

1 **MINUTES**

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3 **BOARD OF LANDSCAPE ARCHITECTURE**

4  
5 **PARAMOUNT PLAZA**  
6 **2900 SW 13<sup>TH</sup> STREET**  
7 **GAINESVILLE, FL 32608**

8  
9 **GENERAL BUSINESS MEETING**  
10 **APRIL 7, 2006**

11  
12 **CALL TO ORDER**

13  
14 Ms. Walter called the meeting to order at 9:10 a.m.

15  
16 **MEMBERS PRESENT**

17  
18 Collene Walter  
19 Elizabeth Gillick  
20 Elizabeth Marshall-Beasley  
21 Paul Davis  
22 Phillip Graham  
23 Robert Bowden

24  
25 **OTHERS PRESENT**

26  
27 Diane Guillemette, Board Counsel  
28 Jessica Leigh, Prosecuting Attorney  
29 Juanita Chastain, Executive Director  
30 Linda Tinsley, Government Analyst  
31 Daniel T. Sorrow  
32 John F. Ackerman

33  
34 Ms. Walter welcomed the University of Florida Landscape Architecture students  
35 to the meeting.

36  
37 Ms. Walter introduced Robert Bowden as the new consumer member to the  
38 Board of Landscape Architecture.

39  
40 Mr. Bowden addressed the board and stated he was delighted to be appointed  
41 and was looking forward to working with the board.

42  
43 **SPEAKER CLEVELAND TURNER**  
44 **CLARB'S SECOND VICE PRESIDENT**

46 Ms. Walter informed the board that Mr. Turner was not able to attend the  
47 meeting.

48  
49 Ms. Walter asked Mr. Davis to provide an overview of the February 2006 Council  
50 of Landscape Architectural Registration Boards (CLARB) meeting held in St.  
51 Louis.

52  
53 Mr. Davis advised the board that the CLARB offered continuing education at the  
54 February 2006 meeting to encourage participation of non-board members. He  
55 stated that he was asked to serve on the continuing education committee for  
56 CLARB with the fifty (50) different states and provinces. He stated that there was  
57 a great discrepancy with the required continuing education from one state to  
58 another and that there is an effort to coordinate the requirements so a licensee  
59 who is licensed in more than one jurisdiction can obtain continuing education in  
60 more than one jurisdiction and meet the requirements for all of the jurisdictions  
61 they are licensed in. He stated that there is a proposal that will be heard at the  
62 annual CLARB meeting in September 2006 to initiate a stronger coordination for  
63 CLARB to approve continuing education courses in much the same manner as  
64 the State of Florida does now. He stated that once the process is approved the  
65 various states can elect to recognize those courses that CLARB has approved.  
66 He stated that CLARB is using Florida's continuing education system as a model.

67

## 68 **DISCIPLINE**

69

### 70 **Richard Berry: Case number 2004-006955**

71

72 Mr. Berry was not present at the meeting and was not represented by counsel.

73

74 Ms. Gillick and Ms. Marshall-Beasley were recused due to their participation on  
75 the probable cause panel.

76

77 Ms. Leigh presented the case as a Settlement Stipulation. Ms. Leigh advised the  
78 board that the Department filed an Administrative Complaint against the  
79 Respondent on February 15, 2005. She stated that the Administrative Complaint  
80 alleged that the Respondent violated 481.325(1) (i), Florida Statute, by practicing  
81 as a Landscape Architect while the Respondent's license was delinquent and  
82 Respondent violated 481.325 (1) (h), Florida Statutes by practicing as a  
83 Landscape Architecture business without being issued a Certificate of  
84 Authorization. Ms. Leigh advised the board that the Department and the  
85 Respondent executed a settlement stipulation which provides for a fine of eight  
86 hundred dollars (\$800.00) and costs of ninety two dollars and forty six cents  
87 (\$92.46). Ms. Leigh advised the board that the Department recommended  
88 adopting the settlement stipulation as presented.

89

90 After discussion by the board the following motion was made.

91

92 **MOTION:** Mr. Graham made a motion to accept the settlement stipulation as  
93 presented.

