

LANDSCAPE ARCHITECTURAL EXAMINING BOARD[193D]

Prior to 3/9/88, see Landscape Architectural Examiners Board[540]
[Landscape Architectural Examining Board[193D] created by 1986 Iowa Acts, ch 1245, §728
within the Professional Licensing and Regulation Division[193] of the Commerce Department[181] "umbrella"]

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CHAPTER 1
DESCRIPTION OF ORGANIZATION
[Prior to 3/9/88, see Landscape Architectural Examiners Board[540] Ch 1]

193D—1.1(544B,17A) Definitions. As used in these rules, the following definitions of words and terms shall apply:

“*Board*” means the Iowa landscape architectural examining board.

“*Landscape architect*” means a person who obtains a license and engages in the practice of landscape architecture under the authority of Iowa Code chapter 544B. For the purpose of these rules, a “professional landscape architect” may be referred to as a “landscape architect.”

“*Practice of landscape architecture*” means the rendering of professional service or offering to render professional service to clients, including any one or any combination of the professional services defined in Iowa Code section 544B.1 and 193D—subrule 2.2(1).

193D—1.2(544B,17A) Organization and duties. The board consists of five members who are licensed professional landscape architects and two members who are not licensed professional landscape architects and who represent the general public. The board elects annually from its members a chairperson and a vice chairperson. A quorum of the board shall be four members, and all final motions and actions must receive a majority of a quorum vote. The board enforces the provisions of Iowa Code chapter 544B and maintains a roster of all licensed professional landscape architects in the state.

1.2(1) Chairperson. The chairperson shall, when present, preside at meetings, appoint committees, and perform all duties and powers of the chairperson.

1.2(2) Vice chairperson. The vice chairperson shall, in the absence or incapacity of the chairperson, exercise the duties and powers of the chairperson.

193D—1.3(544B,17A) Meetings. Calls for meetings shall be issued in accordance with Iowa Code section 21.4.

193D—1.4(544B,17A) Order of business. The chairperson or the chairperson’s designee shall prepare an agenda listing all matters to be discussed at meetings. A copy of this agenda shall be available to each member of the board. Procedures shall be in accordance with Robert’s Rules of Order.

193D—1.5(22) Public records and fair information practices. Board rules on public records and fair information practices may be found in the uniform rules for the division of professional licensing and regulation at 193 IAC 13.

193D—1.6(68B) Sales of goods and services. Board rules on the sale of goods and services by board members may be found in the uniform rules for the division of professional licensing and regulation at 193 IAC 11.

193D—1.7(17A) Petitions for rule making. Persons wishing to file a petition for rule making should consult the uniform rules for the division of professional licensing and regulation at 193 IAC 9.

193D—1.8(17A) Declaratory orders. Persons wishing to seek a declaratory order from the board should consult the uniform rules for the division of professional licensing and regulation at 193 IAC 10.

193D—1.9(252J,261) Denial of issuance or renewal of license for nonpayment of child support or student loan. Board rules on the denial of issuance or renewal of a license based on nonpayment of child support or student loan obligations may be found in the uniform rules for the division of professional licensing and regulation at 193 IAC 8.

193D—1.10(17A) Waivers and variances.

1.10(1) Persons who wish to seek waivers or variances from board rules should consult the uniform rules for the division of professional licensing and regulation at 193 IAC 5.

1.10(2) In addition to the provisions of 193 IAC 5, the following shall apply for interim rulings:

a. The board chairperson, or vice chairperson if the chairperson is not available, may rule on a petition for waiver or variance when it would not be timely to wait for the next regularly scheduled board meeting for a ruling from the board.

b. The executive officer shall, upon receipt of a petition that meets all applicable criteria established in 193 IAC 5, present the request to the board chairperson or vice chairperson along with all pertinent information regarding established precedent for granting or denying such requests.

c. The chairperson or vice chairperson shall reserve the right to hold an electronic meeting of the board when prior board precedent does not clearly resolve the request, input of the board is deemed required and the practical result of waiting until the next regularly scheduled meeting would be a denial of the request due to timing issues.

d. A waiver report shall be placed on the agenda of the next regularly scheduled board meeting and recorded in the minutes of the meeting.

e. This subrule on interim rulings does not apply if the waiver or variance was filed in a contested case.

193D—1.11(544B,17A,272C) Investigations and investigatory subpoenas. Board rules regarding investigations and investigatory subpoenas may be found in the uniform rules for the division of professional licensing and regulation at 193 IAC 6.

193D—1.12(544B,17A,272C) Contested case procedures. Board rules on contested case procedures may be found in the uniform rules for the division of professional licensing and regulation at 193 IAC 7.

193D—1.13(272C) Impaired licensees. Board rules governing impaired licensee review committees may be found in the uniform rules for the division of professional licensing and regulation at 193 IAC 12.

These rules are intended to implement Iowa Code sections 544B.3, 544B.5, and 544B.15 and chapters 252J, 261, and 272C.

