

OREGON STATE LANDSCAPE ARCHITECT BOARD (OSLAB)

MEETING MINUTES QUARTERLY MEETING

August 14, 2014
Conference Room "A", 2nd Floor,
707 13th St. SE, Salem, OR 97301

Board Members Present

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

Staff Present:

Christine Valentine, Board Administrator

Other Participants*:

Dale White, Investigator
Kyle Martin, AAG, DOJ
Benjamin Holmes, Candidate

+Member neither voted on motions nor participated in Executive Sessions.

*Participation was as noted in minutes.

OPEN MEETING

Chair Ray opened the meeting at 9:06 AM. He confirmed that all Board members except Smith were present at the time and welcomed all to the meeting. Administrator Valentine was also present. There were no guests present.

AGENDA REVIEW

Chair Ray reviewed the agenda with the Board. He noted that there was one candidate for oral exam scheduled. Board members did not have any comments or questions about the agenda, and no changes were made.

Board member Smith arrived at 9:09 AM.

MINUTES

Chair Ray presented the Board minutes from the May 8, 2014 for review. He suggested the minutes going forward reflect the Board's change from committees to coordinators. He reviewed some of the issues the Board discussed at the May meeting and agenda items for addressing ongoing business. He then opened discussion on the minutes. Hearing no requests for revisions or other comments, he asked for a motion to approve the minutes as presented.

Everhart moved to approve the May 8, 2014 meeting minutes as presented. L'Amoreaux seconded the motion. Hearing no discussion on the motion, Chair Ray called the vote, and all approved.

CONSENT AGENDA

Chair Ray referred the Board to the payments log covering debits from April 30, 2014 through July 1, 2014 and checks 4014-4044 and 10166-10171. Board members did not raise any questions or issues regarding the log.

Chair Ray next introduced the consent agenda listing examination and licensure review actions from April 26, 2014 to July 31, 2014. He opened the floor for any discussion or requests to remove items from the consent agenda. Everhart asked for clarification about how the Board evaluates work experience for reciprocity applicants. Valentine reviewed the various paths provided for in OAR 804-022-0010 and reminded the Board about amendments made in 2012 and 2013 for reciprocity candidates with 11 years or more of work experience as a registered or licensed landscape architect in another U.S. state or territory. There were no requests to remove items from the consent agenda.

Vice Chair O'Brien moved to approve consent agenda and the quarterly payments log. Treasurer Olsen seconded the motion. Chair Ray asked if there were further comments on either item. Hearing none, he called the vote, and all approved.

ADMINISTRATIVE MATTERS

Valentine noted that the narrative report was a bit longer than usual due to multiple attachments. She covered selected topics in the report including Board membership, member training, the database maintenance contract, Board officer elections, the annual meeting of the Council of Landscape Architectural Registration Boards (CLARB), staff research related to the history of the Landscape Architect in Training (LAIT) and business registrations, and various policy updates. Most time was spent reviewing proposed policy updates and the staff research. Valentine noted that a budget update for the fiscal year July 1, 2013 through June 30, 2014 would be provided under the Budget Committee report in lieu of the standard quarterly budget report. Valentine also pointed out that business registration tracking has been implemented pursuant to the Board's request at the May 8, 2014 meeting.

The Board provided the following direction to Valentine regarding policy matters:

- The Board reviewed an affirmative action & diversity/inclusion letter to the Governor's Office. Chair Ray requested minor revisions but otherwise the letter was deemed ready to send. New policies titled Workplace Policies and Diversity and Inclusion Policy were also reviewed.

Treasurer Olsen moved to adopt the two new policies with one wording correction made to the Workplace Policies. Smith seconded the motion. Chair Ray asked if there were any comments. Hearing none, he called the vote, and all approved.

