

MINUTES

BOARD OF LANDSCAPE ARCHITECTURE

TELEPHONE CONFERENCE CALL

Toll Free 888.808.6959; Conference Code 9218690

General Business Meeting

August 31, 2007

CALL TO ORDER

Ms. Walter called the meeting to order at 10:00 a.m.

MEMBERS PRESENT

Collene Walter, Chair
Elizabeth Gillick, Vice Chair
Elizabeth Marshall-Beasley
Paul Davis

MEMBERS ABSENT

None

OTHERS PRESENT

Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Diane Guillemette, Board Counsel
Brian Jansen
David Pandoli
Mark Dick
James Montgomery, Jr.
David Nam

APPLICATION REVIEW

**Woolpert, Inc.
Certificate of Authorization**

Mr. Brian Jansen and Mr. David Pandoli were on the conference call to discuss the application.

Ms. Walter indicated that the application was on the board's July 2007 agenda and they had questions concerning the legal matters of the firm. The board

tabled the application to the August 31 telephone conference call so a representative of the firm could be present to discuss the litigation summary included in the application. Ms. Walter thanked the attendees for calling in. She indicated that the concerns expressed at the last meeting included the litigation summary regarding the items of parking lot design and stormwater management which fell into the realm of the practice of landscape architecture. Mr. Jansen, legal counsel for Woolpert, explained the Greenfield litigation was actually a current claim regarding a site in South Carolina in which a retail store decided to recreate their headquarter's distribution center. Currently there is an issue regarding areas of the parking lot where some of the pavement had crumbled as well as a similar situation with the building. Woolpert designed the parking lot and an architect designed the building. There was a separate geo-tech retained by the contractor who provided geo-technical information to both Woolpert and the architect. He indicated Woolpert had reviewed their asphalt design and it was designed according to the standard of care. They are now looking at the geo-technical information and there are concerns about the adequacy of that information since both the parking lot and the building had the same problems.

Mr. Jansen advised the board that the Michael and Linda Walsh claims were I regards to a residential subdivision design in Indiana. He stated that the Walsh property was a couple of acres next to a subdivision and they claimed that during heavy storms there was some run off that impacted their property. Mr. Jansen advised the board that the initial design by Woolpert provided for the grading to drain to a retention basin. However, the issue is that several homes that were built by the contractor provided that their down spouts were not hooked into the system and there was some erosion on the property line. Mr. Jansen advised the board that the matter was resolved between the developer and the adjacent property owner.

Ms. Walter asked how many offices Woolpert had around the country. Mr. Jensen stated there were between 24 and 26 but he did not recall the exact amount. He indicated they are all on their website.

Ms. Walter asked if Woolpert was a multi-disciplinary firm and Mr. Jensen responded yes and that they provided surveying, architecture, site development or engineering, landscape architecture, GIS, and photogramtry services.

Mr. Walter asked how many landscape architects were employed. Mr. Jensen responded about 37-39.

Ms. Gillick asked if they had a principal to oversee the Florida office.

Mr. Jensen responded Mr. David Pandoli would oversee landscape architecture in Florida.

Ms. Gillick asked if Mr. Pandoli was licensed in Florida and he responded yes. Ms. Gillick asked if any of the officers in the company were landscape architects.

Mr. Jensen stated that the Chairman of the Board of Directors was a landscape architect but not in the state of Florida. He indicated his name was Barry Stewart and he was licensed in North Carolina, Ohio and other states as well but he did could not recall without checking.

MOTION: Mr. Davis moved to approve the application.

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

Ms. Chastain clarified that Mr. Pandoli was listed on the application as a vice president of the firm. Mr. Pandoli responded that he was the vice-president.

**Paradise by Design, Inc.
Certificate of Authorization**

Mr. James W. Montgomery, Jr. and Mr. David Nam, attorney, were on the conference call to discuss the application.