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CHAPTER 2
EXAMINATIONS AND LICENSING
[Prior to 3/9/88, see Landscape Architectural Examiners Board[540] Ch 2]

193D—2.1(544B,17A) Definitions. As used in these rules, the following definitions of words and terms shall apply:

“*CLARB*” means the Council of Landscape Architectural Registration Boards.

“*Evidence*” means any document or record of any kind of drawings, specifications, photographs, diplomas, registrar’s statements, published data and certified personal statements as may be required as a part of any action on the part of the board. Each item of evidence shall be clearly marked to ensure positive and certain identification. It shall be the entire responsibility of the applicant to satisfy the board as to the sufficiency of the record and the evidence.

“*Intern landscape architect*” means an individual who has a degree in landscape architecture, who is employed under the direct supervision of a professional landscape architect, and who intends to actively pursue registration by completing the landscape architecture registration examination. The initials “I.L.A.” should not be used.

“*L.A., retired*” means the same as “landscape architect, retired.”

“*Landscape architect, retired*” means a person who held a license as a professional landscape architect and who is retired from the practice of landscape architecture in all states of registration.

“*L.A.R.E.*” means the landscape architecture registration examination.

“*Years of practical experience*” means, for each year of practical experience the applicant has worked performing landscape architectural services, a minimum of 2,080 hours per year.

193D—2.2(544B,17A) Application. An application to take the written examination shall be submitted on the form provided by the board and must be received in the board office no later than the last day of March for the June examination and the last day of September for the December examination. Candidates who successfully complete the examination may make application for certificate of licensure after meeting the requirements of Iowa Code section 544B.9.

2.2(1) The “practice of landscape architecture” means the performance of professional services such as consultations, investigations, reconnaissance, research, planning, design, or responsible supervision in connection with projects involving the arrangement of land and the elements thereon for public and private use and enjoyment, including the alignment of roadways and the location of buildings, service areas, parking areas, walkways, steps, ramps, pools and other structures, and the grading of the land, surface and subsoil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape and aesthetic values, in accordance with accepted professional standards of public health, welfare and safety. This practice shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this chapter but shall not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, or the design of public streets and highways, utilities, storm and sanitary sewers, and sewage treatment facilities, such as are ordinarily included in the practice of engineering or architecture; and shall not include the making of land surveys or final land plats for official approval or recording. Nothing contained in this chapter shall be construed as authorizing a professional landscape architect to engage in the practice of architecture, engineering, or land surveying.

2.2(2) Each applicant shall submit with the formal application for a certificate of licensure evidence of the years of practical experience.

193D—2.3(544B,17A) Procedure for processing applications. Each application shall be considered individually by the board. A personal appearance before the board, if required, shall be at the time and place designated by the board. Failure to supply additional evidence or information within 30 days from the date of the written request from the board, or failure to appear before the board when an appearance is requested, may be considered cause for disapproval of the application. Unless otherwise provided by

law, a request for a rehearing before the board shall be filed with the board in accordance with 193 IAC 7.39(543,272C). A judicial review can be filed in accordance with Iowa Code section 17A.19.

193D—2.4(544B,17A) Examination of applicants. Examinations shall be conducted by the board at least once annually. Applicants need not meet preconditions to take the professional landscape architectural licensure examination, but applicants must meet requirements of Iowa Code section 544B.9 for registration.

193D—2.5(544B,17A) Written examination. The written examination shall consist of the professional landscape architectural licensure examination published by CLARB and may include supplementary questions developed by the board.

2.5(1) Instructions. A copy of examination instructions and notice of the date and location of the examination will be furnished to each applicant at least 30 days in advance of the examination. The examination is divided into several sections. An applicant may sit for any or all of the sections at a single sitting. Sections which are passed are not required to be repeated. An applicant who intends to sit for any sections not previously passed must file an application for reexamination with the proper fee(s) on a form provided by the board which must be received in the board office no later than the last day of March for the June examination and the last day of September for the December examination.

2.5(2) Grades. The board shall notify the examinee of the examination grade.

2.5(3) Examinations review process. Candidates may review their own graded examinations using the following procedures:

a. Within a maximum of 30 days from the date of the notification of failure, a written request by the candidate may be filed with the Iowa landscape architectural examining board to include:

- (1) Candidate number or name.
- (2) Date of examination.
- (3) Examination section requested to be reviewed.

b. The review time for each failed section may be limited by the board.

c. A board member or staff person must be present to observe and to provide assistance to the candidate.

d. There shall be no copying or tracing allowed; however, a candidate may take notes.

e. A candidate shall be allowed to review all of the candidate's examination, including evaluation guides and evaluators' score sheets.

f. The candidate shall sign a statement stating the terms of the review procedure.

193D—2.6(544B,17A) Exemption from written examination. The board may exempt from written examination an applicant who meets one of the following criteria:

1. The applicant holds a current CLARB certificate; or
2. The applicant holds a license to practice landscape architecture issued upon written examination by another jurisdiction, and has submitted a certificate from the jurisdiction of original licensure verifying that the applicant passed the examination in that jurisdiction.

193D—2.7(544B,17A) Certificate of licensure. Applicants will be notified by the board of their eligibility or ineligibility.