- The Board reviewed various policy updates necessary to implement the Board's requested switch from committees of one member to coordinators. Board members requested several edits to the 2014 Policies and Guidelines for Board Members document. Chair Ray requested that language be added under Section VI.2 to clarify that coordinators are appointed by the Board Chair. Everhart identified edits needed in Section VI.3 addressing the Board establishing several liaison roles, Section VII.4 clarifying that the Administrator hires and manages staff and Section X to reference the LARE as the required examination instead of the written examination.

Vice Chair O'Brien moved to adopt the policy updates with the revisions identified to Valentine by the Board. Everhart seconded the motion. Chair Ray asked for further comments. Hearing none, he called the vote, and all approved.

- The Board reviewed updates to the Delegation of Authority document. No changes were requested, other than those already identified by Valentine.

Smith moved to accept the updates as presented. Vice Chair O'Brien seconded the motion. Chair Ray asked for comments. Hearing none, he called the vote, and all approved.

- Updates to the Financial Management & Investment policy were the last reviewed. No changes were requested, other than those already identified by Valentine.

Treasurer Olsen moved to accept the updates as presented. Everhart seconded the motion. Chair Ray asked for comments. Hearing none, he called the vote, and all approved.

Chair Ray opened discussion on the LAIT registration and summarized the Board's interest in examining this registration type. Valentine presented historical data which showed limited use of the LAIT registration. Despite the limited interest in the LAIT registration, the Board determined that it was premature to conclude that this registration type should no longer be offered. The Board requested that the LAIT registration be discussed in the next newsletter with a request for feedback. The Board would like to learn more about the perceived value of this registration in the workplace and how or if the LAIT registration contributes to protection of health, safety, and welfare. The Board asked that the newsletter be distributed to examination candidates in addition to registrants. Board members discussed whether more should be done to make candidates aware of this registration option and noted that it seems comparable to Engineer-in-Training and Architect-in-Training registrations. The Board also discussed the current requirement for a LAIT to be supervised by a registered or licensed landscape architect and decided this requirement was important to continue. Chair Ray volunteered to contact the ASLA chapter to inquire about the possibility of discussing the LAIT registration at one of the chapter's emerging professionals meeting. Valentine noted that there might be opportunity to check with CLARB and other state representatives at the upcoming annual meeting as to experiences with similar registration types in other states.

Chair Ray opened discussion on the business registration. Valentine shared information on the business registration requirements and historical business registration data. The Board discussed the information at some length and identified issues for further examination: requiring RLAs to provide work contact information or an explanation of why this is not provided, ability to design a tiered fee structure and possible options for this, comparison of requirements for out-of-state vs. in-state offices, sole proprietors and presumed business names, definitions of business entity and officer, revenue contribution and implications for any change in fees, and advisories about business registration requirements for new initial and reciprocity registrants. The Board requested that staff start with the following steps: review existing letters sent to new registrants with respect to business registration information provided, identify individual RLAs without work information on file and request updated information, engage Board counsel in review of potential legal issues, and design outreach to RLAs regarding the health, safety, and welfare purpose of business registration.

At this juncture, Chair Ray ended the discussion on business registration and noted that it was nearing time for the oral exam. To wrap up the Administrator's report, Valentine suggested that the update on the meeting with representatives of the Oregon Landscape Contractors Board be covered under liaison reports and that she present information about online payment and renewal options during the lunch. Chair Ray agreed with these recommendations. He also decided to move the Goals/Strategies agenda item to the end of the day, subject to there being sufficient time remaining in the afternoon. He then called for a break at 11:12 AM.

ORAL EXAM

Chair Ray reconvened the Board at 11:25 AM and welcomed one candidate, Ben Holmes, for oral exam. Ray led a round of introductions. He spoke to the purpose of the oral exam and how the Board would ask the candidate some questions about registration related matters. He explained that the Board needs some assurance that candidates have familiarity with the landscape architecture statutes and rules. Holmes provided some background on his education, work history, and examination experience. 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. Board members and Valentine addressed questions the candidate had about registration and practice. The Board also inquired with Holmes about his thoughts on the new exam format.