Mr. Nam informed the board that through one of the American Society of Landscape Architecture continuing education laws and rules courses Mr. Montgomery became aware of the requirement to obtain the certificate of authorization.

Ms. Walter explained to Mr. Montgomery that the board was pleased that the continuing education was working and that individuals are coming forward to obtain the appropriate licensees. By precedent the board had treated those that come forward more kindly than those that are found by the department or turned in by others.

Ms. Gillick commented that Mr. Montgomery indicated he incorporated on February 24, 2005 which would be one cycle.

MOTION: Ms. Gillick moved to approve with a one cycle assessment.

SECOND: Mr. Davis seconded the motion and it passed unanimously.

Ms. Guillemette asked how much the assessment would be and Ms. Tinsley responded four hundred and fifty dollars (\$450.00)

Mr. Nam stated he wanted to thank Linda Tinsley and Juanita Chastain publicly for all of their assistance. He indicated that they were very helpful throughout the process and they reflect very well on the board.

Ms. Walter thanked Mr. Nam for his comments and stated the board agreed.

DISCUSSION

Letter from Bret D. Hammond

Ms. Walter stated that the letter from Mr. Hammond was in regards to regards continuing education courses that he took that were approved by the Board of Architecture and Interior Design for the advanced building code course. The course is not approved by the Board of Landscape Architecture and his request is to see if the board can approve them for landscape architecture.

Ms. Walter stated that short of a rule waiver there was no way for the board to approve the course. She stated that she understood Mr. Hammond's desire to have one course satisfy both requirements when you have multiple licensees. She also indicated that the courses are specific to windows and doors and occupancy and a third regarding existing building. She commented she did not think the board would consider those for advanced building code credit.

Ms. Guillemette stated she agreed with Ms. Walter and she did not think a rule waiver would fit the criteria.

Ms. Gillick stated that she would not be in favor of a rule waiver in that it would set a precedent.

Mr. Davis indicated he did not think the board could issue a rule wavier for continuing education.

Ms. Walter stated that in the past the board had issued a rule waiver to the Department of Transportation when their course expired and they offered it without realizing the course had expired.

Mr. Davis stated he thought it would be a statutory change.

Ms. Walter stated that the board should respond back to Mr. Hammond so that he knows that he needs to fulfill the advanced building code requirement for his landscape architecture license.

MOTION: Ms. Gillick made a motion to direct Ms. Chastain to write a letter to Mr. Hammond that the courses do not count toward credit for his landscape architecture license.

Mr. Davis asked if the underlying concern was that the course would be applied to both his architecture and landscape architecture license. Mr. Davis asked if there were steps that the board could take to make the approved courses pertinent to both professions or would the providers have to request approval by

both boards. Ms. Walter stated that the providers would have to request approval from both boards.

Ms. Gillick commented that the courses he took did not seem related to landscape architecture.

Ms. Chastain stated that she had conversations with Mr. Hammond and informed him he would need to take the required approved landscape architecture advanced course.

SECOND: Mr. Davis seconded the motion and it passed unanimously.

Letter from Marvin L. Sanders

Ms. Walter indicated the letter was on the agenda as Mr. Sanders had faxed the letter to the hotel at the July meeting. He was one of the individuals that were proposing suggestions to allow more flexibility for continuing education. She stated that his letter indicated that the state of Louisiana allows a licensee to keep a continuing education log. Ms. Walter indicated it was just for information to follow-up on the discussion the board had at the July meeting. Ms. Walter asked if any board members had comments.

Ms. Marshall-Beasley indicated that the system is cumbersome. She indicated that she tried to renew her license and in talking with the call center she asked if she could fax something. She stated that the call center representative indicated it might be quite some time before a faxed document could be reviewed. Ms. Marshall-Beasley stated she thought Mr. Sanders' request for filing an activity log for credit might be a problem.

Ms. Chastain stated it could be problematic for someone to submit a log as the information would first have to be reviewed by the board and approved and then would manually be put into the system. The current process is that the provider must submit the attendance roster electronically and it uploads into the system.

