

Bylaws and Rules
Of
The State Board of Landscape Architects

Outline of Contents

1.0 – Preamble and Bylaws

1.1 – Preamble

1.2 – Board Bylaws

2.0 – Abbreviations and Definitions

2.1 – Abbreviations

2.2 – Definitions in Alphabetical Order

3.0 – Rules of Conduct

3.1 – Licensees Shall Hold Paramount the Safety, Health and Welfare of the Public in the Performance of Their Professional Duties

3.2 – Licensees Shall Perform Services Only in the Areas of Their Competence

3.3 – Licensees Shall Issue Professional Statements Only in an Objective and Truthful Manner

3.4 – Licensees Shall Act in a Professional Manner for Each Employer or Client and Shall Avoid Conflicts of Interest

3.5 – Licensees Shall Avoid Improper Solicitation of Professional Employment

3.6 – Licensees Shall Exercise Independent Professional Judgment

4.0 – Rules of Administrative Procedure

4.1 – Applications

4.2 – Applicants with Degrees from Foreign Schools

4.3 – Applications

4.4 – References and Verifications for Qualified Work Experience

4.5 – Criteria for the Evaluation of Education and Experience

4.6 – Examinations

4.7 – Expired Licenses

4.8 – Sanctions and Disciplinary Actions

5.0 – Rules of Landscape Architecture Practice

5.1 – Sealing Requirements for Licensed Landscape Architects

5.2 – Landscape Architect's Certification

5.3 – Responsibilities of Landscape Architects Providing Expert Testimony and Litigation Consulting

5.4 – Title Protection

6.0 – Rules of Board Procedure

6.1 – Declaratory Orders

DEPARTMENT OF REGULATORY AGENCIES

Landscape Architects Board

BYLAWS AND RULES OF THE STATE BOARD OF LANDSCAPE ARCHITECTS

4 CCR 729-1

1.0 Preamble and Bylaws

1.1 Preamble.

The basis of these Bylaws and Rules is the authority granted the Board by Sections 12-45-107(1)(a) of the Colorado Revised Statutes (C.R.S.).

The rules of the Colorado State Board of Landscape Architects shall be known, and may be cited, as “the Rules” or “these Rules.”

The Bylaws and Rules are necessary to insure the proper performance of the duties of the Board by the regulation of meetings, records, examinations, and the procedures thereof and to safeguard life, health, and property, to promote the public welfare, and to establish and maintain a high standard of integrity and practice. The Rules shall be binding on every person holding a license authorized to offer or perform or practice landscape architecture in Colorado.

All persons licensed under Title 12, Article 45, C.R.S., are charged with having knowledge of the existence of these Rules and shall be deemed to be familiar with their provisions and to understand them.

These Rules are severable. If one Rule or portion of a Rule is found to be invalid, all other Rules or portions of Rules that can be enforced without the invalid Rules shall be enforced and shall remain valid.

1.2 Board Bylaws

1.2.1 Board Name. The name of the Board shall be the State Board of Landscape Architects, hereinafter referred to as the Board.

1.2.2 Board Meetings. The Board shall hold at least two regular meetings in each calendar year, as required by law. Notice of regular meetings shall be given as required by Section 24-6-402(2), C.R.S. All meetings of the Board are open to the public except when the Board meets in executive session as allowed by Section 24-6-402, C.R.S.

Special meetings may be called at any time by order of the Chair of the Board, or upon the written request therefore signed by three members of the Board; the written request shall be filed with the program director. The program director shall provide notice of all special meetings to each member of the Board at least two weeks prior to said meeting unless a majority of the members of the Board waive such notice.

1.2.3 Board Organization. At the initial meeting of the Board, and thereafter at the regular meeting of the Board in July, the Board shall organize by electing from its members a Chair, Vice-Chair, and Secretary. The Chair shall appoint from the members of the Board such standing committees as the Chair deems necessary.

1.2.4 Board Voting. All members of the Board including the Chair are entitled to vote and to make or to second motions. A majority vote of those present is required to pass a motion. The Chair shall vote as a member of the Board.

1.2.5 Rules of Order. To the extent practicable, the latest edition of "Roberts Rules of Order" shall govern the normal proceedings of the Board.

1.2.6 Communication. Communication with the Board regarding Board business is encouraged through the Program Director and Board office. In the event any person contacts a Board member outside the Board meeting regarding any matter relevant to the laws and Rules regulating the practice of landscape architecture, or any other matter before the Board, any expression of opinion by that Board member will be exclusively the Board member's opinion and will in no way commit the Board.

1.2.7 Disciplinary Proceedings. Disciplinary proceedings of the Board are governed by the Administrative Procedure Act, specifically Section 24-4-105, C.R.S.

1.2.8 Other Bylaws and Policies. The Board may adopt other bylaws for the conduct of meetings, accommodation of hardships, delegation of administrative duties, and other routine business matters.

2.0 Abbreviations and Definitions

Terms defined in Title 12, Article 45, C.R.S., and used in these Rules shall have the same meaning as set forth in the Rules.

2.1 Abbreviations

ABET – Accreditation Board for Engineering and Technology

CLARB – The Council of Landscape Architectural Registration Boards or its successor

C.R.C.P. – Colorado Rules of Civil Procedure

C.R.S. – Colorado Revised Statutes

LAAB – The Landscape Architectural Accreditation Board

L.A.R.E – The current Landscape Architect Registration Examination, prepared by CLARB

NAAB – National Architectural Accreditation Board

PLANET – The Professional Landcare Network

2.2 Definitions in Alphabetical Order

Act. The "Act" shall refer to the Landscape Architects Professional Licensing Act, Title 12, Article 45, C.R.S.

