

# OREGON STATE LANDSCAPE ARCHITECT BOARD (OSLAB)

## \*\*\*MINUTES\*\*\*

### QUARTERLY WORK SESSION & MEETING

August 9, 2013

Association Center, 707 13<sup>th</sup> St. SE  
2nd Floor, Conf. Room "A"  
Salem, OR

#### Board Members Present

Lauri L'Amoreaux, RLA  
Michael O'Brien, RLA  
Steve Ray, RLA, Interim Chair  
Susan Smith, Public Member  
Susan Wright, Public Member

#### Board Members Excused

Gregg Everhart, RLA  
Kathy Olsen, Public Member

#### Staff Present

Christine Valentine, Administrator

#### Other Participants\*

Chris Jones, Oral Exam Candidate  
Andrea Kuns, Oral Exam Candidate  
Lorri Nelson, Oral Exam Candidate  
Adam Steffen, Oral Exam Candidate  
Katherine Walker, Oral Exam Candidate  
Kyle Martin, AAG, DOJ  
Dale White, Investigator  
Amy Whitworth, APLD  
(\*as noted in minutes)

## **Work Session**

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Vice Chair Ray, serving as Chair for the day and hereafter referred to as Chair, convened the work session at 9:10 AM.

### **INTRODUCTIONS**

Chair Ray noted that the Board now has two new members, Susan Smith, Public Member and Gregg Everhart, RLA. He noted that Everhart was excused as well as Olsen both due other commitments. He welcomed Smith to her first Board meeting. Board members and staff went through introductions.

Wright informed all that she would need to leave at 3:30 PM. Valentine noted that the Board would still have a quorum with the remaining four board members (L'Amoreaux, O'Brien, Ray, and Smith).

### **AGENDA REVIEW**

Chair Ray presented the agenda and asked if there were any comments or requests for change. No changes were made to the agenda.

### **BOARD GOVERNANCE/COMMITTEES**

Chair Ray opened discussion on Board Governance & Committees, referring the Board members to the packet for information on election of officers and appointment of committee chairs and liaisons. Ray summarized the duties of the officers and reviewed the existing

committees and liaison positions. He noted that the Board has two officer positions vacant (Chair and Treasurer) and several committee/liaison posts vacant. Ray asked Board members if the officer elections should be delayed until all Board members were present. The consensus was to proceed with elections since the Board had a quorum. Valentine offered that either RLA or public members can be officers, as the Board has not adopted any restrictions. She noted that past Board practice had been to have a RLA member as Chair but that the Board was not required to continue this practice. She also noted that the Board could consider options for assigning more specific duties to the Vice Chair. Valentine explained that traditionally the Budget and Investment Committees have been chaired by the Board Treasurer, with the Board Chair also serving as a member of the Budget Committee.

#### **RULES UPDATE – TEMPORARY RULES/PERMANENT RULEMAKING**

Valentine went over the documents in the meeting packet: temporary rules adopted June 2013 and additional rule revisions identified during the process of recent rulemaking activity. She explained the proposed changes to OAR 804-022-0015 and how that triggered also proposed changes to OAR 804-022-0000 and further changes to OAR 804-025-0010 compared to the changes adopted in the temporary rule update. She also explained that the Administrative Rules Committee was engaged to consider the temporary rules plus these additional possible changes. The Committee met by teleconference on August 1, 2013. She thanked O'Brien for serving as Interim Chair of the Committee given the departure of Committee Chair Nichols from the Board.

Prior to discussing the rule language, several Board members had questions about how the Committee operates. Valentine gave a few examples of past rules projects and how the Committee was asked to engage in the rulemaking process. She explained that the Committee is usually given draft language to review but sometimes is asked to help brainstorm and research whether an issue warrants rulemaking. She mentioned the "direct supervision" project related to qualifying work experience for applicants as an example of the later.