94  
95 **SECOND:** Mr. Davis seconded the motion and the motion passed  
96 unanimously.

97  
98 **APPLICATION REVIEW**

99  
100 **Daniel T. Sorrow – Exam Candidate**

101  
102 Mr. Sorrow was present at the meeting and was not represented by counsel.

103  
104 Ms. Chastain advised the board that Mr. Sorrow was an applicant and on page  
105 fifty seven (57) of the agenda Mr. Sorrow answered yes to the background  
106 question in the application. She stated that he had been charged with driving  
107 under the influence (DUI).

108  
109 Ms. Walter stated that Mr. Sorrow provided an explanation that was included in  
110 the agenda materials.

111  
112 **MOTION:** Mr. Graham made a motion to approve Mr. Sorrow's application.

113  
114 **SECOND:** Ms. Gillick seconded the motion and the motion passed  
115 unanimously.

116  
117 **Cynthia A. Tyler – Endorsement Candidate**

118  
119 Ms. Tyler was not present at the meeting and was not represented by counsel.

120  
121 Ms. Chastain advised the board that there was additional information in their  
122 folders from Ms. Tyler and that she was unable to attend the meeting. Ms.  
123 Chastain advised the board that Ms. Tyler had discipline in the State of  
124 Mississippi and that is why the application was before the board.

125  
126 Ms. Walter advised the board that Ms. Tyler and her firm were providing master  
127 planning services for a botanical garden in the State of Mississippi and did not  
128 realize that they were required to have a Mississippi license. She stated that Ms.  
129 Tyler did obtain a Mississippi license and complied with the settlement  
130 agreement that they had reached with the Mississippi board.

131  
132 After discussion by the board the following motion was made.

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134 **MOTION:** Mr. Davis made a motion to approve Ms. Tyler's application.

135  
136 **SECOND:** Mr. Bowden seconded the motion and the motion passed  
137 unanimously.

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Ms. Walter advised the board that she would like to ask for a change to the agenda and review the two (2) applications that were in the addendum and move them to the application review section of the agenda.

**MOTION:** Mr. Graham made a motion to approve the change to the agenda.

**SECOND:** Ms. Gillick seconded the motion and the motion passed unanimously.

**William Robert Chambers – Exam Candidate**

Mr. Chambers was not present at the meeting and was not represented by counsel.

Ms. Chastain advised the board that Mr. Chamber’s application was before the board because he checked yes to the background information on the application. She stated that he was charged with misdemeanor trespassing.

Mr. Davis advised the board that he was taking photographs from the top of a railroad car.

Mr. Davis stated that Mr. Chambers did forty (40) hours of community service.

After discussion by the board the following motion was made.

**MOTION:** Mr. Graham made a motion to approve Mr. Chamber’s application.

**SECOND:** Ms. Marshall-Beasley seconded the motion and the motion passed unanimously.

**John F. Ackerman – Endorsement Candidate**

Mr. Ackerman was present at the meeting and was not represented by counsel.

Ms. Chastain advised the board that Mr. Ackerman checked yes to the background information on the application. She stated that the offense was a misdemeanor assault and battery.

Ms. Walter asked Mr. Ackerman if he had any additional information that he would like the board to consider.

Mr. Ackerman advised the board that he was currently serving a years probation and he would complete his community service on April 8, 2006.

183 Ms. Guillemette asked Mr. Ackerman if his probation was court supervised or did  
184 he have a probation officer.

185  
186 Mr. Ackerman stated that his probation was court supervised and would be  
187 complete January 30, 2007.

188  
189 Ms. Gillick asked Mr. Ackerman what he did to complete his community service.

190  
191 Mr. Ackerman advised the board that he had to do fifty (50) hours and he worked  
192 for the Cancer Society, Habitat for Humanity and the Big Cat Reserve in Tampa.

193  
194 Ms. Marshall-Beasley asked if the board could approve him to take the exam  
195 after he completes the terms of his probation.

