

OREGON STATE LANDSCAPE ARCHITECT BOARD (OSLAB)

MEETING MINUTES QUARTERLY MEETING

February 20, 2014
Conference Room, 2nd Floor,
670 Hawthorne Ave., SE, Salem, OR 97301

Board Members Present

Gregg Everhart, RLA
Michael O'Brien, RLA, Vice Chair
Kathy Olsen, Public Member, Treasurer
Steve Ray, RLA, Chair
Susan Smith, Public Member
Susan Wright, Public Member*

Board Members Excused

Lauri L'Amoreaux, RLA

Staff Present:

Christine Valentine, Board Administrator

Other Participants*:

Dale White, Investigator
Kyle Martin, AAG, DOJ
Joshua Carlson, Oral Exam Candidate
Matthew Crampton, Oral Exam Candidate
Gary Datka, Oral Exam Candidate
Jason Hirst, Oral Exam Candidate
Christopher Miller, Oral Exam Candidate
Zachariah Rix, Oral Exam Candidate
(*as noted in minutes)

ROLL CALL/INTRODUCTIONS

Chair Ray called the meeting to order at 9:20 AM. He took the roll call. L'Amoreaux was excused due to illness; all other Board members were present. Administrator Valentine and Investigator White were also present at this time.

AGENDA REVIEW

Chair Ray asked if there were any questions, additions or changes Board members had regarding the agenda. None were raised. Valentine commented that L'Amoreaux should have been listed as the liaison to Oregon Board of Architect Examiners and clarified that several reinstatement requests were to be addressed under the Continuing Education Committee report. She also stated that the Board had two agenda items involving materials that would need to be discussed in Executive Session

GOALS/STRATEGIES CHECK-IN

Chair Ray stated that he enjoyed the Board's January 23, 2014 work session with facilitator Mary Heffernan and thought it proved very worthwhile for the current members to review the outcomes from the February 2013 planning session. All Board members agreed that it was a good session and discussed that the key challenge is to define goals that Board can achieve. Board members would like to tackle some issues related to the path to licensure. Everhart noted that the discussion about board capacity was helpful to understand where members are at with regard to volunteer time available. Treasurer Olsen felt that having the professional facilitator lead these kinds of sessions was a very worthwhile expense. Valentine noted that minutes from

the work session were in the meeting packet. She explained that Heffernan was asked to review these to ensure that the minutes accurately reflected what she viewed as the key points and outcomes.

Valentine asked the Board members if they had any comments on the proposed agenda for the Phase II work session scheduled for April 3, 2014. Board members wondered about the small group activities proposed given the small size of the Board. Valentine agreed to talk with Heffernan more on this point. Board members also asked about the proposed agenda item on identifying new resources and asked Valentine to discuss with Heffernan.

Valentine next shared information on the location of Board registrants with Oregon addresses. She noted that registrants are largely concentrated in a handful of counties, generally those with large population centers. The Board briefly discussed this in relation to path to licensure issues, such as whether there might be alternative ways for aspiring landscape architects to gain work experience in rural counties or whether the needs for landscape architecture services are being adequately addressed in rural areas by registrants residing in the more populous counties.

Martin, Assistant Attorney General (AAG) from the Department of Justice (DOJ), arrived at 10 AM.

Chair Ray asked Valentine to develop a list of Board members from the last 10 years. The Board would like to review this list with an eye towards whether it should ask former board members to engage in future efforts of the Board.

CONSENT AGENDA

Valentine asked if there were any items on the consent agenda that Board members wanted to pull for discussion. Several members had comments on meeting minutes, and counsel advised that these be removed from the consent agenda. The consent agenda was amended to remove the meeting minutes.

Chair Ray noted the need to correct several misspellings of a last name in the November 8, 2013 meeting minutes. For the same minutes, Everhart noted a word misuse on page 9. Valentine noted these revisions.