Advertisement. The attempt by publication, dissemination, solicitation, or circulation, whether by visual, oral, electronic, or written means, to induce, directly or indirectly, any person to enter into an agreement for the professional services of a landscape architect.

Core Area of Knowledge. See definition of the Practice of Landscape Architecture.

Director. The Director of the Division of Registrations, or the Director's designee.

Direct Supervision. That degree of supervision by a person overseeing the work of another, where both work in the same office in circumstances where personal contact is routine, and the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.

Educational Coursework. An academic year consists of 32 semester hours or 48 quarter hours. Academic experience is earned and credited for the purposes of these Rules in half-year increments. Educational credit is not earned where the individual has failed to earn a grade of "C" or better in a given course.

Exemptions

The Board interprets the language of Sections 12-45-118, C.R.S., as follows:

- (a) Pursuant to Section 12-45-113(2)(o), C.R.S., Architects, Professional Engineers, and Professional Land Surveyors exempted from licensure by Sections 12-45-118(1)(a), (b) and (c), C.R.S., respectively, are not exempt from the Board's jurisdiction if their services are held out as landscape architecture or employ any title restricted by these Rules or Title 12, Article 45, C.R.S.
- (b) The exemption for "Residential Landscape Design", as referenced in Section 12-45-118(1)(d), C.R.S., does not include common area landscape design. The Board may, at its discretion, exercise jurisdiction over the practice of landscape architecture as it affects any common area.
- (c) "Landscape installation and construction services", under Section 12-45-118(1)(f), C.R.S., shall not be construed to include design services. Design-build practice and similar forms of design service delivery, including shop drawings associated with construction documents, are generally subject to the jurisdiction of the Board.
- (d) Employees of the United States government are only exempt under Section 12-45-118(4), C.R.S., when acting in the employ of the United States government and discharging their official duties.

License. A Colorado license to practice landscape architecture, issued by the Board to a person who has satisfied the appropriate requirements of Title 12, Article 45, C.R.S., and these Rules.

Licensee. An individual person holding a License in accordance with Title 12, Article 45, C.R.S., and these Rules.

Practical Experience. All practical experience or training shall meet the Board's approval. So long as it is not inconsistent with these Rules, the Board may use standards developed by CLARB as a guide for determining the adequacy of practical experience or educational equivalents.

Practice of Landscape Architecture. The Board interprets the language of Section 12-45-103(8)(a), C.R.S. to include, but not be limited to, the following substantive knowledge and skills.

Core areas of knowledge within the practice of landscape architecture are generally those identified by the Landscape Architecture Body of Knowledge (LABOK, as developed by CLARB, the American Society of Landscape Architects and other affiliated professional groups), and specifically includes those areas tested on the competency examination, the Landscape Architect Registration Examination (L.A.R.E.). Core areas of knowledge tested on the L.A.R.E. consist of Project and Construction Administration; Inventory Analysis and Program Development; Site Design; Design and Construction Documentation; and Grading, Drainage, and Stormwater Management.

The practice of landscape architecture includes designs, plans, specifications, and contract administration for improvements to public and private property that influence the safety, security, and effective functioning of the built and natural environment. Plan review and other expert services may constitute the practice of landscape architecture, provided special competence in the profession's core areas of knowledge must be applied in the individual's practice.

The practice of landscape architecture includes construction observation of site landscape improvements, as contemplated by Section 12-45-103(8)(a)(III), C.R.S.

Principal. A licensee who is a sole proprietor, or a partner in a partnership, or an officer or director of a corporation, or a member of a limited liability company, any of which is engaged in the practice of landscape architecture.

Record Set. A Record Set is a complete set of contract documents that is identified by the licensee's and consultant's original stamps, signatures, and dates.

Reproduction Drawing. Any copy of an original document.

Supervision of Landscape Architecture. The Board shall interpret "supervision" of landscape architecture as follows:

"Supervision" of landscape architecture shall mean that degree of control a landscape architect is required to maintain over landscape architectural decisions made personally or by others over which the landscape architect exercises supervisory direction and control authority.

- (a) The degree of control necessary for a landscape architect to be in supervision shall be such that the landscape architect:
 - (i) Personally makes landscape architectural decisions, or personally reviews and approves proposed decisions prior to their implementation, including consideration of alternatives whenever landscape architectural decisions that could affect the life, health, property, and welfare of the public are made. In making said landscape architectural decisions, the landscape architect shall be physically present or, through the use of communication devices, be available in a reasonable period of time as appropriate.
 - (ii) Judges the validity and applicability of recommendations prior to their incorporation into the work, including the qualifications of those making the recommendations.
- (b) Landscape architectural decisions that are made by, and are the responsibility of, the practicing landscape architect in supervision are those decisions concerning permanent or temporary work that could create a danger to the life, health, property, and welfare of the public, such as, but not limited to, the following:
 - (i) The selection of landscape architectural alternatives to be investigated and comparison of alternatives for landscape architectural works.
 - (ii) The selection or development of design standards or methods, and materials to be used.
 - (iii) The selection or development of techniques or methods of testing to be used in evaluating materials or completed works, either new or existing.