Vice Chair O'Brien moved to approve candidate Ben Holmes for registration as a landscape architect. Everhart seconded the motion. Hearing no further discussion, Chair Ray called the vote and all approved. Holmes was provided with his registration card and wall certificate and warmly welcomed to the profession by the Board.

At 12:00 PM, Chair Ray called for break to allow for lunch to be served. Martin, AAG, joined the Board at this time. The Board held a working lunch during which Valentine provided a presentation on possible options for online payment and renewal functionality. The presentation covered two options and addressed estimated costs for processing online payments and renewals. Marilou Arrobang, Registration Specialist, joined the Board for the presentation. Board members asked numerous questions and ultimately gave Valentine direction to move towards an online payment and renewal system. The Board decided that it would absorb associated costs during the initial implementation and would start with a voluntary system. The Board anticipates evaluating implementation success over several years before any shift to mandatory online renewal. This would allow the Board to also gather additional data before considering any changes in renewal fees to offset the anticipated increase in costs to the Board.

Next the Board took a few minutes to thank outgoing public member Susan Wright for her eight years of service to OSLAB. All expressed great appreciation for her dedication to the Board over her two terms (i.e., 8 years) on the Board.

COMMITTEE/COORDINATOR REPORTS

Chair Ray opened discussion on the Committee and Coordinator Reports at 1:05 PM. He noted that the Compliance Report was first.

COMPLIANCE REPORT

Smith provided an update explaining that the Board had three complaint cases to discuss and one enforcement referral from another board. Valentine provided an updated complaint log providing details about the three cases, stating that two are active investigations and one has

been on hold but needs to be re-examined due to developing information. Smith and Valentine noted that discussion of open cases is subject to confidentiality. Valentine also mentioned a referral about a possible enforcement matter that came from the Oregon Landscape Contractors Board (OLCB) and explained that White would briefly summarize his preliminary review of the matter. She asked for counsel input about the proper procedure for discussion of the referral. Martin advised the Board that discussion would need to occur in public session unless the Board motioned to open a complaint investigation since a written complaint had not been filed with the Board office.

At 1:10 PM, Chair Ray announced that the Board was entering executive session to discuss documents exempt from disclosure pursuant to ORS 192.660(2)(l) and (f) as well as ORS 671.338. He read the script regarding participation in the executive session. At 1:30 PM, Chair Ray announced that the Board was returning to public session. No final decisions were made in Executive Session. He asked for motions related to cases discussed. For the record, Treasurer Olsen stepped out at 1:32 PM and was not present for voting on the following two motions.

Smith moved to adopt the settlement agreement and final order for LACC#14-02-002. Vice Chair O'Brien seconded the motion. Chair Ray asked if there was any discussion. Hearing none, he called the vote, and all present approved.

L'Amoreaux moved to restart the Board's investigation of LACC#12-03-005. Smith seconded the motion. Chair Ray asked if there was any discussion. Hearing none, he called the vote. A quorum of L'Amoreaux, Vice Chair O'Brien, Chair Ray, and Smith approved. Everhart abstained. Treasurer Olsen was not present during voting.

Treasurer Olsen returned to the meeting at 1:36 PM and was advised of the motions passed.

White and Valentine presented a referral from OLCB regarding an irrigation design issue. White explained that he conducted only a very limited review of the matter considering a formal complaint had not been filed with the board. Chair Ray broached the question of whether the Board should open an investigation in response to the OLCB referral. The Board members debated whether to provide an outreach letter or conduct an investigation and in doing so considered possible health, safety and welfare issues.

Vice Chair O'Brien moved to open an investigation in the case of Searings as forwarded by OLCB. Treasurer Olsen seconded the motion. Chair Ray asked if there were any comments. Hearing none, he called the vote, and all approved. There was no further discussion of the new case.