2.7(1) Payment. Upon payment of the license fee, the board will issue the certificate of licensure to an eligible professional landscape architect.

2.7(2) License number. The certificate will indicate the license number of the landscape architect which must appear on the professional landscape architect's seal and on all works signed by the professional landscape architect.

2.7(3) Certificate. Only one certificate of licensure shall be issued to a professional landscape architect. The certificate shall be displayed in a conspicuous place at the place of employment.

193D—2.8(17A,272C,544B) Renewal of certificates of registration. Certificates of registration expire biennially on June 30. In order to maintain authorization to practice in Iowa, a registrant is required

to renew the certificate of registration prior to the expiration date. A registrant who fails to renew by the expiration date is not authorized to practice landscape architecture in Iowa until the certificate is reinstated as provided in rule 193D—2.9(544B,17A).

2.8(1) It is the policy of the board to mail to each registrant a notice of the pending expiration date at the registrant's last-known address approximately one month prior to the date the certificate of registration is scheduled to expire. Failure to receive this notice does not relieve the registrant of the responsibility to timely renew the certificate and pay the renewal fee. A registrant should contact the board office if the registrant does not receive a renewal notice prior to the date of expiration.

2.8(2) If grounds exist to deny a timely and sufficient application to renew, the board shall send written notification to the applicant by restricted certified mail, return receipt requested. Grounds may exist to deny an application to renew if, for instance, the registrant failed to satisfy the continuing education as required as a condition for registration. If the basis for denial is pending disciplinary action or disciplinary investigation that is reasonably expected to culminate in disciplinary action, the board shall proceed as provided in 193—Chapter 7. If the basis for denial is not related to a pending or imminent disciplinary action, the applicant may contest the board's decision as provided in 193—subrule 7.40(1).

2.8(3) When a registrant appears to be in violation of mandatory continuing education requirements, the board may, in lieu of proceeding to a contested case hearing on the denial of a renewal application as provided in rule 193—7.40(546,272C), offer a registrant the opportunity to sign a consent order. While the terms of the consent order will be tailored to the specific circumstances at issue, the consent order will typically impose a penalty between \$50 and \$250, depending on the severity of the violation; establish deadlines for compliance; and require that the registrant complete hours equal to double the deficiency in addition to the required hours; and may impose additional educational requirements on the registrant. Any additional hours completed in compliance with the consent order cannot again be claimed at the next renewal. The board will address subsequent offenses on a case-by-case basis. A registrant is free to accept or reject the offer. If the offer of settlement is accepted, the registrant will be issued a renewed certificate of registration and will be subject to disciplinary action if the terms of the consent order are not complied with. If the offer of settlement is rejected, the matter will be set for hearing, if timely requested by the registrant pursuant to 193—subrule 7.40(1).

2.8(4) The board may notify registrants whose certificates of registration have expired. The failure of the board to provide this courtesy notification or the failure of the registrant to receive the notification shall not extend the date of expiration.

2.8(5) A registrant who continues to practice landscape architecture in Iowa after registration has expired shall be subject to disciplinary action. Such unauthorized activity may also be grounds to deny a registrant's application for reinstatement.

2.8(6) Licensees shall notify the board within 30 days of any change of address or business connection.

2.8(7) Retired status. A person who held a license as a professional landscape architect and who is retired from the practice of landscape architecture in all states of registration may use the title "landscape architect, retired" or "L.A., retired," respectively, in the context of non-income-producing personal activities.

2.8(8) Inactive status. This subrule establishes a procedure under which a person issued a certificate of registration as a landscape architect may apply to the board to register as inactive. Registration under this subrule is available to a registrant residing within or outside the state of Iowa who is not using the title "landscape architect" while offering services as a landscape architect. A person eligible to register as inactive may, as an alternative to such registration, allow the certificate of registration to lapse. During any period of inactive status, a person shall not engage in the practice of landscape architecture while using the title "landscape architect" or any other title that might imply that the person is offering services as a landscape architect in violation of Iowa Code section 544B.18. The board will continue to maintain a database of persons registered as inactive, including information which is not routinely maintained after a certificate of registration has lapsed through the person's failure to renew. A person who registers

as inactive will accordingly receive a renewal notice if the notice is sent by the board, board newsletters, and other mass communications from the board.

a. Affirmation. The renewal application shall contain a statement in which the applicant affirms that the applicant will not engage in the practice of landscape architecture while using the title “landscape architect” in violation of Iowa Code section 544B.18, without first complying with all rules governing reinstatement to active status. A person in inactive status may reinstate to active status at any time pursuant to rule 193D—2.9(544B,17A).

b. Renewal. A person registered as inactive may renew the person’s certificate of registration on the biennial schedule described in 193D—2.8(544B,272C,17A). This person shall be exempt from the continuing education requirements and will be charged a reduced renewal fee as provided in 193D—2.10(544B,17A). An inactive certificate of registration shall lapse if not timely renewed.

c. Permitted practices. A person may, while registered as inactive, perform for a client, business, employer, government body, or other entity those services which may lawfully be provided by a person to whom a certificate of registration has never been issued. Such services may be performed as long as the person does not in connection with such services use the title “landscape architect” or any other title restricted for use only by landscape architects pursuant to Iowa Code section 544B.18 (with or without additional designations such as “inactive”). Restricted titles may be used only by active landscape architects who are subject to continuing education requirements to ensure that the use of such titles is consistently associated with the maintenance of competency through continuing education.

d. Prohibited practices. A person who, while registered as inactive, engages in any of the practices described in Iowa Code section 544B.18 is subject to disciplinary action.