- (c) As a test to evaluate whether a landscape architect is in supervision, the following must be considered. A landscape architect who signs and seals landscape architectural documents must be capable of answering questions as to the landscape architectural decisions made during the landscape architect's work on the project in sufficient detail as to leave no reasonable doubt as to the landscape architect's proficiency for the work performed. It is not necessary to defend decisions as in an adversarial situation, but only to demonstrate that the landscape architect in supervision made them and possessed sufficient knowledge of the project to make them. Examples of questions to be answered by the landscape architect could relate to criteria for design, methods of analysis, selection of materials and systems, economics of alternate solutions, and environmental considerations. The individual should be able to clearly define the degree of control and how it was exercised and be able to demonstrate that the landscape architect was answerable within said degree of control necessary for the landscape architectural work done.
- (d) The term "supervision" does not refer to financial liability.
- (e) A practicing landscape architect who adopts, signs, and seals landscape architectural work previously produced shall perform sufficient review and calculation to ensure that all standards of practice required of licensees are met, including satisfying the relevant criteria stated in paragraphs (b) and (c) above, and shall take professional and legal responsibility for documents signed and sealed under his/her supervision.

Signature. The term "signature" shall include the terms "manual signature" and "electronic signature" and shall be defined as follows.

- (a) **Manual Signature.** A manual signature is the handwritten name of a person applied to a document that identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document and provides for accountability for the contents of the document.
- (b) **Electronic Signature.** An electronic signature is a digital authentication process attached to or logically associated with an electronic document and shall carry the same weight, authority, and effects as a manual signature. The electronic signature, which can be generated by using either public key infrastructure or signature dynamics technology, must be as follows.
 - (i) Unique to the person using it.
 - (ii) Capable of verification.
 - (iii) Under the sole control of the person using it.
 - (iv) Linked to a document in such a manner that the electronic signature is invalidated if any data in the document are changed.

3.0 Rules of Conduct

3.1 Licensees Shall Hold Paramount the Safety, Health, and Welfare of the Public in the Performance of Their Professional Duties.

This Rule shall include, but not be limited to, the following.

3.1.1 Primary Obligation of Licensees. Licensees shall at all times recognize that their primary obligation is to protect the safety, health, property, and welfare of the public. If their professional

judgment is overruled under circumstances where the safety, health, property, or welfare of the public is endangered, they shall notify their employer or client and/or such other authority as may be appropriate.

3.1.2 Ethical Conduct. Licensees shall conduct the practice of landscape architecture in an ethical manner and shall be familiar with appropriate, recognized codes of landscape architecture ethics.

3.1.3 Responsibility for Seal. Licensees shall be the only persons authorized to use their own seals and shall be personally and professionally responsible and accountable for the care, custody, control, and use of their seals.

3.1.4 Work Product Must Be Safe and Meet Generally Accepted Standards. Licensees shall approve and seal only those design documents that are prepared with applied technical knowledge and skills that provide safety for public health, property, and welfare in conformity with generally accepted landscape architectural standards.

3.1.5 Maintenance of Confidentiality. Licensees shall not reveal confidential facts, data, or information obtained in a professional capacity without prior consent except as authorized or required by law.

3.1.6 Caliber of Association. Licensees shall not permit the use of their name or firm name nor associate in business ventures with any person or firm that they have reason or should have reason to believe is engaged in fraudulent or dishonest business or professional practices.

3.1.7 Cooperation with Board Investigations. Licensees having knowledge of, and/or involvement in, any alleged violation of any of Title 12, Article 45, C.R.S., or these Rules, shall cooperate with any investigation initiated by the Board and furnish such information or assistance as may be requested.

3.1.8 Compliance with Applicable Laws, Regulations, and Codes. Licensees shall exercise appropriate skill, care, and judgment in the application of federal, state, and local laws, regulations, and codes in the rendering of professional services and in the performance of their professional duties. It is a violation of these Rules to violate local, state or federal laws that relate to the practice of landscape architecture.

3.1.9 Reporting Felony Convictions. Licensees, as defined in Section 12-45-101, C.R.S., shall inform the Board, in a manner set forth by the Board, within forty-five (45) days of the conviction of the licensee of a felony under the laws of any State or of the United States.

(a) The conviction of the licensee of a felony under the laws of any State or of the United States is grounds for discipline pursuant to Section 12-45-113(2)(f), C.R.S.

(b) For purposes of this Rule, a "conviction" includes:

1. A guilty verdict;
2. A plea of guilty accepted by the court; or
3. A plea of nolo contendere (no contest) accepted by the court;

(c) The notice to the Board shall include the following information:

1. The court;
2. The jurisdiction;

3. The case name;
 4. The case number; and
 5. A description of the matter or a copy of the indictment or charges.
- (d) The licensee shall inform the Board of the following information within 45 days of such occurrence:
1. The imposition of sentence for the felony conviction; and
 2. The completion of all terms of the sentence for the felony conviction.
- (e) The licensee notifying the Board may submit a written statement with any notice under this Rule to be included in the licensee's record.
- (f) This Rule shall apply to any conviction or plea that occurs on or after April 1, 2009.

3.2 Licensees Shall Perform Services Only in the Areas of Their Competence.

This Rule shall include, but not be limited to, the following.

3.2.1 Practice Only within Expertise. Licensees shall undertake assignments only when qualified by education or experience in the specific technical fields of landscape architecture. Licensees shall undertake to perform professional services only when they, together with those whom the licensee may engage as consultants in the specific areas involved, are qualified by education and experience.

3.2.2 Seal and Sign Only Documents under Supervision. Licensees shall only affix their signatures and seals to plans or documents prepared under their supervision.

3.2.3 Sealing and Signing for Entire Projects. The application of the licensee's seal, signature and date shall constitute certification that the work was done by the licensee or under the licensee's supervision unless limitation of responsibility is expressly defined. Each document shall be sealed, signed and dated by the licensee or licensees in supervision for that document.