O'Brien and Valentine briefed the Board on ideas raised during the Committee meeting. The Committee did not vote on formal recommendations, but there seemed to be general consensus about the following issues: (1) ensure the Board does not require the Council of Landscape Architecture Registration Boards (CLARB) Council Record as part of the application for registration, (2) re-evaluate continuing education required to return from inactive status, particularly for registrants that moved to inactive status due to a bona fide need for a continuing education exemption, (3) specifically look at waiving all professional development hours (PDH) when a military exemption is approved instead of keeping the status quo of ½ the annual PDH in the rules, (4) also specifically look at giving the Board discretion to reduce or waive the annual PDH required when a medical exemption is approved, (5) consider whether to allow for completion of some PDH after a registrant has been returned to active status vs. the status quo of all required PDH being completed beforehand. Valentine noted that the Board has never required the Council Record. The temporary rules give an applicant a choice between using the Council Record and submitting original documentation addressing requirements. She further noted that Committee generally was discussing issues (2) – (5) in the context of inactive registrants with or without continuing education exemptions approved and not with respect to delinquent registrants.

Board members felt that the temporary rules sufficiently address the optional use of a CLARB Council Record. The Board proceeded to discuss a variety of options that could possibly be pursued through rule amendments to address the other issues raised by the

Committee. The Board was interested in developing rule language to: (a) waive all PDH when a military exemption is granted, (b) require ½ the normal PDH when a medical type exemption is granted, (c) keep status quo PDH requirement if registrant switched to inactive status for reasons not involving an exemption, and (d) generally look at better connecting the rules on continuing education exemptions and reactivation of registration. The Board felt it would be better to have clear options spelled out in rule vs. having to act on case-by-case petitions. O'Brien suggested that the rule covering return to active status could be amended to (a) – remove requirement for ½ PDH and instead waive PDH when a military exemption is involved, (b) change the health/medical exemption to remove the reference to other extenuating circumstances and then reduce PDH required by ½ when a health/medical exemption is involved, (c) make a new section covering other extenuating circumstances but not altering the status quo PDH requirement, and (d) addressing that for emeritus inactive status, there is no PDH required to return to active status. Chair Ray suggested that the Board also consider whether there is a need to allow for completion of PDH after granting a return to active status vs. the status quo of requiring the PDH before a registrant can be returned to active status. Wright asked whether the Board needs to include an exemption for extenuating circumstances as she thought this was vague as to what would constitute a valid request. O'Brien and Ray noted that inactive status does not prevent someone from working in an office like an LAIT, i.e., not stamping or signing or using title. They also noted that an individual usually has many options for obtaining PDH.

The Board decided there was enough information and consensus to proceed with a motion to initiate permanent rulemaking for at least the temporary rules and also possibly with notice of additional changes to OAR 804-022-0015, 804-022-0000, 804-025-0010 (in addition to changes already made in the temporary rule), and 804-025-0015. Valentine noted that counsel would be attending the quarterly meeting so the Board could ask for legal advice about the approach being contemplated for further amendments to the exemptions and reactivation of registration rule.

Valentine next presented the information she researched on the Landscape Architect Accreditation Board (LAAB) vs. Landscape Architect Accreditation Council (LAAC) accreditations and CLARB certification, as per the Board's request during discussion of the temporary rules during the June 20, 2013 meeting. For the benefit of new member Smith, Valentine and board members explained CLARB's role and the basics of the Landscape Architect Registration Examination (LARE). The Board considered the information in the meeting packet and verbal report from Valentine and ultimately decided to not pursue any additional rule language changes regarding accredited degrees or other registration standards.

Valentine briefed the Board on an old letter regarding CLARB exams expiring in the context of obtaining CLARB Council Certification. She noted that the Licensure Review Committee, in relation to an application for initial registration considered within the last six months, asked counsel to review statutes and rules to determine whether examinations expire. Counsel confirmed that nothing in OSLAB statutes or rules sets an expiration date for LARE exams or the previous version of the exam (i.e., UNE). Valentine suggested that the Board could consider whether at some point national exams are too old to ensure the registration candidate has the necessary skills to protect health, safety, and welfare. The Board members felt that so few issues arise with old exams that there was not a great need to pursue an expiration date for exams.

Chair Ray called for a break at 11:16 AM. He reconvened the work session at 11:28 AM.