Ms. Marshall-Beasley stated she thought the system was working and to allow for something outside of the box could be a problem.

Ms. Gillick agreed.

RULES REPORT

Ms. Guillemette presented the following rules report:

Rules 61G10-13.003, FAC, and 61G10-13.007, FAC, regarding inactive status and reactivation of inactive license, Ms. Guillemette indicated that she and Ms. Chastain will meet to discuss language and it will be presented at the next meeting.

Ms. Marshall-Beasley stated that she recalled the issue with the rule was the back renewal fees charged to licensees that held inactive licenses.

Ms. Chastain indicated that the rule also states a licensee can only be inactive for a certain length of time.

Rule 61G10-15.005, FAC, responsible supervision control over landscape architectural practices in the landscape architect's office, Ms. Guillemette stated the rule came to the attention of the board about a landscape architect being assigned to a main office and a branch office. She indicated she went through the rule and struck the language. She asked the board if that was what they wanted to do with the rule.

Ms. Walter indicated her recollection of the discussion was that in today's digital society a licensee can be in one office a couple of days a week and another office a couple of days.

Ms. Gillick indicated that was her general recollection

Ms. Guillemette asked if the board wanted her to go ahead with the rule language.

Ms. Gillick stated she would rather see it in writing.

Ms. Guillemette stated the language was on page ninety five (95) of the agenda materials.

MOTION: Mr. Davis moved to approve the change to the rule.

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

Ms. Guillemette advised the board that Rule 61G10-18.001(5), FAC, was noticed to put in a provision so board members could receive the two hours of laws and rules for attending board meeting.

Ms. Gillick felt it was a change that should be made.

MOTION: Ms. Gillick moved to make the change to the rule.

Ms. Walter agreed but had a question on how it was written. It states board members shall be credited for two hours in laws and rules of the board and she was wondering if they need "of the board" in the rule or if it can just say that board members shall be credited for two hours in laws and rules per biennium for participation at four hours of board meetings.

Ms. Guillemette suggested that it state board members shall be credited for two hours in laws and rules continuing education credits per biennium for participation of four hours of board meetings.

SECOND: Mr. Davis seconded the motion and it passed unanimously.

Mr. Davis indicated he was off line for a minute due to a telephone problem. He asked if items number two (2), three (3) and four (4) or page ninety five (95) were discussed.

Ms. Walter indicated there were no changes being proposed on those but that they voted on the change to number five (5).

Mr. Davis commented that number three (3) states the beginning of conceptual drawings shall require the presence of a registered landscape architect at the office site. Mr. Davis commented that conceptual drawings to be prepared are not required by a landscape architect so he commented that it may not be an appropriate requirement. Mr. Davis commented that they can be prepared by any one but only when they are filing the actual construction documents are they the regulated practice of landscape architecture. Mr. Davis stated that he could see sitting down with the client and developing the conceptual drawing.

Ms. Gillick stated that this is what happens and she feels that striking that language you would be encouraging just rubber stamping the final drawing. She would disagree with striking that as it would weaken as it pertains to having a meaningful interaction with a landscape architect in the huge engineering/architectural firms that just incidentally have the focus of landscape architecture.

Ms. Marshall-Beasley thinks that the actual conceptual design is different and what you don't want is some engineer's doodle on graph paper. It may be a conceptual idea but not a conceptual drawing.

Ms. Gillick states as a practitioner for nearly 30 years if you don't have the concept right it is a mess from the beginning.

Mr. Davis advised the board that he was wondering about their authority to penalize a landscape architect for the enforcement of that provision. He commented that it might be beyond the realm of their authority. Mr. Davis stated a landscape architect might argue that will we enforce that provision upon the landscape architect once he gets involved in the process after the conceptual drawings were prepared and he did not participate in the preparation.

Ms. Marshall-Beasley commented that it speaks to the fact that he better be involved in the conceptual drawings.