ADMINISTRATIVE RULES

Chair Ray opened discussion on the Administrative Rules Committee report. Vice Chair O'Brien and Valentine presented draft rule language for the Board's consideration and explained how the Committee and counsel had been engaged in the development of the rule language. They addressed proposed changes to the examination rules first, explaining that the primary purposes of the proposed revisions were to remove the work experience requirement for examination and give candidates control over how they approach taking the exams. As part of this change, candidates for examination would only need to apply once and then could sit for any and all exams for a period of 5 years, with a possible 1 year extension. If not completed in that timeframe, a candidate could reapply for Board approval to finish remaining exams. The fee rule would also need to be changed. Instead of \$50 per

section 3 and 4, the exam application cost would be \$100 to cover all four sections. The Board members proceeded to review the examination rules and ultimately did not request any changes in the language. Everhart suggested that the Board consider development of an advisory targeted at candidates regarding Board recommendations for obtaining practical experience to increase success with the examination, especially sections 3 and 4. Valentine noted that the Board might be able to pull information from CLARB's study on the determinants of examination success to help with crafting such an advisory.

Vice Chair O'Brien and Valentine next presented proposed definitions for "direct supervision" and "year of experience", explaining how these definitions are viewed as a good start to providing more clarity about and flexibility regarding qualifying work experience for registration purposes. They explained that the direct supervision definition is intended to add flexibility to how supervision can be provided compared to the traditional approach of only a direct employee-employer relationship. Without a definition, the concern is that the term "direct supervision" as used in numerous OSLAB rules could be interpreted as limiting supervision to only direct employee-employer relationships. The language is intended to put sidebars on the quality and frequency of supervision while accommodating a variety of communication means and non-traditional relationships. Vice Chair O'Brien noted that the definition does not go so far as to cover a mentorship situation. Valentine noted that a goal statement is included to help clarify for supervising Landscape Architects and candidates the overarching purpose for direct supervision. They next explained the purpose of the year of experience definition, including how it provides a way for calculating project-based experience and how this would be a new way of looking at work experience. Board members and counsel discussed the definitions and some revisions were made to "direct supervision" by the Board.

Valentine asked for Board direction via motion to proceed with the rulemaking notice process for the examination and definition rule changes. She also noted that the Board previously reviewed and offered support for revisions to the LAIT and date of registration and renewal rules. Those were put on hold until they could be packaged with other rules. Valentine wondered if the Board wanted to also authorize rulemaking notice for those rules. Martin provided advice as to how the Board could word a motion to cover those rules as well.

Everhart moved to accept the proposed rule changes: adding two new definitions in Division 3 with revisions as identified by the Board, amending examination related rules in Divisions 10, 20, and 40 as presented in the meeting packet, and amending LAIT and Date of Renewal rules in Division 22 as discussed at the August 9, 2013 and November 8, 2013 meetings of the Board. Vice Chair O'Brien seconded the motion. Chair Ray opened the motion for discussion. Hearing none, he called the vote, and all approved.

Vice Chair O'Brien and Valentine briefly reviewed other planning and research that is ongoing or proposed related to other possible rulemakings. Board members reviewed a summary document with this information. They also briefly discussed whether any additional outreach should be considered regarding rules committee participation but no action was identified.

Chair Ray called for a break at 2:30 PM. He reconvened the Board at 2:36 PM. He announced that the Board would take up the Licensure Review Coordinator's report prior to the Budget & Investment report. This would allow for Martin to participate and then depart to attend to other business.

LICENSURE REVIEW

Valentine reminded the Board of the need to protect the confidentiality of application-related materials per ORS 671.338. L'Amoreaux summarized issues that emerged during the recent review of an application for initial registration regarding whether the candidate has sufficient qualifying work experience to meet Board standards for registration. L'Amoreaux summarized interactions to date with the candidate in relation to the current application and also with the Board in previous years regarding her supervision by a RLA.