## **WORK PLAN**

Chair Ray opened discussion on the last work session agenda item of work planning. Valentine reminded the Board of its direction from the May 10, 2013 asking her to explore options for a facilitated work session to focus on one or more Board goals. She summarized her discussion with a potential facilitator, some challenges related to ensuring productive use of the Board's time, and how she needed more clarification from the Board about the specific outcomes desired from such a work session.

The Board discussed a variety of scenarios for moving forward with refining and implementing actions described on the draft goals matrix. Valentine suggested that the Board think about the timing of a work session in relation to what it hopes to achieve and when next steps might need to be implemented. For example, if the Board anticipated development of legislative concepts, then the Board should consider the timeframes related to seeking Governor's Office approval of legislative concepts. She also suggested the Board think about whether additional input from counsel will be needed to feed into a next facilitated session and whether counsel would be asked to participate in the session. Chair Ray suggested that the Board could wait until the full Board was available and all assignments updated to tackle the question of what should be the focus for a next facilitated work session. He also wondered if meetings with other boards and organizations would need to occur prior to the Board spending a lot of time on detailed review of statutes and rules.

Wright wanted to see the Board schedule something before or in the same month as the next quarterly meeting so the Board stays focused on moving forward with further development of a work plan and makes progress towards specific goals. L'Amoreaux also thought the Board would benefit from scheduling a next session and having a facilitator help the Board figure out how to productively move the work plan forward. O'Brien concurred that this could help achieve clearer consensus on how to tackle possible work. Ultimately, the Board settled on the idea of re-engaging the facilitator who previously assisted the Board to help the Board move forward with its draft work plan, specifically helping the Board think through what might be realistic for its work plan, further prioritize its numerous goals, deal with the interrelationships between goals, define next steps and strategies, and refine what the Board sees as the desired outcomes. Valentine was asked to see if this work session could be held in October or November, with the expectation that it would be at least a half day. Wright noted that information from the previous facilitated work session would need to be shared with all new board members prior to a next facilitated session. Valentine was asked to look into the possibility of an October or November session. Valentine was also asked to prepare a possible contract scope of work, in coordination with the facilitator. She noted that any contract would need to be approved in accordance with the OSLAB Contracting and Procurement Policy, with the approval method required primarily based on contract amount.

Chair Ray adjourned the work session at 12:00 PM.

## Quarterly Meeting

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Chair Ray convened the quarterly meeting at 12:18 PM

### MINUTES

Chair Ray asked if there were any comments about or changes to the May 10, 2013 meeting minutes. Hearing none, he asked for a motion. *O'Brien moved to approve the minutes as presented. Wright seconded the motion. Chair Ray called for a vote, and all approved.*

Chair Ray next asked for comments or changes to the June 20, 2013 meeting minutes. Hearing none, he asked for a motion. *L'Amoreaux moved to approve the minutes as presented. Wright seconded the motion. Chair Ray called for a vote, and all approved.*

### ADMINISTRATIVE MATTERS

*Administrators Narrative Report:* Valentine presented the report to the Board. She also added an update on the status of the financial review for the 2011-2013 biennium, explaining that staff has almost completed the documentation required by the certified public accountant (CPA) conducting the review. The CPA is scheduled to be in the office in mid-September.

*Policy Updates:* Valentine presented suggested policy updates to the Board. This included updates to the 2012 Operating Policies and Guidelines for Board Members and the 2012 Contracting and Procurement policy. Valentine also explained that the State Archivist review of the draft Records Management and Retention policy was recently completed and encouraged the Board to adopt the policy, as revised based on comments from the Archivist, to ensure compliance with state law. *Wright moved to accept the proposed changes to the Contracting and Procurement Policy and Operating Policies and Guidelines for Board Members, both last adopted in 2012, and to adopt the Records Management and Retention policy. O'Brien seconded the motion. Chair Ray called for a vote, and all approved.*

*2011-2013/2013-2015 Budget Updates:* Valentine explained that the 2011-2013 books are closed and that the ending balance was reasonably close to the proposed carryover amount estimated during the budget development process for 2013-2015. She reviewed the 2013-2015 budget information but noted the limitation of only looking at data for approximately the first month of the biennium. She noted that even though Olsen could not attend today, she did review the financial reports prior to staff finalizing them for the meeting packet.

