional. She also noted that the ASLA researched this issue and claims that the use of the letters PLA for Professional Landscape Architect minimizes this confusion and is promoting this title.

Mr. McDermott asked the Department's legal advisors if the Board should be concerned about this issue. After much discussion, Mr. Schwane noted that he can see the potential for confusion on the part of the public but advised the Board take a "wait and see" approach if any problems surface from this matter in the future. Mr. McDermott noted that CLARB questioned why ASLA is involved in this matter since title and licensing is a Board function of the fifty States and the provinces of Canada.

The meeting adjourned at 11:24 AM. The next regular meeting of the Board is scheduled for Tuesday, March 13, 2012, 9:30 AM, Room 121, State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Respectfully submitted,

Robert M. Kuzmich, R.A.
Board Administrator

NEXT BOARD MEETING: **MARCH 13, 2012**

State Office Building
165 Capitol Avenue
Room No. 121
Hartford, Connecticut 06106
Tel. No. (860) 713-6143