3.3 Licensees Shall Issue Professional Statements Only in an Objective and Truthful Manner.

This Rule shall include, but not be limited to, the following.

3.3.1 Objectivity and Truth. Licensees shall be objective and truthful in professional reports, statements, or testimony. Licensees shall not assist the application for a license of an individual known by the licensee to be unqualified with respect to education, practical or professional experience or character.

3.3.2 Serving as Expert or Technical Witness. Licensees, when serving as an expert or technical witness before any court, commission, or other tribunal, shall be an advocate only of their professional opinion, and shall express objective and truthful opinions only when founded upon: (1) Adequate knowledge and analysis of the facts at issue; (2) A background of technical competence in the subject matter at issue; (3) Experience in the appropriate field of landscape architecture; (4) Appropriate professional practice based on sound principles and knowledge of the applicable standard of care at the time of the service; and, (5) Upon honest conviction of the accuracy and propriety of their testimony.

3.3.3 Identification of Interested Parties. Licensees shall identify any personal or financial interest in matters for which they issue professional statements.

3.3.4. Statements Beyond Landscape Architecture. Licensees shall not issue a professional statement in a field of expertise outside of the practice of landscape architecture unless they hold appropriate credentials, such as another professional license, certification or registration to support professed expertise outside the practice of landscape architecture.

3.4 Licensees Shall Act in a Professional Manner for Each Employer or Client and Shall Avoid Conflicts of Interest.

This Rule shall include, but not be limited to, the following.

3.4.1 Conduct that Discredits the Profession. Licensees shall not engage in any conduct that discredits or tends to discredit another licensee or the profession of landscape architecture.

3.4.2 Appearance of Impropriety. Licensees shall avoid the appearance of impropriety in the course of representing or rendering services to an employer or client.

3.4.3 Undue Influence. When representing a client or employer, a licensee shall not exert or attempt to exert undue influence over other professionals, contractors, or public officials. Undue influence means any improper or wrongful exercise of persuasion or control by a licensee in an effort to cause another to do what he or she would not otherwise do if left to act freely.

3.4.4 Conflicts of Interest. If a licensee has any business association or direct or indirect financial interest that may influence the judgment of the licensee in connection with the performance of professional services, the licensee shall fully disclose in writing to the employer or client the nature of the business association or financial interest, and if the employer or client objects to such association or financial interest, the licensee shall either terminate such association or financial interest or offer to surrender the commission or employment.

3.4.5 More Than One Source of Compensation. Licensees shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

3.4.6 Solicitation or Acceptance of Compensation. Licensees shall not solicit or accept financial or other valuable consideration, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients for which the licensee is responsible, unless the circumstances are fully disclosed and agreed to by all interested parties.

3.4.7 Licensees in Public Service. Licensees, who work for private organizations that provide landscape architecture services, who are also in public service as members, advisors, or employees of a governmental body or department, including boards and commissions, shall not participate in decisions with respect to professional services solicited or provided to the governmental body or department by their private organization.

3.4.8 Government Contracts. Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of appropriate public authority.

3.4.9 Status or Scope of Licensure. Licensees shall not misrepresent the status or scope of their licensure for any purpose.

3.5 Licensees Shall Avoid Improper Solicitation of Professional Employment.

This Rule shall include, but not be limited to, the following.

3.5.1 Academic Qualifications and Professional Experience. Licensees or their associates shall not misrepresent or falsify academic or professional qualifications, or exaggerate or misrepresent the pertinent facts or the degree of responsibility for prior work assignments for the purpose of securing or retaining employment by a client.

3.5.2 Recommendations and Employment. Licensees or their associates shall not compensate or give anything of substantial value to a person or organization in order to obtain a recommendation for, or secure or retain employment by a client.

3.5.3 Use of Seal. Licensees or their associates shall not publicize or promote themselves for the purpose of securing or retaining employment by the use of a landscape architect seal or any reproduction thereof.

3.6 Licensees Shall Exercise Independent Professional Judgment.

This Rule shall include, but not be limited to, the following.

3.6.1 Exercise of Judgment. Licensees shall not permit a client, employer, another person, or organization to direct, control, or otherwise affect the licensee's exercise of independent professional judgment in rendering professional services for the client.

3.6.2 Impartial Decisions. Licensees shall render impartial decisions when acting as the interpreter of documents or when acting as the judge of contract performance.

4.0 Rules of Administrative Procedure

This Rule applies to all landscape architecture applicants, examinees, and licensees unless noted otherwise.

4.1 Applications

4.1.1 Complete Applications. A complete application requires that an applicant submit the application, the required fee, and all required documentation as set forth in the Board's published application procedures. Required documentation includes that which the applicant is responsible for submitting and any other documentation that may be required from other sources to support the applicant's file. Any application not complying with these procedures shall be deemed incomplete and the applicant shall be so notified.

4.1.1.1 Applications Eligible for Board Review. To be eligible for Board review, a complete application must be received by the first day of the month prior to the month of the Board meeting at which applications will be reviewed.

4.1.1.2 Disclosure of Disciplinary Records and Other Violations. A person applying for licensure under this Article shall disclose whether she or he has been denied licensure or disciplined as a landscape architect in any jurisdiction, or if she or he has practiced landscape architecture in violation of this Article.

4.1.1.3 Experience Record. In relating landscape architecture professional experience on the application forms, the applicant must account for all employment or work experience. If not employed, or employed in other kinds of work, this should be indicated in the experience record.