*Approve Quarterly Payment Log:* Valentine presented the payment log to the Board. *Chair Ray moved to approve the check log covering payments by debit and check from the period of April 20 through July 19, 2013 as submitted. L'Amoreaux seconded the motion. Chair Ray called for a vote, and all approved.*

*Review Updated Renewal History:* The Board reviewed the renewal data and briefly discussed the comparison between the current and previous year.

### CORRESPONDENCE, Part I

Chair Ray announced that discussion of the Correspondence agenda item would be delayed until after the oral exams due to time constraints. He announced a break at 12:55 PM so that the oral exam candidates could be welcomed into the meeting.

## **CANDIDATES FOR REGISTRATION/ORAL EXAMS**

Chair Ray reconvened the Board at 1:02 PM. The Board was joined by five candidates for oral exams. Ray explained that the full board was not present today. Board members, staff, and the candidates introduced themselves. For the record, the Board was also joined by Dale White, Board contract investigator, at 1:17 PM.

Chair Ray explained the process and noted this is the last step in the long path to registration. He presented the candidates with various questions regarding statutes and rules, stamping and signing of documents, CE requirements and audits, etc. Other Board members also presented questions. Then the candidates were given the opportunity to ask questions of the Board.

*Chair Ray moved to approve registration for the five oral exam candidates Chris Jones, Andrea Kuns, Lorri Nelson, Adam Steffen, and Katherine Walker. Wright seconded the motion. Ray called for a vote, and all approved. Board members and staff welcomed the five to the profession and congratulated them on the work done to qualify for registration. Valentine distributed their registration packets.*

The Board adjourned briefly for a break and reconvened at 1:32 PM.

## **CORRESPONDENCE, Part II**

Ray returned the Board to the Correspondence agenda item and summarized the letter from Herrera. The company requests that one of its employees be approved to sit for Sections 3 and 4 of the national examination based on alternative experience to the standard one year under direct supervision of a registered landscape architect. Valentine explained that the correspondent specifically requested presentation to the Board. She directed the Board to the administrative rules that address requirements for approval to sit for Sections 3 and 4 of the national examination. Board members discussed the request and determined that under its rules the request could not be granted. The rules do not allow for anything other than one year of work experience under the direct supervision of a registered landscape architect and do not provide discretion to staff or the Board to approve alternative experience. The Board decided that a rule change was not appropriate to respond to an individual request. Board members discussed that changing the requirements could have unintended consequences and put the Board in the position of making value judgments about when work experience is equivalent to work under direct supervision of a registered landscape architect. Chair Ray asked Valentine to follow-up with a letter to the correspondent and the exam candidate.

While awaiting the arrival of counsel for the Compliance Report, Chair Ray decided to move to discussion of the Licensure Review Committee, including the consent agenda included in the meeting packet. He and Valentine walked the Board through the updated process for providing Board certification of application decisions and related approvals issued by staff between the last quarterly meeting and the cutoff date for this meeting of July 19, 2013. Chair Ray next formally presented the consent agenda to the Board and asked if there were any requests to remove items from the consent agenda. Hearing no such requests, Ray asked for a motion to approve the consent agenda. *O'Brien moved to approve the consent agenda as presented. L'Amoreaux seconded the motion. Hearing no comments on the motion, Ray called for a vote, and all approved.*

## COMPLIANCE REPORT

General Updates: At 1:53 PM, White introduced himself to the Board as the new contract investigator and explained his background in working with investigations. Wright stated that having an investigator is proving to be a great help and how she wished the Board had pursued this earlier. The Board members agreed that the new arrangement with the Oregon Board of Architect Examiners is a very positive change and welcomed White to his new assignment.

