

OREGON STATE LANDSCAPE ARCHITECT BOARD (OSLAB)

MEETING MINUTES

June 20, 2013

**Held by teleconference & at the
Association Center
707 13th St. SE
Salem, OR**

Members Present:

David Olsen, RLA, Chair
Stephen Ray, RLA, Vice Chair
Ron Nichols, Public Member, Treasurer
Lauri L'Amoreaux, RLA
Michael O'Brien, RLA
Kathleen Olsen, Public Member
Susan Wright, Public Member

Staff Present:

Christine Valentine, Administrator

Visitors:

Kyle Martin, AAG, DOJ

Chair Olsen opened the meeting at 9:06 AM. The Board quickly reviewed the agenda and asked about public participants. Valentine noted that no public participants were present and that she had not heard from anyone with interest in the meeting and therefore was not anticipating having any guests arrive during the meeting. The Board then proceeded to discussion of proposals for temporary rulemaking.

Chair Olsen asked Valentine to summarize the proposals. Valentine stated that the Board directed her to work with Treasurer Nichols (in his role as Administrative Rules Committee Chair) and counsel to develop rule revisions to address Board concerns about status quo registration and continuing education rules. She noted that the Board discussed these rules at the May 10, 2013 meeting and decided then that there was sufficient justification to consider adoption of temporary rules. Specifically, the Board asked for amendments to be drafted for the registration rules (804-022-0005 and 804-002-0010) that would incorporate alternative paths to licensure, using existing rules for examination candidates as a model. The registration rules were re-written to include three paths to registration: standard accredited degree path, non-accredited degree path, and no-degree path. The amended rules more clearly state the Board's standards and how credits are awarded for education and work experience. The amended rules also clarify how applications with a Council of Landscape Architectural Registration Boards (CLARB) Council Records are handled. With respect to continuing education, the Board asked for draft rules that would provide more flexibility for working with registrants faced with needing to request a continuing

education exemption. This was to address the Board's ability to define such registrants as being "in good standing" even if continuing education requirements for the year are not yet completed when exemption requests are made. Such registrants would have to generally be in compliance with continuing education requirements but would not need to have completed all 12 professional development hours for the year in which the exemption is requested to be deemed in good standing and eligible for inactive status.

Valentine further reminded all that the Board decided to not consult the Administrative Rules Committee prior to this meeting due to time constraints but would ask for Committee review of rule amendments prior to initiation of the permanent rulemaking process. This means the Committee will be asked to convene before the August 9, 2013 quarterly Board meeting. The Board would need to adopt permanent rules before the temporary rules expire (180 days), which means at the November 8, 2013 quarterly Board meeting or by special meeting prior to approximately mid-December of this year. To accomplish this, Valentine recommended that the Board consider the following schedule of actions:

- June 20:
 - Motion to adopt temporary rules, 804-022-0005 and 804-022-0010 (i.e., registration rules)
 - Motion to adopt temporary rules, 804-003-0000 and 804-025-0010 (i.e. continuing education exemptions/good standing rules)
- August 9:
 - Motion to initiate the permanent rulemaking process for 804-022-0005 and 804-022-0010 by directing the Administrator to file notice of rulemaking hearing
 - Motion to initiate the permanent rulemaking process for 804-003-0000 and 804-025-0010 by directing the Administrator to file notice of rulemaking hearing

Chair Olsen opened discussion on the particulars of the proposed temporary rules, starting with the registration rules. He stated that he views the rule changes as important to provide fairness and increase flexibility and that he did not foresee the rules having any significant, unintended consequences. Board members proceeded to discuss a variety of issues, such as links to the CLARB Council Record process and the specifics of what is required for each registration path. The Board walked through some example scenarios to see how the status quo rules and proposed rules differed. Valentine also noted a typographic error of an extraneous word ("is") in each rule that needed to be fixed. The discussions resulted in the following outcomes:

- Administrator was directed to amend the language in each rule under the standard registration path to more clearly state that any LAAB degree (i.e., 4 or 5 year program) is granted 5 years of credit.
- Administrator was directed to amend the language to fix the typographic errors she identified to the Board.
- Board decided to keep the proposed rule language that would allow for applicants to use the CLARB Council Record and for the Board to accept the Council Record while also allowing the Board to request additional information of the applicant in those instances as may be necessary to complete the Board's due diligence process. (Counsel confirmed that the Board can accept or reject the Council Record on a case-by-case basis.)
- Administrator was asked to further research for the August 9, 2013 meeting how CLARB treats Landscape Architect Accreditation Board (LAAB), Landscape Architect Accreditation Council (LAAC), and non-accredited degrees in terms of Council Record verification and to otherwise look at CLARB standards with respect to the Council Record and CLARB certification.
- The Board will keep on its list of statutory changes for further study and possible pursuit via the Governor's Office and Legislature, a modification to the reciprocity limitation that requires a

Landscape Architect registration or license from a U.S. state or territory to be eligible for reciprocity.