196  
197 Ms. Guillemette advised the board that they could consider a conditional license  
198 which is a license conditioned upon him satisfying all the terms of his probation.  
199 Ms. Guillemette stated that she would do an order stating that he would be  
200 approved to take the exam and obtain a license based on the condition that he  
201 complete the terms of probation and show proof of completion to the Executive  
202 Director before the license is issued.

203  
204 After discussion by the board the following motion was made.

205  
206 **MOTION:** Ms. Marshall-Beasley made a motion to approve Mr. Ackerman's  
207 application to take the examination conditioned on proof of  
208 completion of all the terms of probation.

209  
210 **SECOND:** Mr. Graham seconded the motion and the motion passed  
211 unanimously.

212  
213 **DISCUSSION**

214  
215 **Building Code Education and Outreach Council – Phil Graham**

216  
217 Mr. Graham advised the board that the Outreach Council was trying to streamline  
218 some methods. The council wanted to check with the providers to make sure  
219 they have updated their courses to reflect the most recent updated building code.  
220 He stated that the council decided that the provider had to update their courses  
221 as soon as possible and not to penalize the licensee if the course had not been  
222 updated and the licensee would get credit for the course. He stated that the  
223 council wanted to get communication to all of the providers to ensure that all of  
224 the courses were updated. He stated that the council wanted to draft language  
225 requiring providers to update the code change affecting advanced courses within  
226 sixty (60) days of the code change approval at the Florida Building Code  
227 Commission. He stated that the code updated courses to be submitted for re-  
228 accreditation within the sixty (60) day period are to continue to be offered during

229 the updating process. Mr. Graham advised the board that during the approval  
230 process it is recommended that the Department of Community Affairs and the  
231 Department of Business and Professional Regulation work closely together in  
232 terms of notification concerning the courses that have received accreditation and  
233 for the courses that have not received re-accreditation by addressing their  
234 respective boards. He stated that there was a lot of discussion regarding  
235 communication between the boards and how the boards could work together  
236 better and streamline the process. Mr. Graham advised the board that the  
237 council recommended that the accreditation application fee be waived to each  
238 licensing board to alleviate the administrative process. Mr. Graham stated that  
239 the council wanted to waive the provider and renewal fees for the Department of  
240 Community Affairs.

241

242 Ms. Chastain advised the board that the Department of Community Affairs had  
243 agreed to waive the fees the Department would have to pay for a board member  
244 to become an accreditor. She stated that the Department of Community Affairs  
245 is asking the board to waive the fees for the Department of Community Affairs to  
246 become a provider. She stated that the board may have to change their rules.

247

248 Ms. Guillemette advised the board that she felt it should be a Department rule  
249 and not Landscape Architecture rule. She stated that she had a call into Mr.  
250 Ayrish with the Department of Business and Professional Regulation in the  
251 Bureau of Education and Testing to discuss the issue. She stated that if Mr.  
252 Ayrish was in agreement the Department would work on the rule on a  
253 Department wide basis and if not she asked the board to give her the authority to  
254 open the rule for development.

255

256 Ms. Chastain advised the board that the Department of Community Affairs will  
257 continue to develop the core curriculum but they would no longer develop the  
258 advanced courses. She stated that the Department of Community Affairs felt that  
259 providers should be submitting courses that would be approved as advanced  
260 courses.

261

262 Mr. Graham stated that the problem is there are not a lot of providers that are  
263 providing advanced courses for the building code. He stated that maybe there is  
264 some opportunity for the courses that we have all ready approved that might  
265 apply to the building code that the board could send in to the Department of  
266 Community Affairs as advanced courses. He stated that the only way to get  
267 advanced course approval is for the provider to come forward and state that the  
268 provider would provide advanced courses. Mr. Graham stated that the board  
269 needed to make it easier for the provider.

270

271 Ms. Marshall-Beasley stated that the accreditor from the board may be able to  
272 make a determination if a course could be sent to the Department of Community  
273 Affairs to be approved as an advanced course while reviewing the courses to be  
274 approved by the board.