Valentine updated the Board on the Request for Qualifications (RFQ) for Technical Reviewers/Experts. She has been disappointed in the response to date; one submittal has been received. She has been holding that one, anticipating that multiple submittals would be received and could be reviewed at once. Since that now doesn't look likely, she will need to engage a Board member in the review of the one submittal received to date. Wright volunteered to help with this review, and she and Valentine will consult with the Chair as may be necessary. Valentine noted how the RFQ has been addressed in two newsletters, posted on the website, posted in the State of Oregon "ORPIN" system, and notice sent to registrants when it first went live. Given all this, she is not sure how else to publicize the RFQ. Chair Ray said that he would connect with the American Society of Landscape Architects Oregon Chapter (ASLA Oregon) to request their assistance in further publicizing the RFQ.

Kyle Martin, AAG, joined the Board at 1:55 PM.

Complaint Cases: Valentine stated that she had no further general updates and suggested that the Board move to discussion of ongoing complaint cases. Chair Ray opened discussion on the Compliance Report and announced for the record that he would not be involved in Board discussion of cases involving his current employer and office colleagues (LACC #13-04-009, 13-04-010, 13-04-011). He will leave the meeting for that portion of the Board's review of complaint cases.

At 2:30 PM, Chair Ray announced that the Board was entering executive session to review documents that are exempt from law from public inspection per ORS 192.660(2)(1) and (f) as well as ORS 671.338.

Chair Ray announced at 3:17 PM that the Board was returning to public session. He asked Wright to present motions for the cases discussed in executive session.

- LACC#s 13-04-009, 13-04-010, and 13-04-011: Wright moved to close each case with a letter of concern reminding about use of landscape architecture work in materials for the firm. L'Amoreaux seconded the motion. Chair Ray called for vote. L'Amoreaux, O'Brien, Smith and Wright voted to approve the motion while Ray voted against the motion. The motion carried.
- LACC# 13-05-014: Wright moved to close the case with letter of concern about Oregon law regarding use of the landscape architect title. O'Brien asked for a clarification regarding whether there has already been a letter of concern sent, and Wright said no. The motion remained as proposed, and L'Amoreaux seconded the motion. Chair Ray called for vote, and all approved.

- LACC# 13-05-015: *Wright moved to close the case with a letter of concern including a reminder about the need to fully cooperate with Board. O'Brien seconded the motion. Chair Ray called for vote, and all approved.*
- LACC 13-05-016: *Wright moved to close the case with a letter of concern to the respondent about Oregon law regarding use of the landscape architect title, need to take steps to avoid use of title in the future, and to send a copy of the letter to the Tumalo Garden Market. Smith asked for clarification of whether a second letter would be sent to the Tumalo Garden Market. The Board discussed that a copy of the letter of concern to the respondent would be provided to the business. Smith seconded the motion. Chair Ray called for vote, and all approved.*

Other: Wright presented an inquiry received from an OSLAB registrant about individuals posted on the Linked In website that list themselves as landscape architects but are not registered with OSLAB. Wright stated that this inquiry was sent to the Chair Ray and that he responded briefly with a copy to Wright. Valentine noted that she has not seen the inquiry or the response and requested copies for the record. Ray and Wright asked Martin for advice. He said the Board would have to look on a case-by-case basis to see if individuals are really holding themselves out as landscape architects able to practice in Oregon. Wright asked if a search of Linked In by the terms landscape architect and Oregon would be enough. O'Brien asked if the Board could take action when a person on Linked In lists a residence in Oregon and uses the title. Martin suggested that the Board's investigation would likely need to go farther than this to determine intent behind any uses of title by non-registered individuals. Martin suggested that the Board could print and review such postings but then would need to ask each individual what his or her basis is for using the title on Linked In.

White mentioned that the Oregon Board of Architect Examiners (ORBAE) has been dealing with similar issues involving postings on the Angies List website. He also mentioned another ORBAE case headed to the Court of Appeals that involves a company that posted on its website that an employee was licensed in Oregon when that was not the case. The company argued that information on their website fell under "free speech" protections, but the Oregon Office of Administrative Hearings judge disagreed with that argument. He noted that it will be interesting to see what the Court of Appeals says, as the case could ultimately be informative to OSLAB. The Board agreed it should monitor that case, and Martin mentioned that he could obtain the briefs when filed. Wright will investigate Linked In postings further, and Chair Ray said he would follow up with the individual that made the inquiry regarding the Board's response. The Board did not open a complaint investigation but did not preclude taking such action against individuals if necessary at a later date.