4.1.1.4 Verification of Licensure. If verification of an applicant's licensure must be obtained from another state or jurisdiction as part of the application process, that verification must be made in writing on a form approved by the Board and in accordance with published Board procedures. Such verification shall be made under the seal of that state board or jurisdictional agency. Verbal verification shall not be accepted.

4.1.1.5 Board Denial of an Application. An applicant whose application has been denied may submit a request for reconsideration of a decision by the Board, accompanied by additional supporting documentation or information, or may request a personal interview before the Board. These requests must be submitted within 60 days of the date on which the Board made the decision. No additional supporting documentation, requests for reconsideration or interviews will be considered by the Board if they are not filed within this time limit.

4.1.1.6 Applications are Reviewed under Current Statutes and Rules. Applications to take the examination and for licensure are evaluated under the statutes, rules, and regulations in effect at the time that the application is complete. Subsequent applications, including updates within the three-year period within which denied applications are retained, are likewise evaluated under the statutes, rules, and regulations in effect at the time the subsequent application is complete.

4.1.1.7 Application for Licensure by Prior Practice. Repealed.

4.1.1.7.1 Additional Evidence of Competence. Repealed.

4.1.1.7.2 Timeframe for Accumulation of Practical Experience. Repealed.

4.1.1.7.3 Limitation of Statutory Provision on Licensure by Prior Practice. Repealed.

4.1.1.7.4 Determination of Eligibility – Threshold Criteria. Repealed.

4.1.1.8 Application for Licensure by Endorsement. Applicants currently licensed and in good standing in another U.S. jurisdiction may apply for licensure as a landscape architect based upon endorsement from the jurisdiction where licensure was originally obtained.

To obtain a license by endorsement, an applicant must qualify for licensure under the provisions of Sections 12-45-110(1), 12-45-110(2) and 12-45-110(4), C.R.S., and submit a complete application, the required fee, and all required documentation according to the Board's published application procedures. The Board must receive written verification from the jurisdiction where licensure was originally obtained indicating how the applicant qualified for licensure and the status of his or her license.

If the applicant's license is no longer valid in the jurisdiction where licensure was originally obtained, the applicant shall do one of the following in order to be considered for endorsement.

- (a)** Bring his or her license into active status with the jurisdiction where licensure was originally obtained prior to application with this Board.
- (b)** Provide verification of an active license from a second jurisdiction's licensing board and disciplinary history from the jurisdiction where licensure was originally obtained, if the applicant is currently licensed by another jurisdiction's board.

4.1.1.8.1 Licensure by Endorsement from a Foreign Country. When an applicant seeks licensure by endorsement based on a license, or its equivalent, issued by a proper

authority in a foreign country, the applicant shall provide information as to the licensure standards in effect in that country at the time the license, or its equivalent, was issued, with a certified translation in English. Pursuant to Section 12-45-110(4)(a), C.R.S., applicants must have qualifications that are substantially equivalent to those currently required for licensure by examination.

4.1.1.9 Application for Licensure by Examination. For the purposes of Section 12-45-110(2), C.R.S., concerning the education and experience prerequisites, the Board will accept applications for licensure by examination subject to the following:

- (a) In accordance with Section 12-45-110(2)(a)(I), C.R.S., applicants possessing a professional degree from a program accredited by the LAAB or substantially equivalent education and experience must provide evidence demonstrating two years practical experience. Refer to Rule 4.5 for criteria pertaining to practical experience earned through substantial equivalents. Practical experience applied for credit against this requirement shall not be used to satisfy any other educational or experience requirement of these Rules.
- (b) Applicants qualifying for licensure by examination based on practical experience, pursuant to Section 12-45-110(2)(a)(II), C.R.S., shall demonstrate six years of practical experience.
- (c) Applicants qualifying for licensure by examination by a combination of practical experience and education, pursuant to Section 12-45-110(2)(a)(III), C.R.S., shall be evaluated by the Board in accordance with the substantial equivalents for education adopted by the Board (see Rule 4.5.1(c)). Such applicants shall demonstrate the equivalent of six years practical experience, of which education may be a component.
- (d) In accordance with Section 12-45-110(2)(b), C.R.S., the Board shall grant one year of educational or practical experience credit, as appropriate, to applicants for licensure by examination who provide documentation that they have engaged in one year of practical field experience in construction techniques, teaching, or accredited research.
- (e) In accordance with Section 12-45-110(2)(c), C.R.S., graduates of a B.S. or B.A. program accredited through PLANET shall receive three years credit against the practical experience requirements of this Rule 4.1.1.9.

4.1.1.10 Applicants for Licensure Who Have Passed Required CLARB Examinations in Another State or Subsequent to Issuance of a License. Applicants who have passed the required CLARB examinations but have not yet completed the licensing process begun in another state may make application to the Colorado Board. The applicant must meet the licensing requirements in Colorado at the time of application. It is the applicant's responsibility to request written verification from CLARB, or from the state in which the applicant completed the examinations. If the Colorado Board determines that the applicant qualifies for licensure, the applicant's original state of licensure will be Colorado.

4.1.2 Issuance of License. When the Board has determined that an applicant has satisfied the licensing requirements set forth in these Rules and under Title 12, Article 45, Colorado Revised Statutes, has properly filed a complete application, and has paid the prescribed fees, the Board shall issue a license. Licenses shall be specific to the applicant and are not transferable.

4.2 Applicants with Degrees from Foreign Schools.

Applicants who have degrees from foreign colleges, universities, or their equivalents for which they wish to receive educational credit are required to have their foreign transcripts evaluated by a transcript evaluation service approved by the Board. This evaluation will be performed at the applicant's expense, and the applicant will be responsible for submitting all the necessary information to the evaluation service. The Board will consider awarding credit for a foreign degree only if it is evaluated by the Board-approved service. Information regarding the evaluation of foreign degrees is published in the Board's application procedures.