Chair Ray moved to approve the November 8, 2013 meeting minutes with the minor revisions identified. Everhart seconded the motion. Chair Ray asked if there was any further discussion and hearing none called the vote. All approved the motion.

Chair Ray asked if anyone had comments on the December 12, 2013 meeting minutes, and none were raised. Chair Ray moved to approve the December 12, 2013 meeting minutes as presented. Vice Chair O'Brien seconded the motion. Hearing no discussion, Chair Ray called the vote, and all approved the motion.

Chair Ray next asked if anyone had comments on the January 23, 2014 work session minutes, and none were raised. Chair Ray moved to approve the January 23, 2014 work session minutes as presented. Treasurer Olsen seconded the motion. Hearing no discussion, Chair Ray called the vote, and all approved the motion.

Chair Ray returned the board members attention back to the consent agenda as now amended.

O'Brien moved to approve the revised consent agenda dated February 13, 2014. Treasurer Olsen seconded the motion. Everhart asked for confirmation that staff always includes notice about new inactive status changes in the Board newsletter. Valentine confirmed that this is standard practice. Chair Ray asked if there was further discussion. Hearing none, he called the vote, and all approved.

LICENSURE REVIEW

Valentine presented this agenda item due to the absence of L'Amoreaux. She noted that the first item was a proposed settlement agreement and that this document was attorney-client confidential until approved by motion of the Board. Chair Ray announced at 10:14 AM that the Board was entering executive session to discuss documents exempt from disclosure pursuant to ORS 192.660(2)(f) and (l). He read the script regarding participation in the executive session.

At 10:29 AM, Chair Ray announced that the Board was returning to public session. No decisions were made in Executive Session. Chair Ray asked if there was a motion to approve the settlement agreement and the stipulated final order discussed during the Executive Session.

Wright moved to approve the settlement agreement and final stipulated order for Applicant #12109879. Vice Chair O'Brien seconded the motion. Chair Ray asked if there was any discussion. Hearing none, he called the vote, and all approved the motion.

Valentine reminded the Board about its discussion regarding inactive status during the November 8, 2013 meeting. She followed up on a Board request to obtain additional information from one individual that had been switched to inactive emeritus status. During the interim between quarterly meetings, information received was shared with Everhart and L'Amoreaux and resulted in a decision to have the full Board discuss status quo policies and procedures related to inactive status. Valentine noted how the Board has not discussed this topic in some time and that she thought periodic review was positive. She directed the Board to a primer on inactive status prepared to provide background information for the Board's discussion. She summarized how the Board has traditionally dealt with inactive status.

Board members considered the statutory definition of landscape architecture practice and discussed various issues with defining practice in areas that may overlap with non-regulated professions. The Board discussed issues related to construction documents and specifications and stamping/signing vs. planning work or other activities not resulting in construction level details. Martin suggested that the Board be careful not to construe the statutory definition of landscape architecture too broadly as it may then inadvertently encompass too many other professions. He suggested the Board consider a lens of what is the "dominant purpose" of any particular work and mentioned that the Board could define some details in rules to interpret the statutory definition. The Board discussed briefly that it would be challenging to define all the varied professional services that fall within landscape architecture practice. The Board would strive to find a balance between interpreting in a manner either too limiting or too broad. Everhart suggested the Board might also want to look at how much time is spent on various types of activities, e.g. managing staff vs. reviewing design work.

Treasurer Olsen asked why the Board has a 5 year limit on inactive emeritus status. Valentine and Martin explained that the 5 year limit is in statute for any inactive status. Chair Ray asked Martin if the 5 year limit is common or unique to OSLAB. Martin said he was not aware of other board having a similar limit on inactive status. The Board concluded that this could be an issue to look at in a future statutory review. Vice Chair O'Brien suggested that the Board look at

what other boards have such as the architects, engineers, etc. White volunteered that he would send the Architect Board's rules on inactive status to Valentine.

Chair Ray called for a break at 11:06 AM. Chair Ray reconvened the Board at 11:19 AM.