## **PUBLIC COMMENT**

At 3:30 PM, Chair Ray acknowledged a guest, Amy Whitworth. Whitworth explained that she represents the Association of Professional Landscape Designers - Oregon Chapter and the Association of Northwest Landscape Designers. Ray invited her to provide any comments she wanted to share for the record. Whitworth said she wanted to introduce herself to the new Board and explained her role as legislative advocate. She monitors OLCB and OSLAB efforts as part of this role. She has spent more time following OLCB and as a result has developed an understanding of OLCB's views on what landscape designers can or cannot do compared to landscape contractors. She has not spent much time engaged with or otherwise tracking OSLAB efforts but would like to better understand OSLAB's views on the same issue. She mentioned that she would like to receive meeting packets for OSLAB. She also offered a comment on the Board's discussion of Linked In postings, which was that

sometimes internet sites limit a person to choosing title from a pull down menu of professions vs. entering this information yourself.

For the record, Wright departed the meeting at 3:40 PM.

## **COMMITTEE REPORTS**

### ***ADMINISTRATIVE RULES COMMITTEE***

***Permanent Rulemaking:*** Chair Ray noted that the Board discussed rulemaking proposals during the work session and needed to determine what action to take. Valentine reminded the Board that it had discussed asking counsel for input before taking action. Chair Ray and L'Amoreaux both needed to leave the meeting temporarily, and the Board was on break by default of not having a quorum present. Valentine used this time to share with counsel the outcomes of the Board's work session discussion and specifically the Board's interest in making additional changes to rules related to continuing education exemptions and continuing education requirements for return to active status. When the Board reconvened, Martin expressed that what the Board is considering appears ok in concept. He noted that the Board can revise continuing education requirements as changes within the scope of the Board's rulemaking authority. Valentine explained when the temporary rules expire and how the Board would need to authorize rulemaking prior to the next quarterly meeting to avoid reverting to the previous rules. She stated that the hope was to incorporate all proposed changes into one rulemaking notice. She presented to Martin the Board's proposal to work on the proposed rule language between now and the posting of public notice in September. Martin was concerned about this approach and recommended that the Board have the proposed rule language in hand before authorizing the Administrator to initiate the rulemaking notice. He thought there could be some risk to the Board if the motion to approve the rulemaking notice was not based on review of the proposed language. Martin suggested that the Board look at proceeding with the permanent rulemaking notice and process for the temporary rules now due to the time limit on those rules and then look at another notice later on to make additional changes. This would give the Board more time to work on the rule language but without the temporary rules expiring and having to revert back to the previous rules. O'Brien noted that the additional changes being discussed do not impact many registrants so taking additional time to work on the language seems prudent. Valentine expressed some concern about this two-tiered approach being potentially confusing to registrants and the public.

Valentine summarized what she was hearing as a possible final action: move forward with initiation of rulemaking notice for permanent adoption of temporary rules only and separately continue work on possible additional changes to continuing education exemptions and additional rule changes proposed to be addressed through a later amended or separate rulemaking. *Chair Ray moved to authorize issuance of rulemaking notice for the temporary rules originally adopted on 6/2013 as presented in the meeting packet. O'Brien seconded the motion. Chair Ray called for a vote, and all approved.*

Chair Ray suggested the Board hold a teleconference prior to the November 8, 2013 quarterly meeting to discuss draft rule language, as a way to help prepare the Board to consider a motion to proceed with notice of permanent rulemaking at the November 8, 2013 meeting. Valentine was asked to work on draft language and look for a meeting date.

***Future Rulemaking Assignments:*** This was discussed during the work session, with specific focus on the "under direct supervision" rulemaking project, but without further action in the

quarterly meeting. Chair Ray determined that the Board first needs to get all officer and committee posts filled before project scope and next steps are determined.