275 Ms. Walter stated that at the January 2006 meeting the board delegated to staff  
276 the ability to approve a course that is accredited and the course does not have to  
277 go the board. She stated that is an expedited process and the board can not do  
278 anything to change the Florida Building Commission process. Ms. Walter stated  
279 that the courses the board had all ready approved and the board thinks may be  
280 eligible for advanced building code the board should encourage the provider to  
281 go through the accreditation process to get their courses accredited for advanced  
282 building code credit.

283

284 Ms. Chastain advised the board that she would meet with the Bureau of  
285 Education and Testing and advise them that the board is interested in reviewing  
286 their approved courses for eligibility as an advanced building code course. She  
287 stated that during the next renewal cycle Landscape Architecture will be on  
288 100% monitoring and licensing will be held up if the licensee does not have all of  
289 the required continuing education courses complete. She stated that when the  
290 licensee renews their license they will have to have met all of the continuing  
291 education requirements.

292

293 Ms. Walter stated that she did not mind going through the list of courses that had  
294 been approved and checking to see if they are eligible for advanced building  
295 code. She asked Ms. Marshall-Beasley if she would flag the courses during her  
296 review of new course applications and when the board reviews them the board  
297 can request that the provider apply for advanced building code credit.

298

299 Ms. Guillemette stated that she would follow up on the fee waiver.

300

## 301 **REVIEW OF CONTINUING EDUCATION COURSES**

302

303 Ms. Marshall-Beasley stated that she reviewed all of the courses and found them  
304 to be complete.

305

306 **MOTION:** Ms. Marshall-Beasley made a motion to approve the following  
307 course applications.

308

309 **SECOND:** Mr. Graham seconded the motion and the motion passed  
310 unanimously.

311

312 **Allen M. Weiss**

313

314 ***Real World How the Commercial Lighting Business Really Works – 1 hour***

315

316 **Cherry Lake Tree Farm**

317

318 ***Installation Best Practices – 4 hours***

319 ***Installation Best Practices – Short Courses – 2 hours***

320

321 **PSMJ Resources, Inc**  
322  
323 ***Public Works Project Management Boot Camp – 15 hours***  
324 ***CEO Large Firm Leadership Roundtable – 17 hours***

325  
326 **Hoover Pumping Systems**  
327  
328 ***Pump Systems Applications and Configurations – 1 hour***  
329

330 Ms. Marshall-Beasley advised the board that the list of course renewals could be  
331 approved as a group. She stated that Hoover Pumping System, Landscape  
332 Irrigation Laws & Rules for Landscape Architects would be a good course to flag  
333 for an advanced building code course.

334  
335 **MOTION:** Ms. Marshall-Beasley made a motion to approve the following  
336 course renewal applications.

337  
338 **SECOND:** Mr. Davis seconded the motion and the motion passed  
339 unanimately.

340  
341 **RedVector.com**  
342  
343 ***Sustainable Design – A Premier***  
344 ***Renewable Energy Generation***  
345 ***Motivating Employees***  
346 ***Mitigating Urban Heat Islands***  
347 ***Landscape with Native Plants***  
348 ***Landscape Architecture: Energy Saving Tips***  
349 ***Gis: The Very Basics***  
350 ***General Project Management Part I***  
351 ***General Project Management Part II***  
352 ***Florida Landscape Architects Laws, Chapter 481, F.S.***  
353 ***Flood Mitigation & Special Flood Hazard Areas***  
354 ***Contracts for Professionals***  
355 ***Basic Concepts of Photogrammetry***  
356 ***Business Management Part I***  
357 ***Business Management Part II***  
358 ***Business Management Part III***  
359 ***Understanding Subsurface Utility Engineering***

360  
361 **Cherry Lake Tree Farm**  
362  
363 ***Magic of Landscaping – Short Course***  
364 ***Magic of Landscaping***  
365 ***New Varieties & Cultivars***  
366 ***Florida Grades and Standards***



367 ***Understanding the Tree Market***  
368 ***Integrated Pest Management for Insects***

369  
370 **Hoover Pumping Systems**

371  
372 ***Landscape Irrigation Laws and Rules for Landscape Architects***

373  
374 **RATIFICATION LIST**

375  
376 Ms. Walter reviewed the ratification list with the board.