Chair Ray announced at 2:37 PM that the Board was entering executive session to discuss documents exempt from disclosure pursuant to ORS 192.660(2)(l) and (f) and 671.338. He read the script regarding participation in the executive session. At 3:23 PM, Chair Ray announced that the Board was returning to public session. No final decisions on the application were made in Executive Session. Chair Ray directed that the Licensure Review Coordinator and staff follow up with the applicant to gather additional information regarding the work experience addressed in the application. He noted that this information would assist the Board in the continued review of the application. He specified that the Board needs further clarification regarding the supervisor-candidate relationship and how certain work was carried out, including how stamping and signing of documents was addressed.

Treasurer Olsen stepped out of meeting and as a result Chair Ray decided to return to the draft minutes from the recent OLCB-OSLAB meeting prior to moving to the Budget and Investment Committee Report. Chair Ray summarized the meeting and outcomes, including how irrigation design was a primary issue of discussion. Vice Chair O'Brien also shared his thoughts on the meeting and issues related to the role of RLAs in irrigation design. Board members discussed the issues related to irrigation design and general design-build work as reflected in the draft meeting summary and as discussed between the two boards in the past. Board members saw a need to continue the dialogue with OLCB and to broaden discussion to include other types of plans vs. irrigation design only. Everhart suggested that the Board might also want to identify RLAs with particular interest and experience in irrigation design as a way to gather input that could inform future discussions. Chair Ray and Vice Chair O'Brien stated that they have some edits for the draft summary and would provide those to Valentine at a later date.

With Treasurer Olsen back, Chair Ray opened discussion on the Budget and Investment Committee report.

BUDGET & INVESTMENT

Treasurer Olsen explained that she asked staff to prepare an analysis of the first fiscal year of the biennium (July 1, 2013 – June 30, 2014) instead of the standard quarterly report. She felt this would be more meaningful and informative for the Board. She reported a small loss on the revenue side for the year but less than was anticipated. Registration revenue was down a bit and should be looked at. Valentine mentioned that the use of reserve funds in the budget needs to be considered. She explained that the approach used was to base registration revenue projections on a 5-year average. Staff will need to look more closely at how to base projections for next budget even though the difference between projections and actual revenues was not huge. To show a balanced first year budget, the budget shows that the "reserve" was tapped to balance out revenues. Treasurer Olsen noted that the Board had not budgeted for late fee and rent revenues and has actually received revenues in those line items.

Valentine noted that on the expenditures side, expenses have been less than projections. There are savings in personnel services, services & supplies, and professional services. Valentine and Treasurer Olsen both felt that the Board is in good financial shape. Also, the Board continues to have a cushion of reserve funds in the budget. Treasurer Olsen reminded the Board that use of reserve funds may not be feasible in every biennial budget.

Treasurer Olsen reviewed the financial statements. The Board ended the fiscal year with a lower overall balance due to paying off a liability to DAS and the small loss for the fiscal year just completed. Treasurer Olsen also mentioned that a new money market has been opened. Staff will track this and make adjustments on a quarterly basis.

Ray asked about the May renewals, given this is a big month for renewal revenue. Treasurer Olsen referred to the renewal chart in the packet. Valentine noted that all but 2 individuals renewed in May. Treasurer Olsen noted that the other big spike in renewal income ties to the November renewals.

CONTINUING EDUCATION

Chair Ray opened the discussion on the coordinator's report. Valentine distributed the report to Board members. Chair Ray asked if Everhart had talked with Vice Chair O'Brien about credit for rules committee participation. Everhart said she did and the immediate issue regarding an open audit has been addressed. She is keeping the broader issue on a list of issues for further consideration should the continuing education rules be reviewed in the future. Her concern is that the rule is not entirely clear on how to properly credit participation on a Board committee. She believes that RLAs should receive credit for volunteer work on a Board committee, and all other board members agreed.

Everhart presented the audit report for the period of January – March 2014. This covered six RLAs; four were selected for audit, one was requesting to return to active status and one was requesting reinstatement of a lapsed registration. She summarized the review findings and recommended that all be approved by Board as meeting continuing education requirements.