Applicants who have degrees from foreign colleges, universities, or their equivalents who do not wish to receive educational credit for their college education must submit a transcript verifying completion of the equivalent of the high school level of education. An original transcript shall be provided directly from the high school or equivalent educational institution in a sealed envelope. If this transcript is not in the English language, it is the responsibility of the applicant to have the transcript translated into English and submitted directly by the translator to the Board office. This translation will be performed at the applicant's expense.

4.3 Applications.

Applicants for licensure shall be required to meet the licensing requirements of the statutes and rules of the State of Colorado in effect at the time of the original application, fees, and all supporting documents are received by the Board and accepted as complete. An application is deemed complete at the time all supporting documents and fees are received.

4.3.1 Incomplete Applications. The Board will retain an incomplete application for licensure in its pending file, pending receipt from the applicant of all necessary documentation. If all the documentation has not been received in a one-year period, the application will be purged from the Board files.

4.3.2 Approved Examination Applications. The Board retains application forms and supporting documents for persons who have been approved to take the L.A.R.E. or its equivalent for a period of three years from the date of approval by the Board. If an applicant does not successfully take the examination within that three year period, the application will be purged from the Board files.

4.3.3 Denied Applications. The Board retains application forms and supporting documents for persons who have been denied licensure for a period of three years from the date of denial by the Board. After denial of an application, it is necessary for an applicant who wishes reconsideration to file a request in a manner approved by the Board. If an updated application is made within the three-year period within which the Board retains denied applications, an applicant may request that transcripts, letters of reference, or other supporting documents retained by the Board be transferred to, and considered in support of, the application. If the request for reconsideration is not made within the three-year period, the application and the supporting documents will be purged from the Board's files.

4.4 References and Verifications for Qualifying Work Experience.

Completed references shall be submitted on the forms approved by the Board and in accordance with published Board procedures. An applicant shall submit the number of completed references, or other forms of attestation (e.g., employment verification forms), necessary to verify at least the minimum number of years of creditable experience required by statute or Rule for the particular section under which the applicant is applying. An applicant shall provide a detailed and substantiated record of professional and related activities in various practical experience settings. An employer, by verification and signature, affirms to the Board that the activities recorded were actually performed by the applicant.

4.5 Criteria for the Evaluation of Education and Experience.

Creditable education and experience shall conform to the following basic standards. Exceptions to the requirements of this Rule 4.5 may be granted at the discretion of the Board for reasons of individual hardship or other good cause.

4.5.1 Educational Standards

- (a)** To qualify for licensure, an applicant must have a degree from a program accredited and accepted by the LAAB, or, in lieu of an accredited degree, an applicant may satisfy the education requirement by accumulating the required educational credit through a combination of equivalents, as specified herein.
- (b)** An accredited degree program must be listed in LAAB's current Accreditation Report at the time of the candidate's graduation.
- (c)** Equivalent educational experience, pursuant to Section 12-45-110(2), C.R.S., shall be calculated as follows:

 - 1. A Bachelor of Science (B.S.), Bachelor of Arts (B.A.), Bachelor of Science in Landscape Architecture (B.S.L.A.), or Bachelor of Landscape Architecture (B.L.A.) in a program accredited through LAAB, four years credit;
 - 2. A Bachelor of Science (B.S.) or Bachelor of Arts (B.A.) in a program accredited through PLANET, or its successor, three years credit;
 - 3. Non-accredited Bachelor of Science in Landscape Architecture (B.S.L.A.), Bachelor of Landscape Architecture (B.L.A.) or Master of Landscape Architecture (M.L.A.), three years credit;
 - 4. NAAB-accredited Bachelor of Architecture (B.Arch.) or Master of Architecture (M. Arch), two years credit;
 - 5. ABET-accredited degree in Civil Engineering or a Bachelor of Landscape Horticulture or Bachelor of Landscape Design, two years credit; or
 - 6. Any Bachelor's degree, one year credit.
- (d)** In allowing applicants for licensure by examination the opportunity to combine education and experience in fulfilling the minimum qualification requirements established by statute, the Board will apply the following evaluation criteria:

 - 1. Degrees listed above cannot be combined to satisfy the education credit requirement;
 - 2. Practical experience applied as education credit may not also be used to satisfy experience requirements;
 - 3. Any degree awarded less than two years prior to the accreditation of the program will be accepted as an accredited degree; and,
 - 4. Any degree awarded after a program has ceased to be accredited will not be accepted as an accredited degree.
- (e)** Repealed.

4.5.2 Practical Experience Standards

- (a) Practical experience shall be measured in years of diversified practical experience. Diversified practical experience shall consist of work as an employee under the direct supervision of a licensed landscape architect, licensed architect in Colorado, or licensed professional engineer in Colorado, or in the employ of an organization otherwise engaged in the practice of landscape architecture.
- (b) One year of experience is defined as full-time employment for 52 weeks of paid time with a minimum of 35 hours per week. In no case shall it be permissible for applicants to be credited with more than one year in any given year of employment. An applicant shall not receive experience credit for overtime.
- (c) Practical experience shall be credited for teaching landscape architecture in an approved educational program and conducting research in landscape architecture, provided that teaching and research duties demonstrate comprehensive knowledge of the practice of landscape architecture.
- (d) Credit for experience in part-time employment shall be accumulated if the applicant is employed for 52 weeks of paid time with a minimum of 20 hours per week, which will result in one-half year of experience.
- (e) Employment with an employer of less than three months shall not be credited toward practical experience.
- (f) The Board may grant experience credit for post-professional degrees, as verified by a transcript.
- (g) No practical experience may be earned for foreign training other than under the direct supervision of a person practicing landscape architecture as verified in a manner approved by the Board.
- (h) In the evaluation of experience, the Board may require additional substantiation as to the type and nature of the reported experience in order to ensure that the experience meets the criteria enumerated in these Rules.
- (i) Experience may not be anticipated (i.e., the experience must have been received by the time the application is submitted).