193D—2.9(544B,17A) Reinstatement.

2.9(1) Reinstatement to active status from lapsed status.

a. An individual may reinstate an expired certificate of registration to active status within two years of expiration by:

- (1) Paying the reinstatement fee of \$25 per month of expired registration;
- (2) Paying the current renewal fee;
- (3) Providing a written statement outlining the professional activities of the applicant during the period of nonregistration defined as the practice of landscape architecture in Iowa Code section 544B.1; and
- (4) Submitting documented evidence of completion of 12 contact hours of continuing education in health, safety, welfare subjects for each year or portion of a year of expired registration in compliance with requirements in 193D—Chapter 3. The hours reported shall be in addition to the 24 hours in health, safety, welfare subjects which should have been reported on the June 30 renewal date on which the registrant failed to renew. The continuing education hours used for reinstatement to active status may not be used again at the next renewal.

Out-of-state residents may submit a statement from their resident state’s licensing board as documented evidence of compliance with their resident state’s mandatory continuing education requirements during the period of nonregistration. The statement shall bear the seal of the licensing board. Out-of-state residents whose resident state has no mandatory continuing education shall comply with the documented evidence requirements outlined in this subrule.

b. An individual may reinstate to active status a certificate of registration which has been expired for more than two years by:

- (1) Paying the reinstatement fee of \$25 per month of expired registration up to a maximum of \$750;
- (2) Paying the current renewal fee;
- (3) Providing a written statement outlining the professional activities of the applicant during the period of nonregistration defined as the practice of landscape architecture in Iowa Code section 544B.1; and
- (4) Submitting documented evidence of completion of continuing education as determined by the board. The board shall require no more than 48 hours in health, safety, welfare subjects; however, the

hours reported shall not have been earned more than four years prior to the date of the application to reinstate to active status.

Out-of-state residents may submit a statement from their resident state's licensing board as documented evidence of compliance with their resident state's mandatory continuing education requirements during the period of nonregistration. The statement shall bear the seal of the licensing board. Out-of-state residents whose resident state has no mandatory continuing education shall comply with the documented evidence requirements outlined in this subrule.

The board shall review reinstatement applications on a case-by-case basis and may, at its discretion, require that the applicant take the L.A.R.E. as a prerequisite to reinstatement to active status.

2.9(2) Reinstatement to inactive status from lapsed status. An individual may reinstate a lapsed certificate of registration to inactive status as follows:

- a. Reinstatement fees. The individual shall:
 - (1) Pay the reinstatement fee of \$25 per month of expired registration up to a maximum of \$100 if the application for reinstatement is filed on or before June 30, 2009.
 - (2) Pay the reinstatement fee of \$25 per month of expired registration up to a maximum of \$750 if the application for reinstatement is filed on or after July 1, 2009.
- b. The individual shall pay the current renewal fee.
- c. The individual shall provide a written statement in which the individual affirms that the individual has not engaged in any of the practices in Iowa that are listed in Iowa Code section 544B.18 during the period of lapsed registration.

2.9(3) Reinstatement to active status from inactive status or retired status. An individual may reinstate an inactive registration or retired registration to active registration as follows:

- a. The individual shall pay the current active registration fee. If the individual is reinstating to active status at a date that is less than 12 months from the next biennial renewal date, one-half of the current active registration fee shall be paid.
- b. The individual shall submit documented evidence of completion of 24 contact hours (16 contact hours in public protection subjects) of continuing education in compliance with requirements in 193D—Chapter 3. The continuing education hours used for reinstatement to active status may not be used again at the next renewal.
- c. Continuing education for subsequent renewals.
 - (1) At the first biennial renewal date of July 1 that is less than 12 months from the date of the filing of the application to restore the certificate of registration to active status, the individual shall not be required to report continuing education.
 - (2) At the first biennial renewal date of July 1 that is more than 12 months, but less than 24 months, from the date of the filing of the application to restore the certificate of registration to active status, the individual shall report 12 hours of previously unreported continuing education.

2.9(4) An individual shall not be allowed to reinstate to inactive status from retired status.

193D—2.10(544B,17A) Fee schedule. The appropriate examination fee or examination exemption filing fee shall accompany the application. Filing fees are not refundable.

Examination fee	not to exceed \$1000
Initial examination filing fee	\$50
Proctoring fee	\$50
Examination exemption fee	\$300
(This certificate of registration is to be effective to the June 30 which is at least 12 months beyond the date of the application.)	
Wall certificate fee	\$50

Wall certificate replacement fee	\$25
Certificate of registration fee	\$15/month
(This certificate of registration is to be effective the day of board action until June 30.)	
Biennial registration fee (active)	\$350
Biennial registration fee (inactive)	\$100
Reinstatement of lapsed registration	not to exceed \$750

These rules are intended to implement Iowa Code chapters 17A and 544B.