COMPLIANCE REPORT: Valentine explained that information regarding two possible Board-initiated complaint cases was in the meeting packet. She stated that if the Board motions to open complaint cases, then discussion of the cases from that point out needs to occur in Executive Session. She stated that the Board had not received written, signed complaints for these possible cases but that information had otherwise come to the attention of staff. White explained that he conducted preliminary reviews and prepared the memorandums in the packet for the Board.

Wright moved to open complaints against the individuals listed in memos dated January 15, 2014 and February 14, 2014. Chair Ray seconded the motion. He then asked if there was any discussion. Hearing none, he called the vote, and all approved the motion.

At 11:25 AM Chair Ray announced that the Board was entering Executive Session to discuss confidential investigatory information exempt from public inspection per ORS 192.660(2)(l) and (f) as well as ORS 671.338 and read the script.

At 11:44, Chair Ray announced that the Board was returning to Executive Session. No decisions were made in Executive Session. White and Martin departed from the meeting at this time.

ADMINISTRATIVE MATTERS

Administrator's Narrative Report: Valentine spoke to the report and highlighted the following items:

- Staff must submit the biennial report no later than April 1, 2014. She reminded Board members about the opportunity to review the working draft. The Board briefly discussed the report and gave Valentine a few ideas for report edits. Board members agreed to provide any additional, individual comments to Valentine by March 10, 2014.
- Valentine mentioned that the Board needs to start thinking about how it might assist in the recruitment of its next public member. Susan Wright will complete her second term on the Board as of June 30, 2014.
- Valentine referred the Board's to the reformatted delegation of authority document and stated that the document incorporates Board decisions from the May and November 2013 meetings.
- The Board office received the IT security assessment report by the Dept. of Administrative Services (DAS) in late January 2014. The Board discussed the recommendations to replace the OSLAB laptop and filing cabinets and supported having staff proceed with the necessary purchases.
- The Board was briefed on the latest version of a bill for a Commercial Interior Design workgroup to study options for possible regulation of this profession. OSLAB would be one of the workgroup members per the bill language. Valentine explained that the bill passed out of the Senate committee with a referral to Ways and Means. Other than this bill, Valentine

reported that the session has been quiet with respect to bills that could have some direct impact on OSLAB business.

Valentine inquired about questions on other report topics. Chair Ray asked if there were any other questions for Valentine on the report and confirmed there were none.

Policy updates: Valentine referred the Board to a proposed update to its Electronic Funds Transfer Policy. Staff recommends the update to better align the policy with implementation practice.

Treasurer Olsen moved to adopt the policy as amended. Wright seconded the motion. Chair Ray asked if there was any discussion. Hearing none, he called the vote, and all approved the motion.

Valentine referred the Board to a summary of its oral exam process. She prepared this in response to recent Board interest in possibly evaluating the process. The Board briefly discussed the history of the process and whether there was opportunity to add more value to the process. The Board was inclined to continue with oral exams as a mechanism to highlight areas that new registrants need to understand and think about with respect to practice and registration and not a traditional pass/fail exam. The Board members also saw value in maintaining as part of oral exams time for the candidates to ask questions about statutes, rules, and practice. The Board also discussed the idea of adding a written component, such as a paper about the landscape architecture statutes and rules that would be due prior to the exam.

Valentine noted that the Board has the statutory authority to use written or oral exams and can also require a combination. She reminded the Board that historically it has only required oral exam for initial candidates and not reciprocity candidates. She also noted that the Board would have to address a statutory provision that allows for applications for oral exam up until 15 days prior to a meeting.

Chair Ray referred to an update list of questions he drafted for use in oral exams. The Board reviewed the list and discussed how it would approach the oral exams in the afternoon. All expressed appreciation for the work completed by Chair Ray and preferred the updated list over the status quo list of questions. Wright requested that a few questions be added on the subject of compliance and registrant duty to help in policing the profession per the Code of Professional Conduct.

Everhart and Chair Ray volunteered to work together on continued formulation of oral exam questions and possible revisions to the overall oral exam process.

