

Report on the

Board of Examiners of Landscape Architects

Montgomery, Alabama



Department of Examiners of Public Accounts

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June 15, 2022

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Board of Examiners of Landscape Architects in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Board of Examiners of Landscape Architects in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Rachel Laurie Riddle
Chief Examiner

Examiner
Charnelle Martin

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PROFILE

Purpose/Authority

The Board of Examiners of Landscape Architects was created in 1971 to license and regulate the practice of landscape architecture. The Board operates under the authority of the *Code of Alabama 1975*, Section 34-17-1 through 34-17-7, and 34-17-20 through 34-17-27.

<u>Characteristics</u>	
Members and Selection	Three members appointed by the Governor and confirmed by the Senate. <i>Code of Alabama 1975</i> , Section 34-17-2(a)
Term	Three-year staggered terms. <i>Code of Alabama 1975</i> , Section 34-17-2(a)
Qualifications	Shall be registered landscape architects of recognized standing having engaged in the practice of landscape architecture in the State of Alabama for a period of two years or more at the time of their appointments and shall be residents of this state. <i>Code of Alabama 1975</i> , Section 34-17-2(a)
Consumer Representation	No statutory requirement.
Racial Representation	No statutory requirement. No minority members serving.
Geographical Representation	No statutory requirement.
Other Representation	Membership of the board shall be inclusive and reflect the racial, gender, urban/rural, and economic diversity of the state. <i>Code of Alabama 1975</i> , Section 34-17-2(a)

Compensation	The board members shall receive no salary or other compensation for their services as members but shall be reimbursed for reasonable and necessary expenses incurred in carrying out their duties. <i>Code of Alabama 1975</i> , Section 34-17-2(b)
Attended Board Member Training	Two Board Members Executive Director Board Attorney
<u>Operations</u>	
Administrator	The Board contracts with Warren & Company Inc. for management services and office space. The current annual contract amount is \$30,000. Keith Warren, president of Warren and Company, serves as the Executive Director.
Location	2777 Zelda Road Montgomery, AL 36106 Office Hours: M-F 8:30 a.m. to 4:30 p.m.
Employees	None
Legal Counsel	Laura Howell, employee of the Attorney General's Office.
Subpoena Power	None except as provided the Administrative Procedure Act, <i>Code of Alabama 1975</i> , Section 41-22-12 for hearings and contested cases.
Internet Presence	https://abela.alabama.gov/ <ul style="list-style-type: none"> • Home • Board • Board Meetings • Committee • Handbook • Online Renewal • Application & Forms • Landscape Architects Search • CE Guidelines • Contact

<u>Financial</u>	
Source of Funds	Licensing Fees
State Treasury	Yes, Special Revenue Fund 0366 <i>Code of Alabama 1975</i> , Section 34-17-6
Required Distributions	None
Unused Funds	Board retains unused funds at fiscal year-end.
<u>Licensure</u>	
Licensees	240 as of February 24, 2022 Source: Administrator
Licensure Qualifications	<ul style="list-style-type: none"> • Must be 19 years of age or older. • Citizen of the United States or legally present in the United States. • Graduate from a college or school of landscape architecture approved by the Board. • Submit evidence of acceptable experience of a total of five years of combined education and practical experience. • A Master’s or doctoral degree shall fulfill five years combined education and practical experience with one additional year of practical experience for a total of six years combined education and practical experience. • In lieu of the above requirements, an applicant must have eight years of practical experience that began prior to August 1, 2012, to qualify for exemption of the requirement to obtain a degree in landscape architecture. <i>Code of Alabama 1975</i> , Section 34-17-21

Examinations

Applicants are required to pass the four-part computerized Landscape Architect Registration Exam (LARE) prepared and scored by the Council of Landscape Architectural Registration Boards (CLARB).

Exams are administered at PSI Test Centers located in Montgomery, Birmingham, Vestavia Hills, Huntsville, and Mobile. Exam fees are paid directly to CLARB.

Candidates can test at any PSI center even if it is not in Alabama. They may also test online without having to go to a PSI center.

Applicants must also pass a supplemental examination administered by the board, an open book questionnaire testing the applicant's knowledge of Alabama statutes as it relates to landscape architecture. The exam fees for the supplemental exam are paid directly to the Board and the applicants must complete this exam during the application process.

Exam I - Project and Construction Management

Fiscal Year	# Taken	# Passed	% Passed
2018	5	5	100%
2019	3	3	100%
2020	5	4	80%
2021	2	2	100%

Exam II – Inventory and Analysis

Fiscal Year	# Taken	# Passed	% Passed
2018	3	3	100%
2019	3	3	100%
2020	8	6	75%
2021	4	2	50%

Exam III - Design

Fiscal Year	# Taken	# Passed	% Passed
2018	3	3	100%
2019	2	2	100%
2020	6	6	100%
2021	3	2	67%

Examinations Cont.	<p>Exam IV – Grading, Drainage and Construction Documentation</p> <table border="1" data-bbox="578 264 1378 457"> <thead> <tr> <th>Fiscal Year</th> <th># Taken</th> <th># Passed</th> <th>% Passed</th> </tr> </thead> <tbody> <tr> <td>2018</td> <td>4</td> <td>4</td> <td>100%</td> </tr> <tr> <td>2019</td> <td>3</td> <td>2</td> <td>67%</td> </tr> <tr> <td>2020</td> <td>6</td> <td>2</td> <td>33%</td> </tr> <tr> <td>2021</td> <td>7</td> <td>3</td> <td>43%</td> </tr> </tbody> </table> <p>Supplemental Examination</p> <table border="1" data-bbox="578 531 1378 724"> <thead> <tr> <th>Fiscal Year</th> <th># Taken</th> <th># Passed</th> <th>% Passed</th> </tr> </thead> <tbody> <tr> <td>FY 2018</td> <td>16</td> <td>16</td> <td>100%</td> </tr> <tr> <td>FY 2019</td> <td>16</td> <td>16</td> <td>100%</td> </tr> <tr> <td>FY 2020</td> <td>19</td> <td>19</td> <td>100%</td> </tr> <tr> <td>FY 2021</td> <td>33</td> <td>33</td> <td>100%</td> </tr> </tbody> </table> <p><i>Code of Alabama 1975</i>, Section 34-17-22 <i>Administrative Rule</i> 500-X-2-.04</p> <p>Pass/Fail rates by Alabama public educational institutions are not available.</p> <p><i>Source:</i> Administrator</p>	Fiscal Year	# Taken	# Passed	% Passed	2018	4	4	100%	2019	3	2	67%	2020	6	2	33%	2021	7	3	43%	Fiscal Year	# Taken	# Passed	% Passed	FY 2018	16	16	100%	FY 2019	16	16	100%	FY 2020	19	19	100%	FY 2021	33	33	100%
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Reciprocity	<p>May permit the practice of landscape architecture in this state under a landscape architect license issued under the laws of any other state or country, if the other state or country’s standard of qualifications and examinations are substantially equivalent to those required in this state and the other state or country gives similar recognition and endorsement to landscape architect licenses of this state.</p> <p>The Board does not have any formal reciprocity agreements with any other state.</p> <p><i>Code of Alabama 1975</i>, Section 34-17-26</p> <p><i>Source:</i> Executive Director</p>																																								
Renewals	<p>Annually, on January 1st. Delinquent if not renewed by January 31st and subject to a \$50 penalty fee. License is suspended if license fee and penalty are not paid by March 15th.</p> <p>Online renewal is available. 67% renewed online in 2021.</p> <p><i>Code of Alabama 1975</i>, Section 34-17-24</p>																																								