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CHAPTER 3
CONTINUING EDUCATION

[Prior to 3/9/88, see Landscape Architectural Examiners Board[540] Ch 3]

193D—3.1(544B,17A) Definitions. As used in these rules, the following definitions shall apply:

“Health, safety, welfare subjects” means technical and professional subjects that the board deems appropriate to safeguard directly the public’s health, safety, and welfare. Such subjects include design, environmental systems, site design, land use analyses, landscape architecture programming, grading and drainage, storm water management, erosion control, site and soil analyses, accessibility, building codes, review of state registration laws including the rules of professional conduct, evaluation and selection of products and materials, cost analysis, construction methods, contract documentation, construction contract administration, construction administration, construction-phase office procedures, project management, and the like.

“Hours” of continuing education means a contact hour spent in either structured educational activities or individually planned activities intended to increase the professional landscape architect’s knowledge and competence in public protection subjects and related practice subjects. “Contact hour” is defined as the typical 50-minute classroom instructional session or its equivalent. One continuing education unit (CEU) offered by an accredited sponsor shall be considered equivalent to ten contact hours of continuing education.

“Individually planned education” means educational activities in which the professional landscape architect personally addresses public protection subjects or related practice subjects which are not systematically presented by others, including reading or writing articles on such subjects; studying or researching landscape architecture, designs or building types; rendering services to the public; advancing the profession’s and public’s understanding of the practice of landscape architecture; and the like.

“Structured educational activities” means educational activities in which the teaching methodology consists primarily of systematic presentation of public protection subjects or related practice subjects by qualified individuals or organizations including monographs, courses of study taught in person or by correspondence, organized lectures, presentations or workshops, and other means through which identifiable technical and professional subjects are presented in a planned manner.

193D—3.2(544B,17A) Continuing education requirements. In order for professional landscape architects to provide competent, professional services to the public, continuing education shall consist of learning experiences that enhance, expand and keep current the skills, knowledge, and abilities of practicing professionals. Professional landscape architects may pursue learning experiences in technical, nontechnical, regulatory, ethics and business practice areas, provided that the continuing education directly benefits the health, safety, or welfare of the public.

3.2(1) Hours required. Each registrant shall complete during each two-year licensing term a minimum of 24 hours of continuing education approved by the board. Compliance with the continuing education requirements is a prerequisite for license renewal.

3.2(2) Within any biennial renewal period, 24 contact hours must be acquired and shall be in health, safety, and welfare subjects acquired in structural educational activities. The hours earned in self-study activities shall be limited to 6 hours during any renewal period. Hours acquired in any 24-month renewal period may not be carried over to a subsequent 24-month renewal period. Continuing education hours may be acquired in any location.

3.2(3) A professional landscape architect who holds a license in Iowa for less than 12 months from the date of initial licensure shall not be required to report continuing education at the first license renewal. A professional landscape architect who holds a license in Iowa for more than 12 months, but less than 24 months from the date of initial licensure, shall be required to report 12 contact hours in health, safety, welfare subjects earned in the preceding 12 months at the first license renewal.

3.2(4) Sources of continuing education. The following suggested list may be used by all licensees to determine the types of activities which may fulfill the continuing education requirements.

a. Contact hours in attendance at short courses or seminars dealing with landscape architectural subjects and sponsored by colleges, universities or professional organizations.

b. Contact hours in attendance at presentations on landscape architectural subjects, which are held in conjunction with conventions or at seminars related to materials use and function. Presentations such as those presented by the Council of Landscape Architecture Registration Boards (CLARB), American Society of Landscape Architects, Construction Specification Institute, Construction Products Manufacturers Council or similar organizations devoted to landscape architecture education may qualify.

c. Contact hours in attendance at short courses or seminars relating to business practice or new technology and offered by colleges, universities, professional organizations or system suppliers.

d. Presenting or teaching courses or seminars in landscape architecture. Three preparation hours may be claimed for each class hour spent teaching landscape architectural courses or seminars. College or university faculty members may not claim credit for teaching regular curriculum courses.

e. Contact hours spent in professional service to the public which draws upon the licensee's professional expertise on boards and commissions such as serving on planning commissions, building code advisory boards, urban renewal boards, or code study commissions.

f. Contact hours spent in landscape architectural research which is published or formally presented to the profession or public. Credit may be claimed only following publication or presentation.

g. Contact hours spent in landscape architectural self-study courses presented in written format or via the Internet, television, video, or audio, such as those sponsored by the American Society of Landscape Architects, CLARB, or similar organizations. Courses must conclude with an examination or other verification of course completion. Self-study hours shall be limited to 6 hours earned in any biennial renewal period, effective for renewals that are due on June 30, 2008.

h. College or university courses dealing with landscape architectural subjects or business practice. Each semester hour shall equal 15 contact hours. A quarter hour shall equal 10 contact hours.

i. Contact hours spent in educational tours or in areas significant in landscape architecture when the tour is sponsored by college, university or professional organizations and verification of participation is provided by the tour sponsor. Self-guided tours do not qualify.

j. Contact hours spent attending in-house educational programs, including dinner, luncheon, and breakfast meetings.