Budget updates: Valentine stated that revenues and expenses continue to track similar to when discussed at the last quarterly meeting. She asked if there were any specific questions about the quarterly budget reports; there were none.

Updated renewal history: Valentine presented the updated renewal history to the Board. There were no questions or comments.

Chair Ray called for a lunch break at 12:46 PM

Chair Ray reconvened the Board at 1:09 PM. He opened by ensuring the Board had wrapped up its discussion of how to approach the afternoon oral exams. He then moved to Committee Reports.

COMMITTEE REPORTS

CONTINUING EDUCATION COMMITTEE

July – Sept. 2013 Audit: Everhart summarized the audit report for the period of July – Sept. 2013 and addressed requests for reinstatement of registration. There were two audit reviews (Control # 13-040 and 13-041) and three reinstatement reviews (#13-039, 14-001, 14-002). Everhart recommended Board approvals as follows:

- Control #13-040 – approve audit with 11.5 health, safety, and welfare (HSW) carryover credits. Staff should highlight the individual’s excellent documentation
- Control #13-041 – approve audit with 3 HSW carryover hours. Staff should point out 804-025-0020(1)(b) as was applied to activities completed on 5/8/13 and 6/13/13. Staff should also point out how 304-025-0020(3)(b)(B) was applied to desk critiques at the University of Oregon.
- Control #13-039 – approve reinstatement with 3 carryover hours for the next audit period (2 HSW, 1 other)
- Control #14-002 – approve reinstatement with carryover hours for the next audit period (10.5 HSW credits and 9.5 other credits).

Chair Ray moved for Board approval of audits #13-040 and 13-041 and reinstatements #13-039 and 14-002 as recommended by the Committee. Vice Chair O’Brien seconded the motion. Chair Ray asked if there was any discussion. Hearing none, he called the vote, and all approved the motion.

Everhart reported that the Committee is recommending that additional information must be provided by one individual seeking reinstatement. This individual has been registered for more than 25 years and only needs to document 4 credits. The individual provided incomplete documentation for continuing education activities completed in the review period. The individual’s letters listed many activities that might qualify if performed in the correct time period and adequately documented. One activity in the review period was listed as 60 PDH but only qualified for 6 PDH under Board rules. Everhart recommends that Staff advise this individual that audit documentation is “incomplete” and encourage resubmittal of the log with activities from November 1, 2012 to October 31, 2013 with appropriate documentation.

Valentine clarified that the Board has not generally notified individuals of carryover credits as part of the reinstatement process.

Chair Ray moved that for reinstatement #14-001 the Board notify the individual that the documentation is incomplete and provide 120 days to resubmit. Everhart seconded the motion. Chair Ray, hearing no discussion, called the vote. All approved the motion.

Drawing of Names: Oct. – Dec. 2013: Vice Chair O’Brien randomly pulled nine slips for the next audit period. The names pulled were kept confidential by Valentine.

Other: Several board members suggested that the Board work on providing examples of documentation for the various continuing education activities listed in Board rule. There was

general interest in considering whether the Board could improve outreach to registrants on the documentation of continuing education activities. The Board would like to develop some examples of good PDH logs. Valentine suggested that the Board also review the log to determine if it needs any updates. The Board would like to see staff time spent on the review of PDH logs and support documentation reduced. The Board outreach needs to address the importance of properly filling out the PDH log and submitting with supporting documentation. Ultimately, the Board felt that staff should return documentation to registrants if it does not meet minimum standards for completeness.

BUDGET & INVESTMENT COMMITTEES

Treasurer Olsen and Valentine referred the Board to the draft reserves policy in the packet. Valentine explained that the draft was developed during the 2013-2015 budget development process. She summarized that operating reserves are liquid assets available to deal with unforeseen or emergency situations that impact revenues or expenses. Treasurer Olsen and Valentine suggested that the Board consider having the Budget Committee work on further development of the policy for presentation at the May 8, 2014 quarterly meeting. Treasurer Olsen explained that a reserve level could be determined by looking at existing assets and trends in Board income and expenses by month. Board members discussed briefly and supported Budget Committee work on the policy.