377  
378 **MOTION:** Mr. Graham made a motion to approve the ratification list as  
379 presented.

380  
381 **SECOND:** Ms. Gillick seconded the motion and the motion passed  
382 unanimously.

383  
384 ***Certificate of Authorization***

385  
386 RIU Design , Inc., Sprinkle Consulting, Inc.

387  
388 ***Business Name Change***

389  
390 From: Urban Design Studios, Inc to Urban Design Studio LLC

391  
392 ***Endorsement***

393  
394 Chester Allen, Joseph Cantrell, Thomas Dumond, Dennis Hickok, Anne  
395 Howerton, Ronald Oprzadek, Martin Quigley, Stephen Shikle, Sean Wilson

396  
397 ***Exam***

398  
399 Alison Halpern, Michael Batts, Juan Beltran, William Cowart, Donald Quier,  
400 Jennifer Clement, Mark Klone, Donna Lebrun, Richard Realmuto, Jonathan  
401 Romine, Jennifer Vanni

402  
403 **APPROVAL OF OCTOBER 6, 2005 MINUTES**

404  
405 **MOTION:** Ms. Gillick made a motion to approve the minutes as printed.

406  
407 **SECOND:** Ms. Marshall-Beasley seconded the motion and the motion passed  
408 unanimously.

409  
410 **APPROVAL OF JANUARY 27, 2006 MINUTES**

411  
412 **MOTION:** Mr. Graham made a motion to approve the minutes as printed.

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**SECOND:** Ms. Gillick seconded the motion and the motion passed unanimously.

**REPORTS**

**Chair’s Report – Collene Walter**

Ms. Walter advised the board that she received some correspondence from the Florida Chapter of American Society of Landscape Architecture (ASLA). She stated the Chapter was getting their program ready for the state conference and she advised the board that they may want to schedule a conference call to approve the ASLA’s continuing education applications.

**Executive Director’s Report – Juanita Chastain**

Ms. Chastain advised the board that the second quarter financial report was in the agenda book. Ms. Chastain reviewed the report with the board and she stated that the board was financially stable.

Ms. Chastain advised the board that she spoke with Bruce Dana from the Department of Transportation and they are in the testing phase for the electronic signing and sealing. She stated that the software would be available for free downloading in a couple of weeks.

Ms. Chastain advised the board that the newsletter had been mailed.

**Board Counsel’s Report – Diane Guillemette**

Ms. Guillemette reported that the board had asked her at the January 27, 2006 meeting, after Mr. Hilton Meadow’s presentation, to research what the board could do as a board. She stated that she had select statutes that she would review with the board. Ms. Guillemette advised the board that all boards have their own practice act but it all falls under Chapter 455, Florida Statutes, which is the Department of Business and Professional Regulation and that the board was subject to Chapter 455, Florida Statute as well. She advised the board that there is a prohibition against contesting the rule of another board. Ms. Guillemette stated that the reason the board exists is for the preservation of the health, safety and welfare of the public. She stated that the board needs to focus on the licensing part. Ms. Guillemette advised the board that in the minutes from the January 27, 2006 meeting there were three (3) options that she would review with the board. She stated that the first option was to write a letter to the Joint Administrative Procedures Committee, and each of the agencies an official letter requesting that all the rules be changed to respect the language of Chapter 481, Florida Statutes. She stated that if the board had a specific incident where actions were not allowed the board may be able to have the Joint Administrative

459 Procedures Committee (JAPC) do something about it. Ms. Guillemette stated  
460 that the difficulty was that each board and Agency is allowed to interpret their  
461 rules. She stated that the board could send a letter but she did not know if it  
462 would be effective. Ms. Guillemette advised the board that the second option  
463 was for board counsel to write an advisory memo to all County  
464 Commissions/Attorneys etc. She stated that it is not in keeping with the purpose  
465 and the mission of the board.