Licensee Demographics	Data not collected by the Board
Continuing Education	16 professional development hours <i>Code of Alabama 1975</i> , Section 34-17-20(b) <i>Administrative Rule</i> 500-X-2-14(4)(a)

SIGNIFICANT ISSUE

Significant Issue 2022-01 - Seven of the twenty-seven licensees responding to the survey stated that other professionals performing the work of a landscape architect is the most significant issue facing the profession.

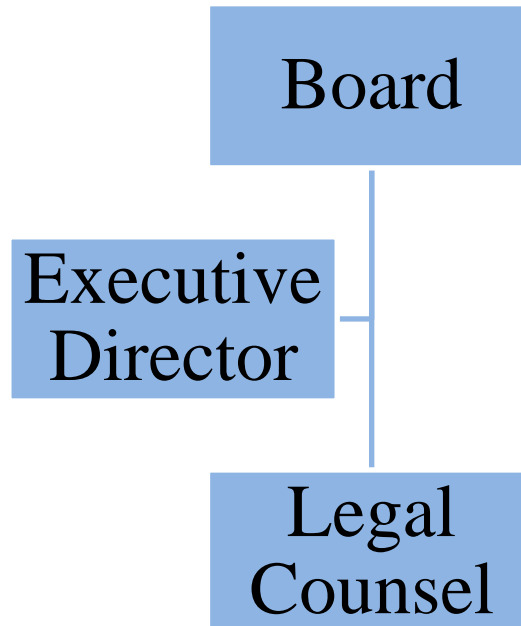
Currently, registered engineers, registered architects, registered professional land surveyors, regionally or urban planners, arborists, foresters, gardeners, home builders, horticulturists, nurseryman, general or landscape contractors are exempt from licensure with the Alabama Board of Examiners in Landscape Architect and are lawfully able to engage in the practice of landscape architecture when such work is incidental to their practices.

Board’s Response – The Board will review the questionnaires and responses once the report is issued in order to address the concerns of other professionals exempt in the statute. There are several exemptions provided for Section 34-17-27, *Code of Alabama 1975*, that the board will review these to determine if all are still relevant and necessary. If changes need to be made, the Board will prepare legislative changes to present for the 2023 Regular Legislative Session.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

All prior findings/significant issues have been resolved.

ORGANIZATION



PERSONNEL

The Board does not have any employees. The Board contracts with Warren & Company Inc. for management services and office space. Keith Warren, president of Warren & Company Inc., serves as the Board’s executive director. The current annual contract amount is \$30,000.

Legal Counsel

Laura Howell, Attorney General’s Office, provides legal services for the Board of Examiners of Landscape Architects.

PERFORMANCE CHARACTERISTICS

Number of Licensees for the Past Four Fiscal Years

Landscape Architects	FISCAL YEARS			
	2018	2019	2020	2021
In-State	109	112	108	111
Out-of-State	156	161	119	192
Total	265	273	227	303

Operating Disbursements per Licensee (FY 2021) - \$131.25

Notification of Board decisions to Amend Administrative Rules

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are notified through the Board's website and via email.

COMPLAINT HANDLING

The Board's *Administrative Rule* 500-X-2-.13 provides procedures for receipt, documentation, and investigation of complaints received by the Board.

Initial Contact/Documentation	Complaints must be written, signed, and notarized on the Board's form. Any person may file a complaint including board members. Complaint forms are available on the Board's website. The Board acknowledges receipt of complaint by letter.
Anonymous Complaints Accepted	No
Investigative Process / Probable Cause Determination	Complaints are investigated by an investigator employed by Warren & Co. and the Board chair to determine probable cause. The Board chair recuses herself from further proceedings related to the complaint.
Negotiated Settlements	Yes, negotiated settlements are accepted with guidance from the Board's Attorney.
Notification of Resolution to the Complainant	Complainants are notified of the Board's resolution by mail.

Source: Executive Director

The Board had only one complaint. The complaint was received in FY 2021 and was resolved, with a cease-and-desist letter in 15 business days.

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

The Alabama Department of Agriculture and Industries issues a Horticulture Professional Service License where permittees engage in and solicit landscape designs and essentially provides the same service as landscape architects, with exception of the preparation of plans and specifications for grading and drainage.

Licensed professional engineers, land surveyors, arborists, foresters, home builders and horticulturists regulated by other state licensing boards can engage in landscape architecture practices that are incidental to their profession.

FINANCIAL INFORMATION

Source of Funds

License fees and penalties.

Fund

The Board operates from Special Revenue Fund 0366 in the State Treasury, authorized by the *Code of Alabama 1975*, Section 34-17-6. Year-end balances are retained for the Board's continuous use, subject to appropriations.

Schedule of Fees

FEE TYPE/ PURPOSE	STATUTORY AUTHORITY	AMOUNT AUTHORIZED	AMOUNT COLLECTED
Application Fee	34-17-25(1)	\$150.00	\$150.00
Original Certificate Fee	34-17-25(3)	\$50.00	\$50.00
Duplicate Certificate Fee	34-17-25(4)	\$50.00	\$50.00
Annual License Fee	34-17-25(5)	\$150.00	\$150.00
Delinquent Penalty Fee	34-17-24(b)	\$50.00	\$50.00
Admin Fee for Supplemental Exam	34-17-25(7)	\$150.00	\$150.00
Corporation /Partnership Original Cert.	34-17-4(c)(2)	Determined by the Board*	\$50.00
Corporation/Partnership Annual Renewal	34-17-4(c)(2)	Determined by the Board*	\$50.00
Reinstatement Fee	34-17-24 (d)	\$150	\$150.00