For the Investment Committee, Treasurer Olsen suggested that the Board consider moving some funds from its checking account into a money market account. She further suggested that the checking limit be something like 1.5 to 2 times the average monthly expenditure. This limit could be determined by looking at income and expenses by month. She would like for staff to research terms and conditions for a money market with Pioneer Trust Bank. Board members were supportive of this research moving forward.

ADMINISTRATIVE RULES COMMITTEE

Vice Chair O'Brien spoke to the work he and Valentine have been doing to organize the many rule projects identified by the Board. They are using a spreadsheet format to keep track of the specific steps for each project and considering variables such as priority and complexity of the project. He noted that a next step will be to pull the Administrative Rules Committee together to brief them on the various projects. Valentine noted that they may need to think about prioritization and schedule based on outcomes of the Board's April 3, 2014 work session on strategic planning. She noted that they identified some initial legal questions, and Valentine met with counsel to go over these questions to ensure they had sufficient legal background to guide individual projects. Due to time constraints, Valentine did not brief the Board on the details.

CORRESPONDENCE

Chair Ray decided to skip over the liaison reports and moved the Board to the Correspondence agenda item. Valentine stated that this was a placeholder item and that there was not any correspondence for the Board's review this meeting.

Chair Ray called for a break at 2:52 in preparation for oral exams at 3 PM. Chair Ray reconvened the Board 3:00 PM, and the Board was joined at this time by six candidates for registration.

CANDIDATES FOR REGISTRATION/ORAL EXAMS

Chair Ray welcomed the candidates to the Board meeting and led a round of introductions. He spoke to the purpose of the oral exam and how the Board would ask questions. He stated that the

Board needs some assurance that candidates have familiarity with the landscape architecture statutes and rules. The Board members proceeded to ask a variety of questions on topics such as title vs. practice regulation, maintaining registration, continuing education, stamping and signing and examination and then exchanged information with the candidates in this question and answer session. Chair Ray then asked the candidates about their experiences with the Landscape Architect Registration Exam (LARE). All completed the new, computerized exam. Several had tried the former Sections C or E and generally felt the new format was easier to pass. There was discussion of how the new exam addresses grading and drainage and irrigation design.

Chair Ray moved to approve the following candidates for registration: Joshua Carlson, Matthew Crampton, Gary Datka, Jason Hirst, Christopher Miller, and Zachariah Rix. Everhart seconded the motion. Hearing no further discussion, Chair Ray called the vote and all approved.

The new registrants were provided with their registration cards and wall certificates and warmly welcomed to the profession by the Board.

OTHER/LIAISON REPORTS

Chair Ray returned the Board to Liaison Reports. Valentine stated that she continues to work on a possible meeting with representatives from the Oregon Landscape Contractors Board. She has been coordinating with Chair Ray and Vice Chair O'Brien on this. She now anticipates the meeting will not occur prior to May 2014.

There was no liaison report for the Oregon Board of Architect Examiners due to L'Amoreaux's absence.

Chair Ray mentioned that he went to one meeting of the ASLA OR Executive Committee. He still needs to follow up on having ASLA OR join the legislative design professionals group. Vice Chair O'Brien suggested that Chair Ray ask the chapter about whether it anticipates returning to offering monthly continuing education activities. He would like to see ASLA OR provide more opportunities in the region beyond yearly events or conferences.

PUBLIC COMMENT

No one was present to provide public comment.

NEW BUSINESS/ANNOUNCEMENTS

No new business was identified, and there were no announcements from board members or staff.

Chair Ray adjourned the meeting at 4:15 PM.

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The minutes of the February 20, 2014 meeting were approved as presented at the May 8, 2014 Board meeting.

Respectfully submitted,
Christine Valentine, Administrator