### ***BUDGET & INVESTMENT COMMITTEES***

Valentine noted that there is nothing new to report for these Committees, and the Board moved to the next committee report.

### ***CONTINUING EDUCATION COMMITTEE***

Miscellaneous Updates: Chair Ray and Valentine shared with the Board that a recent reinstatement request has been received following a meeting former Chair David Olsen had with a registrant in the Bend area about her delinquent registration. Valentine noted that the packet does not contain the request because it has not yet been deemed complete given when the documentation arrived and thus is not ready for Board review at this meeting. Chair Ray explained that this individual was not practicing for several years and decided to let her registration lapse. She now wants to reinstate her license to return to practice. Valentine stated that the individual is quickly approaching the 5 year limit on a lapsed license, with her expiration date being October 31, 2013. This individual has submitted back registration fees plus late fees and a packet of information on continuing education completed in the last 4+ years. The continuing education documentation must still be validated, and it is not yet clear whether she has met the requirements of OAR 804-025-0015. Valentine also reminded the Board about its other reinstatement requirements of OAR 804-022-0020.

Chair Ray stated that he wondered if the Board could provide the registrant with more time to complete the continuing education documentation and allow for the Board to consider the reinstatement request at the November 8, 2013 quarterly meeting. He asked counsel for advice on this idea. Martin advised that the Board rule is clear about the 5 year limit and does not provide the Board with the option to waive the deadline. Martin further stated that the rule does not allow the Board to authorize completion of the continuing education requirements after granting a return to active status. If the Board cannot vote on a complete reinstatement request before the October 31, 2013 expiration date, then the registration expires. If this occurs, the individual must come back as an applicant for initial registration. Martin further advised that the Board does not have the basis here for a temporary rule to change the 5 year limit or other requirements for reinstatement of lapsed registration. He noted that OSLAB is very liberal with a 5 year reinstatement window compared to most licensing boards, with a shorter timeframe such as 1 year being common. While the Board could re-examine the reinstatement rule in a later rulemaking process if it believes there are issues beyond this particular request that need to be addressed, Martin noted that rulemaking process could not proceed to a conclusion in the timeframe at play here. The Board was sympathetic to the registrant's interest in reinstatement but ultimately concluded that the Board can only act within the confines of its rules. The registrant needs to be notified that this reinstatement request likely cannot be approved prior to the registration expiration given the Board meeting schedule and uncertainty about whether continuing education completed meets requirements laid out in rule. The Board would ultimately like to see more flexibility built into the reinstatement process for inactive and delinquent registrants.

The Board thanked Martin for his input during the meeting, and Martin left the Board meeting at 4:25 PM.

Audit Report for January – March 2013 Audit Period: Valentine distributed the Committee report, and Chair Ray presented his report to the Board. In conclusion, Chair Ray made two motions. *Chair Ray moved to approve for control #14 (October-December 2012 audit*

period), and Obrien seconded. All voted to approve the motion. He then moved to approve control #s 19, 21, 22, and 23 (January-March 2013 audit period). L'Amoreaux seconded, and again all voted to approve the motion.

Valentine clarified that although four audits for Jan.-March 2013 were addressed in the Committee report, five individuals were actually drawn at the May 10, 2013 meeting. Chair Ray was not familiar with the fifth audit and was not aware of having received any information on this one. Valentine stated that she would follow-up on getting documentation forwarded to him for review. The Board will address this missing audit as part of the April – June 2013 audit cycle.

Drawing of Names for April – June 2013 Audit Period: Smith pulled the names for the next audit cycle and returned these to Valentine.

Other: Chair Ray mentioned that ASLA OR has asked him to come discuss the continuing education process and requirements. He will communicate with Art Graves, RLA about this request as the designated representative for ASLA OR. He noted that there could be something that comes of this that will relate to future rulemaking.

#### **LICENSURE REVIEW COMMITTEE**

Chair Ray inquired as to whether there was anything further to discuss for this Committee considering the consent agenda was taken up by the Board previously. L'Amoreaux and Valentine stated that there was nothing further.