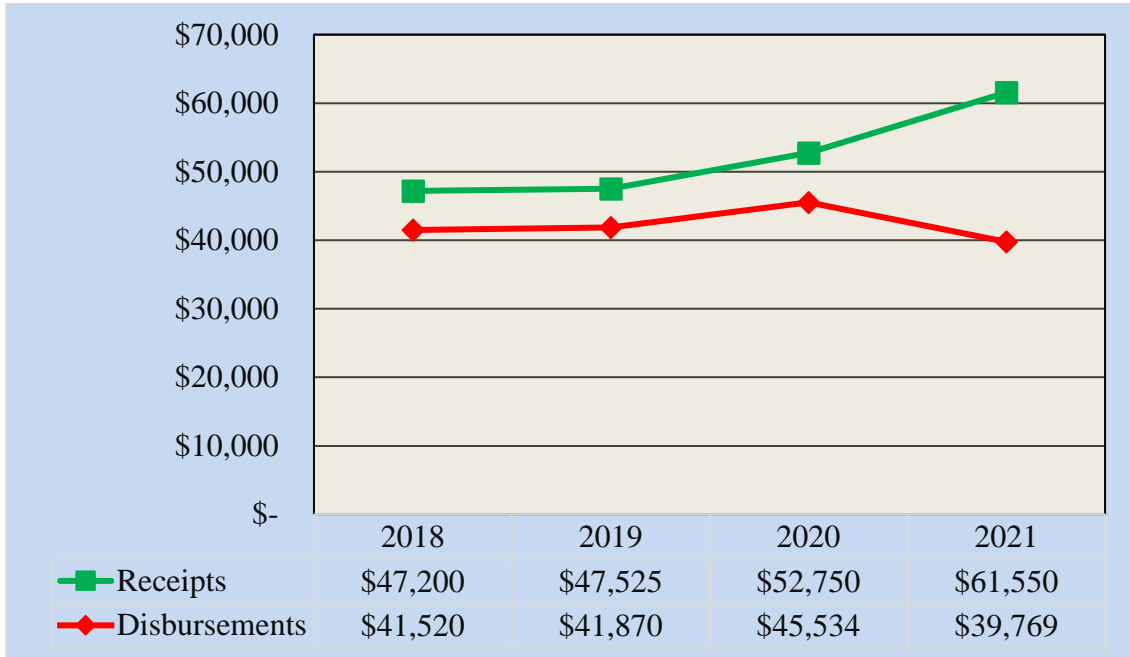
* Set by *Administrative Rule* 500-X-2-.10(h)(i)

Schedule of Receipts, Disbursements and Balances

October 1, 2017 through September 30, 2021

	<u>2020-2021</u>	<u>2019-2020</u>	<u>2018-2019</u>	<u>2017-2018</u>
<u>Receipts</u>				
Licensing Fees	\$ 61,550.00	\$ 52,750.00	\$ 47,525.00	\$ 47,200.00
<u>Disbursements</u>				
Travel, In-State	428.70	711.89	896.65	923.01
Travel, Out-of-State	-	1,753.87	2,175.69	2,326.39
Utilities and Communication	238.03	265.82	199.76	263.11
Professional Services	32,260.10	36,146.94	32,168.94	31,426.40
Supplies, Materials, and Operating Expenses	6,841.94	6,655.22	6,428.60	6,581.49
Total	<u>39,768.77</u>	<u>45,533.74</u>	<u>41,869.64</u>	<u>41,520.40</u>
Excess of Receipts Over Disbursements	21,781.23	7,216.26	5,655.36	5,679.60
Cash Balances at Beginning of Year	<u>57,449.14</u>	<u>50,232.88</u>	<u>44,577.52</u>	<u>38,897.92</u>
Cash Balances at End of Year	79,230.37	57,449.14	50,232.88	44,577.52
Reserve for Unpaid Obligations	<u>(677.00)</u>	<u>(16,715.00)</u>	<u>(18,875.00)</u>	<u>(7,045.00)</u>
Unobligated Cash Balance at Year End	<u>\$ 78,553.37</u>	<u>\$ 40,734.14</u>	<u>\$ 31,357.88</u>	<u>\$ 37,532.52</u>

Operating Receipts vs. Operating Disbursements (Chart)



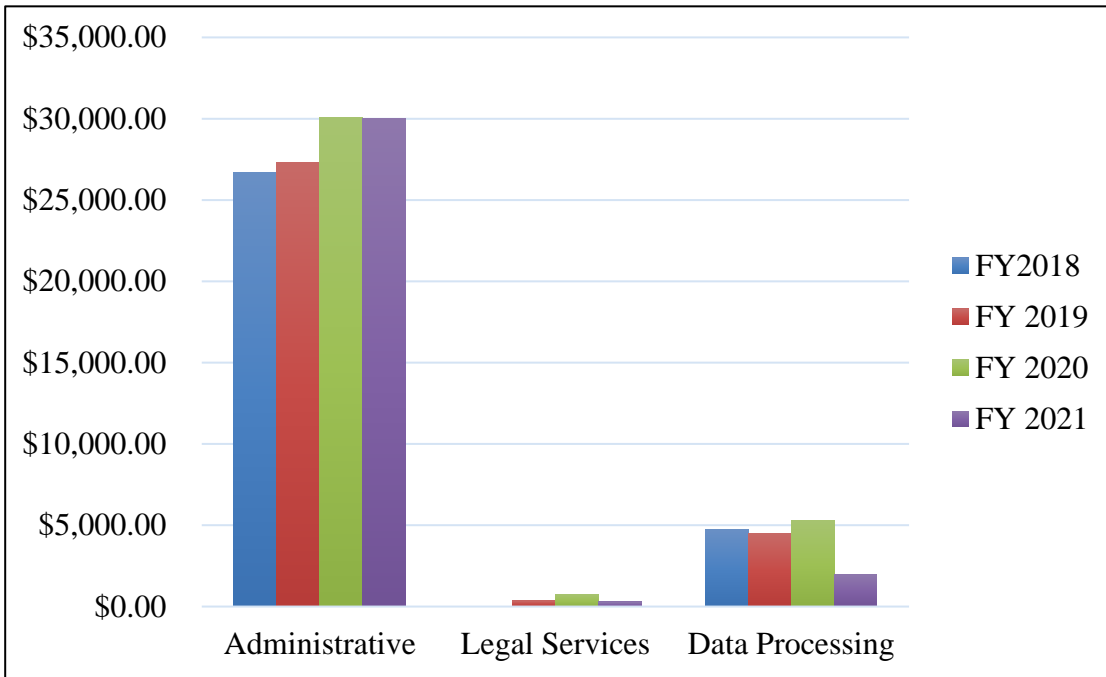
SUMMARY SCHEDULE OF PROFESSIONAL SERVICE DISBURSEMENTS*

As of September 30th

Type of Service	FY 2018	FY 2019	FY 2020	FY 2021
Administrative	\$ 26,700.00	\$ 27,285.00	\$ 30,100.00	\$ 30,000.00
Legal Services	-	375.00	757.50	300.00
Data Processing	4,726.40	4,508.94	5,289.44	1,960.10
Total	\$ 31,426.40	\$ 32,168.94	\$ 36,146.94	\$ 32,260.10

*Detailed information presented in the appendix

Professional Service Disbursement Chart



QUESTIONNAIRES

Board Member Questionnaire

A letter was sent to all three members of the Board of Examiners of Landscape Architect requesting participation in our survey. One participated in the survey. The percentages, where shown, are based on the number who responded to the question.