3.2(5) Financing. It is the responsibility of each licensee to finance the costs for continuing education.

[ARC 9749B, IAB 9/21/11, effective 10/26/11]

193D—3.3(544B,17A) Reporting and evidence.

3.3(1) Each professional landscape architect shall file with the board a signed report, under penalty of perjury, on forms provided by the board or by on-line renewal, setting forth the continuing education activities in which the professional landscape architect has participated. The report shall be filed with the renewal application for each two-year renewal period in which the claimed continuing education hours were completed. The information in the report shall include:

- a.* School, firm or organization conducting the course.
- b.* Location of the course.
- c.* Title of the course and description of the content.
- d.* Principal instructor(s).
- e.* Dates attended.
- f.* Hours claimed.

3.3(2) A professional landscape architect's continuing education report forms or on-line renewal may be selected for review by the board for verification of compliance with these requirements. Evidence of compliance shall be maintained by the professional landscape architect for two years after the period for which the form was submitted and shall include written verification of attendance by someone other than the licensee. Examples of evidence may include, but are not limited to, a certificate of completion presented by the program sponsor, a letter from an employer verifying attendance at an in-firm training

session, or copies of minutes from public service meetings. Canceled checks or receipts for payments of fees to attend a program are not evidence of actual attendance and are not acceptable.

3.3(3) If the board disallows any continuing education hours, unless the board finds, following notice and hearing, that the professional landscape architect willfully disregarded continuing education requirements, then the professional landscape architect shall have six months from notice of such disallowance to make up the deficiency by acquiring the required number of contact hours. Such hours shall not again be used for the next renewal.

193D—3.4(544B,17A) Hearings. In the event of denial, in whole or in part, of any application for approval of credit for continuing education activity, the licensee shall have the right, within 20 days after the date of notification of the denial by mail, to request a hearing by the board. The hearing shall be held within 60 days after receipt of the request for the hearing. The decision of the board shall be final.

193D—3.5(544B,17A) Physical disability, illness, hardship, or extenuating circumstances. The board may, in individual cases involving physical disability, illness (certified by a medical doctor), hardship, or extenuating circumstances, grant waivers of the continuing education requirements for a period of time not to exceed one year. No waiver or extension of time shall be granted unless the licensee makes a written request to the board for such action.

193D—3.6(544B,17A) Methods of compliance and exemptions. A licensee licensed to practice as a professional landscape architect shall be deemed to have complied with the continuing education requirements during the continuing education compliance period that the licensee:

1. Serves honorably on active duty in the military service; or
2. Resides in another state or district having a continuing education requirement for the occupation or profession and meets all the requirements of that state or district for practice therein; or
3. Is a government employee working as a professional landscape architect and assigned to duty outside the United States; or
4. Is approved by the board for periods of active practice and absence from the state.

If the licensee was not engaged in active practice as a professional landscape architect and will maintain inactive status during the period for which renewal is requested, the board may exempt the licensee from continuing education. No exemption shall be granted without a written request from the licensee.

193D—3.7(544B,17A) Grounds for denial of license renewal. Failure of a licensee to complete the continuing education requirements as set forth in this chapter, or failure to file a report of completed continuing education, or failure to submit a written request for waiver or exemption shall be grounds for the board to deny renewal of the license.

These rules are intended to implement Iowa Code chapter 544B.

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CHAPTER 4
RULES OF PROFESSIONAL CONDUCT
[Prior to 3/9/88, see Landscape Architectural Examiners Board[540] Ch 4]

193D—4.1(544B,17A) Rules of conduct. Failure by a licensee to adhere to the provisions of Iowa Code chapters 272C and 544B and rules implementing either chapter shall be grounds for disciplinary action.

4.1(1) Definitions. The following definition applies as used in Iowa Code chapter 544B and this chapter, unless the context otherwise requires.

“Official copy” means technical submission for purposes of required approval.

4.1(2) Competence.

a. When practicing landscape architecture, a professional landscape architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by a landscape architect of good standing practicing in the same locality.

b. When designing a project, a professional landscape architect shall take into account all applicable state and municipal building laws and regulations. While professional landscape architects may rely on the advice of other professionals (e.g., attorneys, architects, engineers and other qualified persons) as to the intent and meaning of the regulations, once such advice is obtained, a landscape architect shall not knowingly design a project in violation of these laws and regulations.

c. A professional landscape architect shall undertake to perform professional services only when the professional landscape architect together with those whom the professional landscape architect may engage as consultants are qualified by education, training and experience in the specific technical areas involved.

d. No person shall be permitted to practice landscape architecture if, in the board’s judgment upon receipt of medical testimony or evidence, the person’s professional competence is substantially impaired by physical or mental disabilities or substance abuse.