#### **OTHER:**

Report from Liaison to Oregon Board of Architect Examiners: Chair Ray stated that he did not have a report from Board. He has been unable to make a recent meeting due to schedule conflicts but continues to review meeting minutes.

Report from Liaison to Oregon Landscape Contractors Board: Chair Ray noted that this is an open position and thus there is not a report. He moved to discussion of a possible informational meeting with OLCB under Old Business.

#### **OLD BUSINESS**

Joint Meetings/Efforts with OLCB, ASLA: Valentine shared with the Board suggested talking points received from OLCB and intended as a starting point for a meeting of representatives from the two boards. The Board discussed and directed Valentine to tell OLCB staff that OSLAB is interested in meeting but must first work through major board membership transitions, including filling committee and liaison assignments. The Board suggested a timeframe of late fall or early 2014 for an informational meeting with OLCB representatives.

Chair Ray stated that he will continue as the liaison with ASLA OR. ASLA OR recently elected new officers, and an individual in Ray's office is now an officer. He feels this will increase the communications between the organization and the Board given the frequency with which he and this individual interact.

OSLAB Newsletter: Valentine noted that the summer newsletter is ready to go, with just a few updates needed after this meeting. She welcomed ideas for the fall newsletter.

Updated Action List: The Board did not have time to review the action list. Valentine noted that the Board seems to frequently run out of time to review the list. She asked if the process is working for the Board and wondered if it might be better to send an updated action list after the meeting as a reminder of the Board's to-do list. The Board members expressed interest in trying that approach.

**NEW BUSINESS**

Officer Elections: Chair Ray noted that the Board did still have a quorum so could proceed with nominations and elections. However, he wanted to table the election process until all Board members could be present. Valentine asked if the Board would consider the Treasurer position today given that Olsen has expressed a willingness to serve in this role. Valentine noted that there are some duties assigned to the Treasurer that would otherwise need to be handled by the interim Chair or put on hold until after elections at the November 8, 2013 meeting. The Board members discussed that Olsen was a great fit for the Treasurer position and did not anticipate anyone else being interested in that position at this time. *Chair Ray moved to proceed with election of Olsen as the Treasurer but to table the elections for Chair and Vice Chair. Smith seconded the motion. Ray called for a vote, and all approved.* Olsen is Treasurer effective at the conclusion of this meeting. Valentine agreed to notify Olsen of the election result.

CLARB Annual Meeting: Chair Ray and Valentine presented information on the upcoming annual meeting. Obrien and L'Amoreaux indicated they would not be available to attend. Ray said he needed to review his schedule. Smith felt she would not be best positioned to represent the Board at this juncture as a new public member. Chair Ray asked Valentine to send a note to all Board members soliciting interest and availability for the September 2013 meeting, with responses due by Sept. 1. Board and staff discussed that sending either a RLA representative or a RLA representative with the Board Administrator would be the best options. The Board has budgeted for such participation.

**PUBLIC COMMENT**

Chair Ray again invited Whitworth to provide public comment to the Board. Whitworth mentioned that landscape designers did not realize when the last updates to OLCB and OSLAB statutes were passed that there would be challenges related to inconsistent language, but she now believes the different statutory language for the two boards is not fully clear. She also mentioned the issue with OLCB statute being inadvertently changed from plant to plan and the discussions that has led to over the years. She mentioned a national meeting of landscape designers in Detroit where legislative advocates met. She learned that across the country landscape designers are dealing with practice questions in light of practice acts for landscape contractors and landscape architects. She recommended that advocates met with their respective licensing boards while also looking to have a national conversation. Chair Ray asked if her organizations send anyone to the CLARB national meeting. Board members suggested this would be a good venue for engagement with a national organization focused on regulation of landscape architecture practice.

**ANNOUNCEMENTS**

There were no announcements.

**ADJOURNMENT**

Chair Ray adjourned the meeting at 5:10 PM.

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The minutes of the August 9, 2013 meeting were approved with revisions incorporated herein at the November 8, 2013 Board meeting.

Respectfully submitted,

Christine Valentine,  
Administrator