1. What are the most significant issues currently facing the Board of Examiners of Landscape Architect and how is the Board addressing these issues?

Board Member #1 – “As culture advances within the constraint of technology, things become easier and more complicated at the same time. This complexity has created professional challenges for landscape architects such as technical rigor, legal and ethical challenges, and the pace of work increasing along the technology increase curve. This makes the service provided by the Board of Examiners as important as ever and increasing over time.”

2. What, if any, changes to the Board’s laws are needed?

Board Member #1 – “We currently have a few changes to our laws under consideration in States session. Generally stated, these include clarity of a title/practice law issue (certificate of authorization deletion), increase in injunctive relief, and addition of an inactive license status, with further clarification for other license statuses. Future changes may include adoption of a uniform standard that is being discussed at a national level to facilitate reciprocity among states.”

3. Is the Board adequately funded?

Yes	1	100%
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4. Is the Board adequately staffed?

Yes	1	100%
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5. Does the Board receive regular reports on the operations of the board from the chief administrative officer?

Yes	1	100%
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6. Has the Board experienced any significant changes to its operations?

No	1	100%
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Board Member Questionnaire

7. Does the Board plan any significant changes in its operations?

No 1 100%

8. Do you have any other comments you would like to make?

Board Member #1 – “No”

Licensee Questionnaire

A letter was sent to one hundred and one licensees requesting participation in our survey. Twenty-seven participated in the survey. The percentages, where shown, are based on the number who responded to the question.

1. What do you think is the most significant issue(s) currently facing your profession in Alabama?

Respondent #1 – “I know of none at this time.”

Respondent #2 – “General public not understanding what we do.”

Respondent #3 – “The lack of skilled labor.”

Respondent #4 – “I see design-build landscape operations as a serious issue. While many contractors are certainly capable of designing and installing a landscape, I often see work installed that does not account for proper drainage, disregards state and federal regulations, and/ or creates a hazard in some form. People often think they can save money by not hiring a landscape architect, but they often end up with a sub-par product that can endanger their health and safety or that of their neighbors.”

Respondent #5 – “Low numbers of licensed landscape architects.”

Respondent #6 – “Uncertain economic issues. Competition from unlicensed companies.”

Respondent #7 – “Landscape architects having an equitable share of work compared to other licensed design professions (architects, engineers) as prime consultants”

Respondent #8 – “Inaccurate representations of what landscape architecture is and the wide range of projects we can add value to.”

Respondent #9 – “County and municipal plans review - The development codes are often written with too vague language. This leads to interpretation of the code by reviewers. Other times the code is written without understanding that alternate solutions to the rigid requirements can be more effective for unique development parcels. Delays in the permitting process result due to multiple rounds of submittals. More standardization of landscape codes with some flexibility for alternate solutions would eliminate poorly written landscape codes and allow for economic development.”

Respondent #10 – “Other professions eroding the LA's ability to perform professional services for which we are educated, trained, tested and perform at a high level. Also other professions stepping into the professional services that LA's have traditionally been licensed to perform--i.e. landscape designers performing LA type services without being professionally tested to do so.”

Respondent #11 – “I believe licensure is extremely important to maintain the credibility of our profession and provide health and safety design concerns to our clients.”

Respondent #12 – “Lack of Education of what landscape architects are trained to do. Competition with allied professions.”

Respondent #13 – “Public understanding of the scope of licensed skills of landscape architecture.”

Respondent #14 – “lack of understanding about the role of landscape architect and the impact that we have on projects.”

Respondent #15 – “I practice Landscape Architecture in much of the southeast and I would say that there is a lack of equity between the civil engineering board and the landscape

Licensee Questionnaire

architecture board in Alabama. While Landscape Architects should not be involved with sewer or domestic water design, we are more than capable of stormwater design, erosion control, and grading. In fact, I am able to provide those services in North Carolina, Georgia and should also be able to in Alabama. Many Municipalities in Alabama require a engineer to provide these services.”

Respondent #16 – “Providing leadership and design expertise necessary to better adapt to the environmental, health, and social changes impacting the world we live in, in order to help build more resilient communities.”

Respondent #17 – “Protecting the legitimacy of professionalism.”

Respondent #18 – “Unregulated practitioners causing public safety negligence.”

Respondent #19 – “Other professions trying to take business from the profession, ie. landscapers, architects and engineers.”

Respondent #20 – “The most significant issue facing Landscape Architecture in Alabama revolves around awareness of the importance of our profession. There are too many landscape architecture projects that are taken by civil engineers and architects. While both are design professions, they do not possess the technical knowledge of landscape architects and therefore do not provide adequate service to their client. In my opinion, it comes down to the public not have a clear understanding of the value that a landscape architect brings to a project. Another issue is preventing landscape designer from advertising themselves as landscape architects. Landscape architects have a more extensive college curriculum and also are required to pass a licensure exam to make sure you can design spaces that are safe for the public. Taking this into consideration, any landscape designer attempting to work on a project as a landscape architect may be designing a space that is not safe for public use. The penalties associated with this misrepresentation should be harsher than the current penalties.”

Respondent #21 – “Lack of quality of landscape installation if not supervised by a landscape architect.”

Respondent #22 – “a couple of thoughts - 1. bringing new students into the profession - nationally, we are a smaller number of LA's and there is a need to increase the number of professionals to keep up with the demand and opportunities. 2. pushing graduates to take the national exam to become licensed. this is a long process and time consuming and expensive. But a critical component to our profession.”

Respondent #23 – “Respect from other site design professionals.”

Respondent #24 – “16 required CEU credits annually. This is my biggest complaint and issue. I contemplate giving up my AL license simply because of this requirement and the struggle to obtain 16 CEU's in one year. Almost all other states are 12 annually or 24 biannually.”

Respondent #25 – “none”.

Respondent #26 – “I do not live in Alabama, so it is difficult for me to answer this question. I would suggest a newsletter to all of the Alabama licensed landscape architects that identifies any licensing issues.”

Respondent #27 – “Providing sustainable design for the future.”

2. Do you think regulation of your profession by the Board of Examiners of Landscape Architect is necessary to protect the public welfare?

Yes	27	100%
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3. Do you think any of the Board's laws, rules, or policies are an unnecessary restriction on the practice of your profession?