4.1(3) Conflict of interest.

a. A professional landscape architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed and agreed to (such disclosures and agreement to be in writing) by all interested parties.

b. If a professional landscape architect has any business association or direct or indirect financial interest which is substantial enough to influence judgment in connection with the professional landscape architect’s performance of professional services, the professional landscape architect shall fully disclose, in writing, to the client or employer the nature of the business association or financial interest. If the client or employer objects to the association or financial interest, the professional landscape architect shall either terminate such association or interest or offer to give up the commission or employment.

c. A professional landscape architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing the products.

d. When acting as the interpreter of building contract documents and the judge of contract performance, a professional landscape architect shall render decisions impartially, favoring neither party to the contract.

4.1(4) Full disclosure.

a. A professional landscape architect making public statements on landscape architectural questions shall disclose when compensation is being received for making the statements.

b. A professional landscape architect shall accurately represent to a prospective or existing client or employer the professional landscape architect’s qualifications and the scope of the professional landscape architect’s responsibility in connection with work for which the professional landscape architect is claiming credit.

c. If, in the course of work on a project, a professional landscape architect becomes aware of an action taken by the employer or client against the professional landscape architect’s advice which violates applicable state or municipal building laws and regulations and which will, in the professional landscape architect’s judgment, adversely affect the safety to the public of the finished project, the professional landscape architect shall:

(1) Report the decision to the local building inspector or other public official charged with enforcement of the applicable state or municipal building laws and regulations,

(2) Refuse to consent to the decision, and

(3) In circumstances when the professional landscape architect reasonably believes that other actions will be taken, notwithstanding the landscape architect's objection, terminate the professional landscape architect's services with reference to the project. In the case of a termination in accordance with this clause, the professional landscape architect shall have no liability to the professional landscape architect's client or employer on account of such termination.

d. A professional landscape architect shall not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with application for licensure or renewal of license.

e. A professional landscape architect shall not assist in the application for licensure of a person known by the professional landscape architect to be unqualified with respect to education, training, experience or character.

f. A professional landscape architect possessing knowledge of a violation of these rules by another professional landscape architect shall report the knowledge to the board.

4.1(5) *Compliance with laws.*

a. A professional landscape architect shall not, in the conduct of landscape architectural practice, knowingly violate any state or federal criminal law.

b. A professional landscape architect shall neither offer nor make any payment to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the professional landscape architect is interested.

c. A professional landscape architect shall comply with the registration laws and regulations governing the landscape architect's professional practice in any United States jurisdiction.

4.1(6) *Professional conduct.*

a. Each office maintained for the preparation of drawings, specifications, reports or other professional work shall have a professional landscape architect regularly employed in or assigned to that office who has responsible control of such work.

b. A professional landscape architect shall not sign or seal drawings, specifications, reports or other professional work for which the landscape architect does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of professional work prepared by the landscape architect's consultants, registered under this or another professional registration law of this jurisdiction, the professional landscape architect may sign or seal that portion of the professional work if the landscape architect has reviewed that portion, has coordinated its preparation and intends to be responsible for its adequacy.

c. A professional landscape architect shall neither offer nor make any gifts to any public official with the intent of influencing the official's judgment in connection with a project in which the professional landscape architect is interested. Nothing in this rule shall prohibit a professional landscape architect from providing landscape architect services as a charitable contribution.

d. A professional landscape architect shall not engage in conduct involving fraud or wanton disregard of the rights of others. Failure by a licensee to adhere to these rules of conduct shall cause the license to be reviewed by the board and shall, at the discretion of the board, be cause for a reprimand or suspension or revocation of the license.

4.1(7) *Seal and certificate of responsibility.*

a. Each professional landscape architect shall procure a seal with which to identify all technical submissions issued by the professional landscape architect for use in Iowa as provided in Iowa Code section 544B.12.

b. Description of seal. The diameter of the outside circle shall be approximately 1¼ inches. The seal shall include the name of the professional landscape architect and the words "Professional Landscape Architect." The Iowa license number and the word "Iowa" shall be included. The seal shall substantially conform to the sample shown below:



- c. A legible rubber stamp, an electronic image or other facsimile of the seal may be used.
- d. Each technical submission to a building official, hereinafter referred to as the official copy, shall contain an information block on its first page or on an attached cover sheet with application of a seal by the professional landscape architect in responsible charge and an information block with application of a seal by each professional consultant contributing to the technical submission. The seal and original signature shall be applied only to a final technical submission. Each official copy of a technical submission shall be stapled, bound or otherwise attached together so as to clearly establish the complete extent of the technical submission. Each information block shall display the seal of the individual responsible for that portion of the technical submission. The area of responsibility for each sealing professional shall be designated in the area provided in the information block, so that responsibility for the entire technical submission is clearly established by the combination of the stated seal responsibilities. The information block shall substantially conform to the sample shown below:

SEAL	I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly licensed professional landscape architect under the laws of the state of Iowa.
	Printed or typed name
	Signature
	Pages or sheets covered by this seal:
License Expires:	_____

- e. The information requested in each information block must be typed or legibly printed in permanent ink or digital signature as defined in or governed by Iowa Code chapter 554D on each official copy. The seal implies responsibility for the entire technical submission unless the area of responsibility is clearly identified in the information accompanying the seal.
- f. It shall be the responsibility of the professional landscape architect who signed the original submission to forward copies of all changes and amendments to the technical submission, which shall become a part of the official copy of the technical submission, to the public official charged with the enforcement of the state, county or municipal building code.
- g. A professional landscape architect is responsible for the custody and proper use of the seal. Improper use of the seal shall be grounds for disciplinary action.
- h. The seal appearing on any technical submission shall be prima facie evidence that said technical submission was prepared by or under the responsible control of the individual named on that seal.