4.6 Examinations

4.6.1 Designation of the Exam and Exam Administrator. The examination for competency evaluation shall be the L.A.R.E., as developed and administered by CLARB. Grading of the examination shall be in accordance with the national grading procedure of CLARB. The Board adopts the scoring procedures recommended by CLARB. Examinations and examination results are not subject to review or appeal.

4.6.2 Eligibility to Take the Examination. An applicant who fails to meet the CLARB requirements for examination may apply to the Board for admittance to the examination. Applicants may be admitted to the licensure examination upon demonstrating to the satisfaction of the Board that they have successfully completed the qualifications as set forth in Board Rule 4.1.1.9. An applicant for the examination may elect to take any or all sections of the L.A.R.E. in any sequence desired and allowed by CLARB.

4.6.3 Reapplication to Take the Exam. An applicant who fails to pass any section of the L.A.R.E. may reapply for examination for that section (or those sections) within the Rules and time constraints set forth by CLARB.

4.7 Expired Licenses.

Pursuant to Section 12-45-110(8), C.R.S., a licensee whose license has expired must follow procedures for reinstatement of the license. The licensee shall complete and submit a reinstatement application and pay a fee. In addition, the Board may require demonstration that the licensee whose license has been expired for more than two years has maintained competence (e.g., maintained a license to practice landscape architecture in another state) during the period the license has been expired and to verify his or her work experience during that time. The Board has the discretion to require further examination and/or education of licensees who do not otherwise demonstrate active practice or competence.

4.8 Sanctions and Disciplinary Actions

4.8.1 Complaints. The Board shall investigate written, signed complaints against any licensee. Complaints will be investigated within a reasonable time period. The Board will review investigative findings and action against the license may be taken in accordance with the Administrative Procedure Act.

4.8.2 Disciplinary Action. In accordance with the Administrative Procedure Act, and Section 12-45-114, C.R.S., the Board has discretion to take action against a licensee if the Board finds cause for discipline under Section 12-45-113, C.R.S.

5.0 Rules of Landscape Architecture Practice

5.1 Sealing Requirements for Licensed Landscape Architects

5.1.1 Seal Specifications. Pursuant to Section 12-45-117(1), C.R.S., the seal authorized by the Board for licensees is of the crimp type, rubber stamp type, and/or computer generated type. Each licensee shall procure a stamp, which shall be in the form of two concentric circles. The diameter of the outer circle shall be nominally 2 inches and the diameter of the inner circle shall be nominally 1 inch. The original date that the license number was issued shall be centered in the inner area of the seal in the space occupied by "mm/dd/yyyy" and the size of the numbers shall be the same size of the letters in "mm/dd/yyyy". The letters "mm/dd/yyyy" should not appear on the seal. This stamp shall comply in all respects, including size and format, with the specimen shown below.

The original signature of the individual named on the seal and the date of the signature shall appear across the face of each original seal imprint. A public agency may require a signature (manual or electronic) of the licensee on reproductions. Exception to this Rule is allowed only as required for compliance with a federal contract.



5.1.2 Seal Application. A seal must be applied to either the final reproducible or final reproduction of all of the following.

- (a) Each sheet of landscape architectural technical drawings.
- (b) The cover, title page, and table of contents of specifications bound in book form.
- (c) The title page of details bound in book form and prepared specifically to supplement project drawings.
- (d) The title or signature page of landscape architectural technical reports.

5.1.3 Sealing Documents That Are Complete. Licensees shall sign, date, and stamp original technical drawings that are complete. Complete technical drawings are those deemed to have sufficient detail in the design to satisfy the obligation to protect the public health, safety and welfare.

5.1.4 Sealing Documents That Are Not Final. When a licensee seals landscape architectural documents that are not final, the status of the landscape architectural documents must be identified as preliminary. Further qualifying descriptors may be added (e.g., "for review," "not for construction," "for bid only").

5.1.5 Limiting Scope of Responsibility. When a licensee signs and seals a document, the licensee is responsible for the entire document unless the licensee limits the seal by including a specific written statement adjacent to the seal that accurately reflects the scope of responsibility for the document. All aspects of the work shown on that document must be signed and sealed by the person(s) in responsible charge.

5.1.6 Specifying Manufactured Components in Designs. Licensees may specify manufactured components that are typically selected and used in projects that must be designed by landscape architects. The licensee may show the manufactured component on the drawing or document and is responsible for the correct selection and specification of the manufactured components, but is not responsible for the proper design and manufacture of the manufactured components selected.

5.1.7 Retaining Landscape Architecture Documents. One record set of documents shall be retained in the possession of the licensee for a minimum of three years from the beginning of beneficial use. The record set shall consist of, at a minimum, the sealed, signed, and dated reproducible, or a copy of all documents displaying the licensee's seal, signature, and date. There may be more than one record set.

5.2 Landscape Architect's Certification

5.2.1 Circumstances and Applicable Actions. When a landscape architect is presented with a certification to be signed and/or sealed, the landscape architect should carefully evaluate that certification to determine if any of the following circumstances apply.