Yes	3	11%
No	21	78%
Unknown	2	7%
No Opinion	1	4%

4. Are you adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and laws?

Yes	20	74%
No	3	11%
Unknown	4	15%

5. Do you consider mandatory continuing education necessary for the competent practice of your profession?

Yes	21	78%
No	5	18%
No Opinion	1	4%

6. Does the Board respond to your inquiries in a timely manner?

Yes	26	96%
No	1	4%

7. Do you have any other comments you would like to make?

Respondent #1 – “I do not.”

Respondent #2 – “I appreciate the Board and what they do for the profession.”

Respondent #3 – “None”

Respondent #4 – “I would like to see Alabama move to a two-year registration renewal period like Georgia. Alabama's license is twice as expensive and requires twice as much continuing education.”

Respondent #5 – “Going through the license process is too expensive, young people coming out of school or having worked a few years can't afford it”

Respondent #6 – “N/a.”

Respondent #7 – “None.”

Respondent #8 – “None.”

Licensee Questionnaire

Respondent #9 – “I am currently licensed in three states and have held licenses in two additional states. The number of hours of CEC is twice or three times the other states I hold licenses. Continuing Education is a good practice, but Alabama has gone overboard with the hour requirements. There is also a problem with finding courses that document Health Safety and Welfare in their course titles or certificates. I took a high level course on retaining wall engineering that did not have the documentation of HSW when it obviously is extremely important to those topics.”

Respondent #10 – “landscape architecture is an ever evolving profession that involves horticulture, architecture, civil engineering and forestry under its discipline's umbrella. Were uniquely educated to evaluate both the technical aspects of a situation, but the aesthetics as well (see the detention ponds at interstate rest areas for of where an LA could have made a difference--they look like detention ponds instead of a natural pond). Registration and CE are vital for maintaining the HSW of the public with regard to what LAs do. A registered LA, knowing the level of education, and testing needed to reach that designation, is a plus to the public. Knowing that a professional has completed an examination that tests the honest aspects of what we do is fundamentally necessary for the protection of the public.”

Respondent #11 – “The Sunset Committee should continue with Landscape Architecture Licensure.”

Respondent #12– “I think there should be more and effective communication between the Board and licensees.”

Respondent #13 – “No.”

Respondent #14 – “I am licensed in several states and seek resources that support our projects. I complete continuing education because I need it to be competitive. I'm not sure the State needs to monitor it.”

Respondent #15 – “The regulation of Landscape Architecture is critical. We are not landscape designers only concerned with plant material and its arrangement. We are able to set site grades, provide site design, and design amenity spaces for the public. Its highly important that any person providing these services have a high understanding of codes, federal law, and best practices to preserve the health, safety, welfare of the public. By regulating the profession, the State of Alabama is demonstrating its commitment to protecting the public by ensuring the previously mentioned standards are maintained. The current state law does not preclude anyone from providing landscaping services for someone's backyard.”

Respondent #16 – “I am landscape architect that is licensed in multiple states and the Alabama Board of Landscape Architects staff has been a wonderful resource whenever I've had a question. They have always been very helpful, responsive and professional in their work. They represent the Board well and have been excellent ambassadors for the State of Alabama.”

Respondent #17 – “Alabama is not my home state. I'm licensed in 3 states and Alabama is the most responsive. Kudos to the job they are doing.”

Respondent #18 – “Please do not de-regulate landscape architects. This is a health and public safety issue.”

Respondent #19 – “Not at this time.”

Respondent #20 – “No.”

Respondent #21 – “Preparation of concepts and construction documents, and construction oversight of landscape projects by registered landscape architects are essential to ensure the

Licensee Questionnaire

quality of these projects that is needed to protect the health, safety and welfare in our state and of its citizens.”

Respondent #22 – “The board has been very responsive to my questions and concerns. A great group of dedicated professionals. the board is critical to the success of our profession in that they are watching over the profession and fulfilling their role in protecting the profession while being a source of guidance for us landscape architects.”

Respondent #23 – “No other comments.”

Respondent #24 – “I believe in requiring continuing education however, the issue I have with AL continuing education is the amount that is required on an annual basis. Most states require 12 LACES/HSW credits annually or 24 biannually. AL requires 16 annually and the four additional credits are excessive in my opinion. Annually, I attend FLASLA convention and the national ASLA convention in order to obtain my required CEU's for the year. This year, attending both conferences, I was not able to complete all 16 credits. This is an issue for me as it takes more time and money to obtain those four extra educational credits just to satisfy AL CEU requirements. I would like to see AL drop their requirement down to 12 LACES/HSW credits annually vs the current 16 required; this would be in line with most other states and make it more obtainable by attending the events I listed.”

Respondent #25 – “None.”

Respondent #26 – “I am currently licensed in three states, and was previously licensed in six states... It would be helpful if all of the state boards could agree on one standard amount of CEU's.”

Respondent #27 – “None.”

APPENDICES

Applicable Statutes

Section 34-17-1 Definitions

For purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

- (1) BOARD. The Alabama State Board of Examiners of Landscape Architects.
- (2) LANDSCAPE ARCHITECT. A person who is engaged or offers to engage in the practice of landscape architecture, as hereinafter defined in this state.
- (3) LANDSCAPE ARCHITECTURE. The performance of professional services such as consultation, investigation, research, planning, design, preparation of drawings and specifications and responsible supervision in connection with the development of land areas where, and to the extent that the dominant purpose of such services is the preservation, enhancement, or determination of proper land uses, natural land features, planting, naturalistic and aesthetic values, the settings and approaches to structures or other improvements, the setting of grades and determining drainage and providing for standard drainage structures, and the consideration and determination of environmental problems of land including erosion, blight, and other hazards. This practice shall include the design of such tangible objects and features as are incidental and necessary to the purpose outlined herein but shall not include the design of structures or facilities with separate and self-contained purposes such as are ordinarily included in the practice of engineering or architecture and shall not include the making of land surveys of final plats for official approval or recordation. Nothing contained herein shall preclude a duly licensed landscape architect from performing any of the services described in the first sentence of this subsection in connection with the settings, approaches, or environment for buildings, structures, or facilities. Nothing contained in this chapter shall be construed as authorizing a landscape architect to engage in the practice of architecture, engineering, or land surveying as these terms are defined in *Section 34-17-27*.

(Acts 1971, No. 2396, p. 3819, § 1.)

Section 34-17-2 (Final placement and text of 2019 legislation is subject to editorial action of the Code Commissioner) Board of Examiners of Landscape Architects -- Creation; composition; compensation.

(a) There is created the Alabama Board of Examiners of Landscape Architects which shall consist of three members. The board shall be appointed by the Governor with the advice and consent of the Senate. In appointing members to the board, the Governor shall select those persons whose appointments, to the extent possible, ensure that the membership of the board is inclusive and reflects the racial, gender, urban/rural, and economic diversity of the state. The members of the board, after the appointment of the original board, shall be registered landscape architects of recognized standing having engaged in the practice of landscape architecture in the State of Alabama for a period of two years or more at the time of their appointments and shall be citizens of this state. The terms of office of the members shall be three years, of which one term expires each year. Any vacancy occurring at any time in the membership of the board shall be filled by the Governor appointing a successor for the unexpired term.