Everhart asked for input on whether use of the PDH log is mandatory, as that is how she reads the Board rules. The Board determined that the log is mandatory and that going forward staff would be expected to request this from every RLA selected for audit. If a RLA refuses to provide the PDH log, the Board will expect staff to send the audit submission back. Everhart requested that staff make sure the first letter that goes out to RLAs selected for audit clearly says that the PDH log is required.

Returning to the audit report for January – March 2014, Chair Ray moved to accept the recommendations from the CE coordinator. Vice Chair O'Brien seconded the motion. The Chair, hearing no further discussion, called the vote and all approved.

The Board next reviewed a draft letter addressing CE credit for critiquing of university student work. Chair Ray said he generally supports the letter and recommends it be sent as soon as possible so that future issues are avoided. The rest of the Board members also supported the letter. Everhart brought up that staff might put something in a future newsletter about the issue. Vice Chair O'Brien suggested that staff wait until after the Board allows time for possible dialogue with the university.

Wright randomly selected names for the April – June 2014 audit period and provided them to Valentine.

OTHER:

➤ Liaison report: Oregon Board of Architect Examiners: L'Amoreaux said she did not have much to report. She continues to review meeting minutes for the Architect Board. Valentine mentioned that their administrator recently resigned.

➤ Liaison report: Oregon Landscape Contractors Board: Chair Ray and Vice Chair O'Brien reminded Valentine about sending the meeting summary by email as they both have edits to suggest. There was no further discussion as the joint meeting with OLCB representatives and the enforcement referral from OLCB were discussed earlier in the day.

➤ Liaison report: American Society of Landscape Architects (ASLA): Chair Ray noted that he missed the last 3 months of chapter meetings due to schedule conflicts. He mentioned his request for the chapter's assistance in getting the announcement about the public member recruitment into the ASLA newsletter.

CORRESPONDENCE

Valentine reported that staff has not received any correspondence requiring Board review or action.

PUBLIC COMMENT

Chair Ray noted that no one was present at the meeting to provide public comments.

ELECTIONS

Chair Ray opened discussion on officer elections. *L'Amoreaux moved to nominate Ray, O'Brien, and Olsen for Chair, Vice Chair, and Treasurer, respectively. Everhart seconded the motion. Hearing no requests for discussion, Chair Ray called the vote, and all approved.*

NEW BUSINESS/ANNOUNCEMENTS

The Board discussed Board member attendance at the annual CLARB meeting. The Board previously approved having staff attend. Chair Ray and Everhart agreed to consider attending and to decide by September 1, 2014. Chair Ray mentioned that he would participate in a CLARB Region 5 teleconference the following Wednesday and may learn more about the meeting through that.

Valentine mentioned that she forgot to cover one item under the compliance report. She wanted to verify that the Board's expectation remains that she and the compliance coordinator are to review and approve any new statements of qualification that are submitted pursuant to the Board's open request for qualifications for technical reviewers. The Board confirmed this delegation.

Chair Ray noted that Valentine and O'Brien had identified a rule writing class offered by the Oregon Department of Justice that they would like to attend. Valentine said the Board has sufficient funds in its training budget to cover the costs. The Board members agreed this would be a good training given the administrative rules work assigned to Valentine and Vice Chair O'Brien.

Chair Ray noted that the Board had not yet covered the Goals/Strategies agenda item due to time limitations earlier in the meeting. He briefly discussed the Board's top goals related to evaluation and modernization of the path to licensure, clear identification of landscape architecture practice, and enhancement of professional and public partnerships and

communications. Board members decided it was too late in the day to have a meaningful discussion and tabled this agenda item. Treasurer Olsen mentioned that the Board might need to look at an extra half-day meeting to focus in on moving the priority goals and related issues forward. However, no decision was made in this regard by the Board.

ADJOURNMENT

Chair Ray adjourned the Board at 4:50 PM.

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<p>The minutes of the August 14, 2014 meeting were approved as presented at the November 13, 2014 Board meeting.</p> <p>Respectfully submitted,</p> <p>Christine Valentine, Administrator</p>
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