- (a) Matters that are beyond the landscape architect's competence, training, or education.
- (b) Matters that are beyond the landscape architect's services actually provided.
- (c) Matters that were not prepared under the landscape architect's responsible charge.

If any of these circumstances apply, the landscape architect shall take either of the following actions.

- (i) Modify such certification to limit its scope to those matters that the landscape architect can properly sign and/or seal.
- (ii) Decline to sign such certification.

5.2.2 Certification Defined. Certification is defined as a statement that includes all of the following.

- (a) Is signed and/or sealed by a licensed landscape architect representing that the landscape architecture services addressed therein have been performed by the licensed landscape architect.
- (b) Is based upon the landscape architect's knowledge, information, and belief.
- (c) Is in accordance with applicable standards of practice.
- (d) Is not a guaranty or warranty, either expressed or implied.

5.3 Responsibilities of Landscape Architects Providing Expert Testimony and Litigation Consulting.

Landscape architects shall have the following duties in the course of providing litigation support:

- (a) Maintain professional integrity and professional candor;
- (b) Do not subordinate professional duties to legal advocacy;
- (c) Apply knowledge of relevant codes, guidelines and standards for landscape architecture practice;
- (d) Notify any persons, including property owners, who may be affected by dangerous conditions revealed in the course of providing litigation support; and,
- (e) Use professional judgment when evaluating the sufficiency of other professional studies and opinions as the basis for new findings and opinions. Landscape architects providing litigation support shall avoid omitting a material fact necessary to keep statements from being misleading.

5.3.1 Allowance for Variation in Opinions. When dealing with matters in litigation, landscape architects may have differing opinions. A difference of opinion between reasonable landscape architects is not a basis for a complaint to the Board.

5.4 Title Protection.

5.4.1 Implementation of Section 12-45-113(2)(o), C.R.S. The use of the title "landscape architect," or "licensed landscape architect" implying the possession of a Colorado license, for the purpose of soliciting or advertising professional services unless licensed, is a violation of Section 12-45-113(2)(o), C.R.S. In accordance with Section 12-45-113(1), C.R.S., the Board must investigate complaints and other evidence of the misuse of such titles.

5.4.2 Holding Out as Registered Landscape Architect (RLA). Use of the designation "RLA" may constitute holding out as a licensed Landscape Architect if it is established that the designation is intended to represent the status of a licensed landscape architect in Colorado.

6.0 Rules of Board Procedure

6.1 Declaratory Orders

6.1.1 Basis of Declaratory Orders. Any person may petition the Board for a Declaratory Order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or of any Rule or order of the Board.

6.1.2 Board Discretion in Considering Petitions. The Board will determine, in its discretion and without notice to petitioner, whether to rule upon any such petition. If the Board determines that it will not rule upon such a petition, the Board shall promptly notify the petitioner of its action and state the reasons for such action.

6.1.3 Basis of Board Consideration of Petitions. In determining whether to rule upon a petition filed pursuant to this Rule, the Board will consider the following matters, among others.

- (a) Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to the petitioner of any statutory provision or Rule or order of the Board.
- (b) Whether the petition involves any subject, question, or issue that is the subject of a formal or informal matter of investigation currently pending before the Board or a court involving one or more of the petitioners.
- (c) Whether the petition involves any subject, question, or issue that is the subject of a formal or informal matter or investigation currently pending before the Board or a court but not involving any petitioner.
- (d) Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
- (e) Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, C.R.C.P., that will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, Rule or order in question.

6.1.4 Requirements of Petitioner. Any petition filed pursuant to this Rule shall set forth all of the following.

- (a) The name and address of the petitioner and whether the petitioner is licensed pursuant to Section 12-45-101, et seq., C.R.S.
- (b) The statute, Rule, or order to which the petition relates.
- (c) A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, Rule, or order in question applies or potentially applies to the petitioner.

6.1.5 Applicable Procedures. If the Board determines that it will rule on the petition, the following procedures shall apply.

- (a) The Board may rule upon the petition based solely upon the facts presented in the petition. In such a case, the following applies.
 - (i) Any ruling of the Board will apply only to the extent of the facts presented in the petition and any amendment to the petition.
 - (ii) The Board may order the petitioner to file a written brief, memorandum, or statement of position.

- (iii) The Board may set the petition, upon due notice to the petitioner, for a non-evidentiary hearing.
 - (iv) The Board may dispose of the petition on the sole basis of the matters set forth in the petition.
 - (v) The Board may request the petitioner to submit additional facts, in writing. In such event, such additional facts will be considered as an amendment to the petition.
 - (vi) The Board may take administrative notice of facts pursuant to the Administrative Procedure Act (Section 24-4-105(8), C.R.S.) and may utilize its experience, technical competence, and specialized knowledge in the disposition of the petition.
 - (vii) If the Board rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.
- (b) The Board may, in its discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner setting such hearing shall set forth, to the extent necessary, that the petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, Rule, or order in question applies or potentially applies to the petitioner, and any other facts the petitioner desires the Board to consider.

6.1.6 Parties to the Proceeding. The parties to any proceeding pursuant to this Rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Board. A petition to intervene shall set forth the same matters as required by Rule 6.1.4. Any reference to a "petitioner" in this Rule also refers to any person who has been granted leave to intervene by the Board.

6.1.7 Standing of Declaratory Orders. Any Declaratory Order or other order disposing of a petition pursuant to this Rule shall constitute an agency action subject to judicial review pursuant to Section 24-4-106, C.R.S.