(b) The members of the board shall receive no salary or other compensation for their services as members but shall be reimbursed for reasonable and necessary expenses incurred in carrying out their duties.

(c) The board shall elect annually from its members a chair and a secretary, and the board shall hold at least two or more meetings each year.

(d) Each member of the board shall take the oath of office as prescribed by the Constitution of Alabama of 1901.

(Acts 1971, No. 2396, p. 3819, § 7; Act 2003-60, p. 91, § 3; Act 2011-166, p. 315, § 3.)

Section 34-17-3 Board of Examiners of Landscape Architects -- Powers and duties generally.

(a) The board shall have the powers and duties listed in this section.

(b) The board shall have such employees as may be provided in the annual state budget.

(c) The board may make, adopt, and amend such rules and regulations as it deems necessary to carry out the provisions of this chapter.

(d) The board shall hold at least one meeting per year for the purpose of examining candidates for registration as landscape architects. It may hold such other meetings and hearings as required for the proper performance of its duties under this chapter.

(e) The board may adopt a seal for use in transacting its official business.

(f) The board shall keep a record of its proceedings and shall make an annual report thereon to the Governor.

(g) For the purpose of enforcing the provisions of this chapter, the board:

(1) May conduct investigations and hold hearings concerning any matter covered by this chapter at any time or place within the State of Alabama.

(2) May administer oaths and affirmations, examine witnesses, and receive evidence.

(Acts 1971, No. 2396, p. 3819, § 8.)

Section 34-17-4 Corporation or partnership not to be licensed or registered to practice; practice deemed personal right; final drawings, etc., to bear signature and seal; partnerships and corporations authorized as vehicle for practice.

(a) A corporation or partnership, as such, may not be licensed or registered to practice landscape architecture, but may, if issued a certificate of authorization by the board, use any form of the title "landscape architect" in connection with the corporate or partnership name.

(b) The right to engage in the practice of landscape architecture is a personal right, based upon the qualifications of the individual evidenced by his or her license and is not transferable. All final drawings, specifications, plans, reports, or other papers or documents involving the practice of landscape architecture, as defined in Section 34-17-1, when issued or filed for public record, shall be dated and bear the signature and seal of the landscape architect or landscape architects who prepared or approved them.

(c) Nothing in subsections (a) and (b) of this section shall be construed to prevent the formation of partnerships and corporations as a vehicle for the practice of landscape architecture subject to all the following conditions:

(1) The practice of or offer to practice landscape architecture for others as defined in Section 34-17-1 by individual landscape architects licensed under this chapter through a corporation as officers, employees, or agents, or through a partnership as partners, officers, employees, or agents, or the offering or rendering of landscape architecture services by a corporation or

partnership through individual landscape architects licensed under this chapter is permitted, subject to the provisions of this chapter if all the following requirements are satisfied:

a. One or more of the corporate officers in the case of a corporation, or one or more of the partners in the case of a partnership, is designated as being responsible for the professional services described in Section 34-17-1 of the corporation or partnership and is a landscape architect under this chapter.

b. All personnel of the corporation or partnership, who act in its behalf as landscape architects, are licensed under this chapter.

c. The corporation or partnership has been issued a certificate of authorization by the board, as hereinafter provided. The requirements of this chapter shall not prevent a corporation and its employees from performing landscape architectural services for the corporation, subsidiary, or affiliated corporations. § 34-17-4. Corporation or partnership not to be licensed or.

(2) A corporation or partnership desiring a certificate of authorization shall file with the board an application on forms provided by the board listing relevant information, including the names and addresses of all officers and members of the corporation, or officers and partners of the partnership, and also of an individual or individuals duly licensed to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture in this state through the corporation or partnership, and other information required by the board, accompanied by an original authorization fee to be determined by the board. A form, giving the same information, shall accompany the annual renewal fee to be determined by the board. In the event there is a change in any of these persons during the year, the change shall be designated on the same form and filed with the board within 30 days after the effective date of the change. If all of the requirements of this section are met, the board shall issue a certificate of authorization to the corporation or partnership, and the corporation or partnership shall be authorized to contract for and to collect fees for landscape architectural services.

(3) No corporation or partnership shall be relieved of responsibility for conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing landscape architecture as defined in Section 34-17-1 be relieved of responsibility for landscape architectural services performed by reason of his or her employment or relationship with such corporation or partnership.

(Acts 1971, No. 2396, p. 3819, § 10; Acts 1995, No. 95-283, p. 523, § 3.)

Section 34-17-5 (Final placement and text of 2019 legislation is subject to editorial action of the Code Commissioner) Grounds for disciplinary actions. Effective: August 1, 2019

(a) Each of the following facts shall constitute a ground for disciplinary action:

(1) That the holder of a certificate of registration is practicing in violation of this chapter or the rules of the board.

(2) That the holder of a certificate has obtained the certificate by fraud or misrepresentation, or that the person named in the certificate has obtained it by fraud or misrepresentation.

(3) That the holder of a certificate is impersonating a landscape architect or former landscape architect of the same or similar name, or is practicing under an assumed, fictitious, or corporate name.

(4) That the holder of a certificate has aided or abetted in the practice of landscape architecture any person not authorized to practice landscape architecture under this chapter.

(5) That, in the practice of landscape architecture, the holder of a certificate has been found guilty of fraud or deceit.

(6) That, in the practice of landscape architecture, the holder of a certificate has been found guilty of negligence or willful misconduct.

(7) That the holder of a certificate has been found guilty of gross incompetence.

(8) That the holder of a certificate has affixed his or her signature to plans, drawings, specifications, or other instruments of service which have not been prepared by him or her or under his or her immediate and responsible direction or has permitted his or her name to be used for the purpose of assisting any person, not a landscape architect, to evade this chapter.

(b) For violations of the preceding subsection, or for violations of this chapter, or for violations of board rules, the board shall have the following disciplinary powers:

(1) To reprimand a board licensee.

(2) To levy an administrative fine against a licensee of the board not to exceed two thousand five hundred dollars (\$2,500) per violation.

(3) To refuse to issue a certificate to an applicant of the board.

(4) To suspend a licensee's certificate for a definite period of time.

(5) To revoke the certificate of a licensee.

(c) The board, by rule, shall adopt a disciplinary code.

(Acts 1971, No. 2396, p. 3819, § 12; Acts 1991, No. 91-152, p. 191, § 3; Act 2019-186, § 1.)