466  
467 Ms. Guillemette stated that as the board's legal counsel she was pointing out the  
468 statutes that apply and under Chapter 455, Florida Statute the board's purpose is  
469 to preserve the health, safety and welfare of the public. Ms. Guillemette stated  
470 that there was nothing the board could do to any municipality. She stated that the  
471 board can only instruct them.

472  
473 Mr. Graham asked Ms. Guillemette if the board was guided by rules or statute to  
474 be licensed to do certain things and was it not a mandate to the municipalities to  
475 follow the law.

476  
477 Ms. Guillemette stated that what the municipalities are doing was wrong but the  
478 board does not have authority over a municipality the board has authority over  
479 practitioners.

480  
481 Ms. Gillick advised the board that Mr. Meadows could address the problem and  
482 get the Florida American Society of Landscape Architects (ASLA) behind him if it  
483 is not the board's business.

484  
485 Ms. Walter stated that the board could have a meeting in Tallahassee and invite  
486 the appropriate people to share the issues and thank the Department of  
487 Transportation for the changes that they have considered. Ms. Walter stated that  
488 taking an approach like that keeps the board's credibility and opens a dialogue.

489  
490 Ms. Chastain stated that an article could be in the newsletter and the newsletter  
491 could be sent to all of the building departments. Ms. Chastain asked Ms.  
492 Guillemette if that was appropriate.

493  
494 Ms. Guillemette advised the board that it was appropriate.

495  
496 Ms. Walter stated that David Nam advised the board at the January 2006  
497 meeting that the ASLA was going to send a survey that would identify issues that  
498 professionals may be dealing with such as storm water management issues.

499  
500 Ms. Chastain advised the board that in her discussion with Mr. Nam he stated  
501 that the survey may be geared to other issues, such as financial issues which  
502 may not be appropriate for the board to be involved in.

503

504 Ms. Walter stated that the board may want to have a meeting in Tallahassee in  
505 January or February to hear more discussion on this issue.

506

507 Ms. Guillemette advised the board that the rules report was in their materials  
508 packet. She stated that she included a copy of the electronic signing and sealing  
509 rule which became effective February 16, 2006. She advised the board that the  
510 null & void rule is on hold while waiting for the application form from the  
511 Department of Business and Professional Regulation.

512

### 513 **Prosecuting Attorney's Report – Jessica Leigh**

514

515 Ms. Leigh advised the board that as of March 13, 2006 there was one  
516 confidential case and two cases in which probable cause had been found one  
517 case had the administrative complaint filed and one case was set for an informal  
518 hearing.

519

520 Ms. Walter asked Ms. Leigh if she had found any experts.

521

522 Ms. Leigh advised the board that an article was in the newsletter and she had  
523 drafted a letter to the Deans at each of the schools of Landscape Architecture  
524 asking for experts.

525

526 Ms. Walter asked Ms. Leigh if the board could get a copy of the letter and  
527 distribute to anyone they may know who is interested in becoming an expert.

528

### 529 **NEW BUSINESS**

530

531 There was no new business.

532

### 533 **OLD BUSINESS**

534

535 Ms. Marshall-Beasley advised the board that an applicant had taken the exam  
536 thirteen (13) times over an eight (8) year period and Mary Dumas found a two  
537 hundred and fifty dollar (\$250.00) credit while researching her records and the  
538 applicant's license was paid for thanks to Ms. Dumas.

539

### 540 **ELECTION OF OFFICERS**

541

542 **MOTION:** Mr. Graham made a motion to keep the same slate of officers.

543

544 **SECOND:** Ms. Gillick seconded the motion and the motion passed  
545 unanimously.

546

547 Ms. Walter advised the board that the next meeting was July 6, 2006 in San  
548 Destin and October 27 in Orlando.

549

550 **MOTION:** Mr. Graham made a motion to adjourn.  
551  
552 **SECOND:** Ms. Gillick seconded the motion and the motion passed  
553 unanimously.  
554  
555 The meeting adjourned at 11:35 a.m.  
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