Chair Olsen moved to adopt temporary rules (804-022-0005 and 804-022-0010) with edits as outlined by the Administrator. O'Brien seconded the motion. Chair Olsen invited comments and hearing none called for a vote. The Board unanimously approved the motion. (For the record, the edits are those noted in the first and second bullet items above).

Chair Olsen asked Valentine to walk the Board through the proposed temporary rules related to continuing education exemptions. Valentine explained the amendments to the definition of "in good standing" and the changes to the exemptions portion of 804-025-0010. Following response to questions and discussion with counsel, the Board understood the importance of and supported changing the definition from requiring completion of continuing education (e.g., all 12 professional development hours for the renewal year done) to compliance with continuing education in order to consider a registrant granted an exemption eligible for inactive status. Vice Chair Ray stated that the Board really needs to change from requiring completion to requiring compliance to have sufficient flexibility to work with registrants. Valentine noted that for a registrant faced with a need for a continuing education exemption, a move to inactive status is often the best option in terms of avoiding the consequences of having a lapsed registration or paying renewal fees when not able to practice. Chair Olsen shared an example of a registrant on lapsed status for multiple years with the Board to illustrate how reinstatement of registration is harder for a registrant than a return to active status from inactive status. He suggested that the Board proceed with the proposed temporary rules but also take a broader look at how inactive and lapsed status are addressed in Board rules, perhaps as part of the permanent rulemaking process.

Vice Chair Ray moved to adopt temporary rules as presented, thereby revising the definition of "in good standing" (804-003-0000) and continuing education requirements (804-025-0010). Chair Olsen seconded the motion. Chair Olsen invited comments and hearing none called for a vote. The Board unanimously approved the motion.

The Board next moved to Administrative Updates, and Valentine reviewed information provided to the Board about closing out the Board's investment account at JHS Capitol and asked if there were questions. A few clarifications were made in response to comments from Board members, but the Board members indicated that they understood the proposal. Chair Olsen asked for a motion. *Treasurer Nichols moved to direct the Administrator to take the necessary steps to cash out investments currently held with JHS Capitol in account 866-48964 and close the Board's account with that institution. The funds, approximately \$25,885, will be transferred to the OSLAB checking account at Pioneer Trust Bank to cover the outstanding liability owed to the Department of Administrative Services after July 1, 2013. Withdrawal of funds shall require two signatures, with at least one from a Board member as per OSLAB's investment policy. Chair Olsen seconded the motion and asked for comments. Hearing none, he called for a vote, and the motion passed unanimously.* Treasurer Nichols noted for the record that the Board took steps in past years to set aside funds to cover the liability owed and that this is exactly the use intended for the funds by those on the Board at the time.

The Board next discussed updating signatory authorities with Pioneer Trust Bank. *The Board decided that the new signatories as of July 1, 2013 would be Steve Ray, Vice Chair, and Kathy Olsen, Public Member.* This would coincide with the next round of changes in Board membership, with Chair Olsen and Treasurer Nichols concluding second terms as of June 30, 2013. The Board discussed that having two signatories along with the Administrator is best practice in case one Board member or the Administrator is out of commission for a period of time. An individual Board member or the Administrator will be authorized to take actions relative to the checking account (e.g., make deposits, sign

checks, and conduct monthly account reconciliations). The Board previously directed at the May 10, 2013 meeting an increase in the checking signing limit for the Administrator and that was not further addressed. For the investments with Pioneer Trust Bank, the Board will require two signatures, with at least one being a Board member authorized as a signer, for transactions to withdraw funds as per the OSLAB Investment Policy. *Valentine was directed by the Board to take the necessary steps with Pioneer Trust Bank to complete these changes in authorized signatories for the Board and otherwise make sure all information is updated with the Bank.*

Valentine asked about Board members availability for the August 9, 2013 quarterly meeting in order to confirm a quorum. She is aware of two members who cannot make the August meeting, and 4 members must be present to have a quorum. The result was that five members are expected for the August meeting so the meeting will proceed as planned.

The meeting closed with a thank you from all to Chair Olsen and Treasurer Nichols for their assistance during their tenures with the Board.

Chair Olsen adjourned the meeting at 10:55 AM.

+++++

The minutes of the June 20, 2013 meeting were approved as presented at the August 9, 2013 Board meeting.

Respectfully submitted,

Christine Valentine,
Administrator