Section 34-17-6 Landscape Architect's Fund

The secretary of the board shall receive and account for all moneys derived under the provisions of this chapter and shall not later than the tenth day of each month pay all such moneys collected during the previous month to the State Treasurer, who shall keep such moneys in a separate fund to be known as the "Landscape Architect's Fund." Such fund shall be kept separate and apart from all other moneys in the Treasury and shall be paid out for the expenses and compensation of the board and for enforcing this chapter only by warrant of the Comptroller upon the Treasurer, upon itemized vouchers, approved by the president and attested by the secretary of the board; provided, that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Article 4 of Chapter 4 of Title 41 of this Code. Under no circumstances shall the total amount of warrants issued by the Comptroller in payment of the expenses and compensation of the board and of enforcing this chapter exceed the amount provided therefor by the Legislature in the general appropriation bill.

(Acts 1971, No. 2396, p. 3819, § 15.)

Section 34-17-7 Penalties

Any person who, without possessing a valid, unrevoked certificate as provided in this chapter, uses the title or term "landscape architect" in any sign, card, listing, advertisement, or in any other manner implies or indicates that he or she is a landscape architect, as defined in this chapter, shall be guilty of a Class A misdemeanor and, upon conviction thereof, shall be punished as provided by law. All fines collected pursuant to this section shall be remitted by the court or officer collecting them to the State Treasurer and credited to the Landscape Architect's Fund in the State Treasury.

(Acts 1971, No. 2396, p. 3819, § 11; Act 99-91, p. 107, § 3.)

Section 34-17-20 Required

(a) In order to safeguard public welfare, health, and property and to promote public good, any person practicing or offering to practice landscape architecture, privately or in public service,

shall be required to submit evidence that he or she is qualified to practice as hereinafter provided. It shall be unlawful for any person to practice landscape architecture or to use the term or title "landscape architect" or "registered landscape architect" unless duly licensed under the provisions of this chapter.

(b) The state board shall adopt a program of continuing education for its licensees not later than October 1, 1993, and after that date no licensee shall have his or her active license renewed unless, in addition to any other requirements of this chapter, the minimum continuing annual education requirements are met. It is further provided that the continuing education program herein required shall not include testing or examination of the licensees in any manner.

(Acts 1971, No. 2396, p. 3819, § 12; Acts 1991, No. 91-152, p. 191, § 3; Act 2012-431, p. 1188, § 1.)

Section 34-17-21 Qualifications of applicant

For licensing as a landscape architect, the following evidence shall be submitted that the applicant:

(1) Is at least 19 years of age.

(2) Has, before making application to the board, completed the course of study in and been graduated from a college or school of landscape architecture approved by the board. The application for examination shall be accompanied by proof of actual practical experience in landscape architectural work of a grade and character satisfactory to the board. Each complete year of study in an approved college or school of landscape architecture shall be accepted in lieu of one year of practical experience, and the applicant shall submit evidence of sufficient additional acceptable experience to total five years of combined education and practical experience. The master's or doctoral degree in landscape architecture shall fulfill the requirements for five years combined education and practical experience. The applicant shall also submit proof of one additional year of practical experience sufficient to total six years of combined education and practical experience. In lieu of graduation from an accredited college or school of landscape architecture, and the practical experience in addition thereto, an applicant may be admitted to the examination upon presenting evidence of at least eight years of actual practical experience in landscape architectural work of a grade and character satisfactory to the board. In order to qualify for the exemption from the requirement to obtain a degree in landscape architecture based on eight years of practical experience, an applicant must have begun accepting practical experience prior to August 1, 2012.

(3) Is a citizen of the United States or, if not a citizen of the United States, is a person who is legally present in the United States with appropriate documentation from the federal government.

(Acts 1971, No. 2396, p. 3819, § 3; Acts 1991, No. 91-152, p. 191, § 3; Acts 1995, No. 95-283, p. 523, § 3; Act 2011-166, p. 315, § 3; Act 2012-431, p. 1188, § 1; Act 2013-210, p. 478, § 1(b).)

Section 34-17-22 Examinations -- Schedule; conduct

Examinations for the license shall be held by the board at least once each year. The board shall adopt rules and regulations covering the subjects and scope of the examinations, shall publish appropriate announcements and shall conduct the examinations at the times designated. Except as hereinafter provided in this chapter to the contrary, every applicant for licensing as a landscape architect shall be required, in addition to all other requirements, to establish by a board approved examination, which may be digital, his or her competence to plan, design, specify, and

supervise the installation of landscape projects. Each board approved examination may be supplemented by such oral examinations as the board shall determine.
(Acts 1971, No. 2396, p. 3819, § 4; Act 2012-431, p. 1188, § 1.)

Section 34-17-23 Examinations -- Exemptions

The board may exempt from examination an applicant who holds a license of certificate to practice landscape architecture issued to him or her upon examination by a legally constituted board of examiners of any other state or Washington, D.C. or any other territory or possession under the control of the United States; provided, that such requirements of the state in which the applicant is registered are equivalent to those of this state.
(Acts 1971, No. 2396, p. 3819, § 5.)

Section 34-17-24 Fees -- Payment; receipt

(a) Every landscape architect shall pay an annual license fee to the board. The fee shall be due and payable on the first day of January of each year and shall become delinquent after the thirty-first day of January.

(b) If the annual license fee is not paid before it becomes delinquent a penalty of \$50.00 shall be added to the amount thereof per year.

(c) If the annual license fee and penalty are not paid before the fifteenth day of March in the year in which they become due, the landscape architect's certificate shall be suspended from and after the expiration of 30 days from the date of mailing of notice of such delinquency by registered or certified mail, return receipt requested, postage prepaid and addressed to the landscape architect at his or her address as it appears on the records of the board. The notice of delinquency shall state that upon the expiration of time herein allowed his or her certificate will be suspended unless, within that time, the annual license fee and penalty are remitted.

(d) After the certificate has been suspended, it may be reinstated upon the payment of the annual license fee and such proof of the landscape architect's qualifications as may be required in the sound discretion of the board.

(e) The board shall issue a receipt to each landscape architect promptly upon payment of the annual license fee.

(Acts 1971, No. 2396, p. 3819, § 13; Acts 1982, No. 82-345, p. 498, § 4; Act 2012-431, p. 1188, § 1.)

Section 34-17-25 (Final placement and text of 2019 legislation is subject to editorial action of the Code Commissioner) Fees -- Amount. Effective: August 1, 2019

The fees prescribed by this chapter shall be in the following amounts:

- (1) The fee for application to the board is one hundred fifty dollars (\$150).
- (2) The fee for examination or reexamination shall be in an amount as established by the board in order to cover all costs of examination, but in no event shall the fee exceed the actual cost of preparing and administering the examination.
- (3) The fee for an original certificate is fifty dollars (\$50).
- (4) The fee for a duplicate certificate is fifty dollars (\$50).
- (5) The annual license fee is one hundred fifty dollars (\$150).
- (6) The delinquent penalty fee is as provided in Section 34-17-24.