Ms. Gillick agreed and stated if there was a problem down the road you could go back to the rule that states not only do you have to have a corporate officer in the corporation that is a landscape architect but it states from concept to final drawing the interaction by that licensee is required.

Mr. Davis commented that a licensee must be proactive and take the initiative to ensure his involvement.

Ms. Walter commented that under Rule 61G10-15.001, FAC, the practice of landscape architecture, that while it does not give the word conceptual it does talk about master planning. Under the practice it does talk about the formulation of the planning and design and the separation of the master plan and the site plan. She stated that it speaks to the landscape architect being involved from day one.

Mr. Davis commented that the statements in number (4) seem to conflict. It states that to advertise in any medium, including the telephone directory, even if no office is physically present in the area and then it goes on to state that the listing shall not mislead the public into believing that the phone number and address given is capable of delivering landscape architectural service to the public at that location if in fact the phone number or address listed is not a landscape architectural office.

Ms. Walter commented that she could read it to mean that if you are not a locally based landscape architectural firm you don't want to mislead the public into thinking that you have local knowledge. But, on the other hand there are many firms that are national that have local knowledge but do not live locally. She further stated that someone who specializes in work in South Florida could live and work in Georgia. It may be that they are advertising in the Miami telephone book but they do not live in Miami.

Mr. Davis commented that if you are advertising as a landscape architect how could you not mislead the public into believing that the services are available at that location.

Ms. Gillick commented that she thought the intent was that the services would be performed where an office had a landscape architect but what is prohibited is a field office with no landscape architect.

REVIEW OF CONTINUING EDUCATION COURSE/PROVIDER APPLICATIONS

Ms. Walter indicated that the courses and providers are outlined on page ninety nine (99) of the agenda materials. She indicated that the board could combine the two additional course applications included on the addendum.

Mr. Davis stated he would like to combine as one motion.

Ms. Marshall-Beasley stated they need to review two of the PSMJ Resources, Inc., one on page one hundred and thirty six (136), CEO Mergers and Acquisitions Roundtable and one on page one hundred and forty nine (149), CEO Ownership and Leadership Transition Roundtable. She stated that she was unclear as to why they are counting them as fifteen and a half (15.5) hours.

Ms. Walter indicated that the course on page one hundred and thirty six (136) and on page one hundred and forty (140) they indicate the AIA approval is for 14 hours. She also stated that they further indicate that they are a registered provider for the Florida Board of Landscape Architecture for 15.5 credit hours. If this is not a renewal they are advertising prematurely.

Ms. Marshall-Beasley stated the course on page one hundred and forty nine (149) was given in March. She stated that she is unclear as to what they were approving and if they just want to repeat the classes they taught in March.

Ms. Walter stated that if they approve them the board would need to make it clear that they are not approving retroactive.

Mr. Davis asked if the courses had been previously approved.

Ms. Marshall-Beasley stated she was not sure.

Ms. Walter asked about the continuing education that had disappeared from the board's website.

Ms. Chastain indicated that the information was found on the Bureau of Education and Testing website but that she would ask the Division's data steward if they could put a more direct link on the board website.

Ms. Walter and Mr. Davis indicated that would be very helpful.

Ms. Marshall Beasley stated that if they approve them that they would not approve retroactively and that they be approved for fourteen (14) hours.

Ms. Chastain stated that Ms. Tinsley was going to call the Bureau of Education and Testing to confirm if the request was for a renewal and also that the approval would not be retroactive as the board does not have a provision to approve retroactively.

Ms. Gillick asked Ms. Chastain if the provider receives an approval notice.

Ms. Chastain stated the Bureau of Education and Testing notifies the applicant of the approval.

Ms. Chastain stated the Bureau of Education and Testing confirmed that the courses were for renewals.

MOTION: Ms. Marshall-Beasley moved to approve continuing education courses and providers with the exception of the PSMJ Resources.