4.1(8) Communications. A professional landscape architect shall, when requested, respond to communications from the board within 30 days of the mailing of such communication by certified mail. Failure to respond to such communication may be grounds for disciplinary action against the professional landscape architect.

193D—4.2(544B,17A) Receipt of complaints. The board shall receive and review all complaints which the board reasonably believes indicate that a licensee may have committed an act that is cause for disciplinary action.

4.2(1) Complaints. Any person may file a complaint with the board charging that a licensee may have committed an act that is in violation of applicable law or rules. The complaint shall be written and signed by the complainant and accompanied with substantial evidence indicating when, where, and how the licensee committed the violation. All complaints filed with the board shall be privileged and held confidential by all board members, peer review committee members and staff. A person filing a complaint shall receive immunities in accordance with Iowa Code chapter 272C.

4.2(2) Board-instigated complaints. Upon presentation of evidence by a board member, the board's staff, or other state agency, the board may determine that a complaint should be formulated to charge that a licensee may have committed an act that is in violation of applicable law or rules. A majority vote of the board approving a written motion stating the charges and containing evidence as to when, where, and how the violation might have occurred shall constitute a complaint to be processed by the complaint procedure.

193D—4.3(544B,17A) Peer review committee. At any point during the complaint procedure or the investigatory procedure and prior to determining whether probable cause exists that a violation has occurred, the board may appoint a peer review committee to assist the board in reaching its decision by conducting an investigation(s) of the complaint.

4.3(1) Make up of the peer review committee. The committee shall consist of one or more professional landscape architects who are selected for their knowledge and experience in the particular aspect of landscape architecture involved in the complaint. The following are ineligible for membership:

- a. Members of the board.
- b. Close relatives of the alleged violator(s) or complainant.
- c. Individuals employed by the same firm or governmental unit as the alleged violator or complainant.

4.3(2) Authority. The committee's investigation shall be limited to interviewing of complainants, the alleged violator, individuals with knowledge of the alleged violation, and individuals with knowledge of the alleged violator's reputation in the community. The committee may not hire legal counsel, investigators, secretarial help or any other assistants without written authorization from the board.

4.3(3) Compensation. Committee members may receive per diem compensation equal to that received by board members for performing board duties. Committee members may be paid reasonable and necessary expenses that are incurred for travel, meals and lodging while performing committee duties within a budget limitation established by the board.

193D—4.4(544B,272C) Investigation report. Upon completion of the investigation, the investigator(s) shall prepare for the board's consideration a report containing the position or defense of the licensee so the board may determine what further action is necessary. The board may:

1. Order the matter be further investigated.
2. Allow the licensee who is the subject of the complaint an opportunity to appear before the committee for an informal discussion regarding the circumstances of the alleged violation.
3. Determine there is no probable cause to believe that a violation has occurred and close the case.
4. Determine there is probable cause to believe that a violation has occurred.

193D—4.5(544B,272C) Dispensation. The board shall make findings of fact and conclusions of law and may take one or more of the following actions:

1. Dismiss the charges.
2. Revoke the professional landscape architect's license.
3. Suspend the professional landscape architect's license as authorized by law.
4. Impose civil penalties, the amount of which shall be set at the discretion of the board but shall not exceed \$1000. Civil penalties may be imposed for any of the disciplinary violations of Iowa Code section 544B.15 and Iowa Code sections 272C.9(2) and 272C.9(3) and these rules or for repeated offenses.
5. Impose a period of probation, either with or without conditions.
6. Require reexamination, using one or more parts of the examination given to professional landscape architectural licensee candidates.
7. Require additional professional education, reeducation, or continuing education.
8. Issue a citation or warning.
9. Issue a consent order.
10. Accept voluntary surrender of license. Voluntary surrender of a license is considered a disciplinary action.

These rules are intended to implement Iowa Code chapters 17A, 544B and 272C.

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CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Rescinded IAB 8/20/03, effective 9/24/03

CHAPTER 6
SALES OF GOODS AND SERVICES

Rescinded IAB 8/20/03, effective 9/24/03

CHAPTER 7
WAIVERS OR VARIANCES FROM RULES

Rescinded IAB 8/20/03, effective 9/24/03

CHAPTER 8
PETITION FOR RULE MAKING AND FOR DECLARATORY ORDERS

Rescinded IAB 8/20/03, effective 9/24/03