(7) The fee for administration of the supplemental examination on the laws governing the practice of landscape architecture in Alabama is one hundred fifty dollars (\$150).

(Acts 1971, No. 2396, p. 3819, § 14; Acts 1982, No. 82-345, p. 498, § 4; Acts 1987, No. 87-157, p. 217, § 3; Acts 1991, No. 91-152, p. 191, § 3; Acts 1995, No. 95-283, p. 523, § 3; Act 2003-60, p. 91, § 3; Act 2012-431, p. 1188, § 1; Act 2019-186, § 1.)

Section 34-17-26 Reciprocity

The board, subject to the provisions of this chapter and the rules and regulations of the board promulgated thereunder prescribing the qualifications for a landscape architect license, may permit the practice of landscape architecture in this state under a landscape architect license issued under the laws of any other state or country, upon payment of the current fee established by the board, and upon submission of all of the following evidence satisfactory to the board:

(1) That the other state or country maintained a system and standard of qualifications and examinations for a landscape architect license which were substantially equivalent to those required in this state at the time the license was issued by the other state or country.

(2) That the other state or country gives similar recognition and endorsement to landscape architect licenses of this state.

(Acts 1971, No. 2396, p. 3819, § 6; Acts 1995, No. 95-283, p. 523, § 3)

Section 34-17-27 Exemptions

This chapter shall not be construed to require licensing in the following cases:

(1) The practice of landscape architecture by any person who acts under the supervision of a registered landscape architect or by an employee of a person lawfully engaged in the practice of landscape architecture and who in either event does not assume responsible charge of design or supervision;

(2) The practice of architecture by a duly registered professional architect and the doing of landscape architectural work by a registered architect or by an employee under supervision of a registered architect, when such work is incidental to their practice;

(3) The practice of engineering by a duly registered professional engineer and the doing of landscape architectural work by a registered engineer or by an employee under supervision of a registered engineer, when such work is incidental to their practice;

(4) The practice of surveying by a duly registered professional land surveyor and the doing of landscape architectural work by a registered professional land surveyor or by an employee under supervision of a registered professional land surveyor, when such work is incidental to their practice;

(5) The practice of landscape architecture by employees of the United States government while engaged within this state in the practice of landscape architecture for the government;

(6) The practice of planning as customarily done by regional or urban planners;

(7) The practice of arborists, foresters, gardeners, home builders, and horticulturists; or

(8) The practice of any nurseryman, general or landscape contractor, such practice to include design, planning, location, and arrangements of plantings or other ornamental features.

(Acts 1971, No. 2396, p. 3819, § 9.)

Professional Services by Vendor

	2017-2018	2018-2019	2019-2020	2020-2021
<u>Administrative Services</u>				
<i>Advertising</i>				
Legislative Services Agency	\$ 300.00	\$ 160.00	\$ 100.00	\$ -
<i>Auditing/Accounting</i>				
Warren and Company, Inc.	24,000.00	26,000.00	30,000.00	30,000.00
<i>Education and Training</i>				
AL. Assoc. Of Regulatory Boards	-	150.00	-	-
Council of Landscape Architectural Registration Boards Inc.	2,400.00	975.00	-	-
Total Administrative Services	26,700.00	27,285.00	30,100.00	30,000.00
<u>Legal Services</u>				
Attorney's General	-	375.00	757.50	300.00
Total Legal Services	-	375.00	757.50	300.00
<u>Data Processing</u>				
<i>Department of Finance</i>				
Data Processing	1,704.50	-	-	-
Mailing Services	25.35	11.90	15.30	10.60
Interfund Contract Services	1,650.00	3,300.00	3,300.00	-
Comptroller Services	359.05	457.79	711.89	682.75
<i>Office of Information Technology</i>				
Data Processing	987.50	739.25	1,262.25	1,266.75
Total Data Processing	4,726.40	4,508.94	5,289.44	1,960.10
Total Professional Services	\$ 31,426.40	\$ 32,168.94	\$ 36,146.94	\$ 32,260.10

Board Members

ALABAMA BOARD OF EXAMINERS OF
LANDSCAPE ARCHITECTS

February 16, 2022

Mrs. Charnelle Martin
Examiners of Public Accounts
401 Adams Avenue, Suite 280
Montgomery, AL 36104

Dear Ms. Martin,

Please find the following individuals that have served on the Board during the examination period.

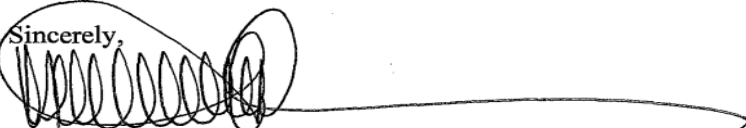
Lea Ann Macknally, Chair
Birmingham, AL 35233
Expiration: 1/3/21

Chad Watkins, Secretary
Foley, AL 36535
Expiration: 1/3/2023

Julie Stephens
Huntsville, AL 35801
Expiration: 1/3/22

Please do not hesitate to contact me should you need any additional information or have any questions.

Sincerely,



Keith E. Warren
Executive Director

2777 Zelda Road, Montgomery, AL 36106 Phone: 334-262-1351 Fax: 334-263-6115
landscapeboard@alstateboard.com

Board's Response to Significant Issue

ALABAMA BOARD OF EXAMINERS OF
LANDSCAPE ARCHITECTS

May 3, 2022

Maria L. Catledge
Director, Operational Division
Examiners of Public Accounts
401 Adams Avenue, Suite 280
Montgomery, Alabama 36104-4338

Dear Ms. Catledge,

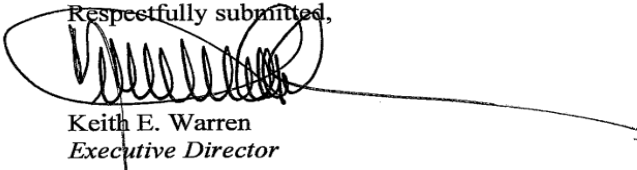
I am in receipt of the significant issue provided in your letter on April 26, 2022. Please find the response to the significant issue below:

Significant Issue 2022-01

The Board will review the questionnaires and responses once the report is issued in order to address the concerns of other professionals exempt in the statute. There are several exemptions provided for in §34-17-27, Code of Ala., 1975, that the Board will review these to determine if all are still relevant and necessary. If changes need to be made, the Board will prepare legislative changes to present for the 2023 Regular Legislative Session.

Thank you for your assistance in this matter and please do not hesitate to contact me should you have any questions or need any additional information.

Respectfully submitted,



Keith E. Warren
Executive Director

2777 Zelda Road, Montgomery, AL 36106 Phone: 334-262-1351 Fax: 334-263-6115
landscapeboard@alstateboard.com