Ms. Walter stated that it would include LM Schofield Company, University of Florida IFAS Extension Lake County and the American Society of Landscape Architects National.

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

The board discussed the four courses submitted by PSMJ Resources.

MOTION: Ms. Marshall-Beasley moved to approve with amendment to allow fourteen (14) hours for CEO Mergers and Acquisitions and CEO Ownership and the two (2) courses on the addendum, CEO Leading and Growing your mid-size firm and Strategic Proposals and Presentations.

SECOND: Mr. Davis seconded the motion and it passed unanimously.

Ms. Walter thanked Ms. Marshall-Beasley for her review of the continuing education.

RATIFICATION LIST

Ms. Walter asked if everyone received the ratification list by email. Everyone responded they had received the list.

MOTION: Mr. Davis moved to approve the ratification list as presented.

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

Certificate of Authorization

Botanical Visions, Inc.

Endorsement

Cristobal Betancourt, Darian Copiz, John Utterback, Ashli Morris, Patrice Ragusa

Exam

Brandon, Cappellari, Maria Gonzalez Del Valle, Jim Morgan, Brian K. Terry

MEMORANDUM FROM MR. PENROD, CLARB

Ms. Walter indicated the memorandum was for the board's information.

Ms. Marshall-Beasley informed Mr. Davis that the board had a discussion with Mr. Turner at the last meeting. The board offered that Florida had concerns regarding the examination and continuing education.

OLD BUSINESS

Ms. Chastain indicated that Mr. Davis had been approved to travel to the CLARB meeting in Cincinnati. Ms. Marshall-Beasley's travel was not approved due to the budgetary restraints in the agency.

Ms. Chastain also asked that the board schedule a telephone conference call to review and approve continuing education courses. The board agreed to hold a telephone conference call on September 25th at 2:00 p.m.

Mr. Davis asked if the board had anything they would like him to take to the meeting.

Ms. Marshall-Beasley stated her concern was continuing education. CLARB is trying to do something very valuable for individuals who are multi-licensed but it is not quite there yet. She commented that she knows they want to move forward but they were going to approve classes that Florida had not approved and she is concerned that would be confusing to licensees.

Mr. Davis stated that he thinks CLARB knows Florida will not be participating in their system but the issue is if our licensees understand that.

Ms. Marshall-Beasley commented that our licensees would not be happy about that. She stated it would be a wonderful clearinghouse but it is just not there yet.

Ms. Walter commented that National ASLA is offering continuing education courses and that those will not count for Florida unless approved. She indicated that may also cause confusion.

NEW BUSINESS

Ms. Walter stated she received a letter from the department requesting input on the budget allotment and budget process. Ms. Walter stated that as a result of budget tightening there will be some impact on the board. As an example Ms. Marshall-Beasley will not be attending the CLARB meeting.

Ms. Chastain stated that the budget cuts are for the current fiscal year. She further stated that the department is hoping that the cuts will not take place and they are going forward next year as usual but are tightening with travel. Ms. Chastain further explained the board would not necessarily have to travel to a central location but would be looking at the most economical locations. Ms. Chastain stated there are areas of the state that are known to be more expensive during certain times of the year and the intent is to stay away from those areas during their peak times. Ms. Chastain indicated that Ms. Tinsley always tries to find the most economical locations so she is hopeful the board will not feel a significant impact.

Mr. Davis commented that the account had been raided in the past and the fees pay for the operation of the board.

Ms. Chastain stated that their financial situation is balanced. She agreed that in the past some boards had funds swept. She explained that the Legislature determines the amount of money that can be spent on travel and even if the board had money in their account they cannot spend it over the appropriated amount.

Ms. Walter asked to be kept informed.

Ms. Walter asked if FAMU would be contacted about the October meeting in Tallahassee.

Ms. Tinsley stated Ms. Chastain would send a letter of invitation.

The meeting adjourned at 11:30 a.m.