

MINUTES
Board of Landscape Architecture

Pink Shell Beach Resort
275 Estero Boulevard
Fort Myers Beach, FL 33931

General Business Meeting

October 24, 2008

CALL TO ORDER

Ms. Walter called the meeting to order at 9:15 a.m.

MEMBERS PRESENT

Collene Walter, Chair
Elizabeth Marshall-Beasley, Vice Chair
Philip Graham
Dr. Ernest Paskey
Robert Bowden
Brian Walker

MEMBERS ABSENT

Joseph Delate (excused)

OTHERS PRESENT

Juanita Chastain, Executive Director
Diane Guillemette, Board Counsel
LeChea Parson Prosecuting Attorney
Linda Tinsley, Government Analyst
Mary Anne Demars, Court Reporter, Martina Reporting Services; 239.334.6545
Jon Pierce
Vincent F. Difini, Jr.
Robert M. Mitchell
Daniell Isaacson
Stephen Trudnak
Jonathan Romine
Daniel Novakovich
Bruce McNall
Paul Klens
John Ribes

Ryan Binkowski
Richard Wilbanks
Robert Melzer
Robert Pickett
Emily O'Mahoney
Other Interested Parties

Ms. Chastain informed the board that she had received a request from Mr. Delate to be excused from the meeting due to a prior commitment he had before his appointment to the board.

MOTION: Ms. Marshall-Beasley made a motion to excuse Mr. Delate's absence.

SECOND: Dr. Paskey seconded the motion and the motion passed unanimously.

DISCIPLINE

Vincent F. Difini, Jr.: Case number 2006-054141

Mr. Difini was present at the meeting and was not represented by counsel. He was sworn in by the court reporter.

Ms. Marshall-Beasley was recused due to her participation on the probable cause panel.

Ms. Parson reviewed the complaint process with the board.

Ms. Walter informed the board that the case had to do with a corporation that did not have a certificate of authorization. Ms. Walter stated that in the past the board had dealt with situations where the corporation became aware that they did not have the necessary certificate of authorization and they reported the deficiency which the board refers to as self reporting. She stated that the application is reviewed and the applicant paid the back fees and the application moves forward. She stated in this case it was reported to the Department and went through the complaint process and is now before the board as a disciplinary case.

Ms. Parson presented the case as an Informal Hearing. Ms. Parson advised the board that the administrative complaint alleges that the Respondent practiced as a landscape architect business without a certificate of authorization. Ms. Parson asked the board to adopt the findings and facts and conclusions of law as those of the board.

MOTION: Mr. Graham made a motion to adopt the findings of fact as stated in the administrative complaint.

SECOND: Dr. Paskey seconded the motion and the motion passed unanimously.

MOTION: Mr. Walker made a motion to adopt the conclusions of law as stated in the administrative complaint.

SECOND: Dr. Paskey seconded the motion and the motion passed unanimously.

Ms. Parson advised the board that Mr. Difini's corporation had been dissolved and was in business for a short time. The Department recommended a five hundred dollar (\$500.00) fine and one hundred and thirty two dollars and twenty two cents (\$132.22) in costs.

Ms. Walter stated that she feels the board should impose a penalty.

After discussion by the board the following motion was made.

MOTION: Dr. Paskey made a motion to impose a five hundred dollar (\$500.00) fine and one hundred and thirty two dollars and twenty two cents (\$132.22) in costs.

SECOND: Mr. Walker seconded the motion.

The motion passed with Mr. Bowden opposed.

APPLICATION REVIEW

Jon Nathan Pierce – Six Year Candidate

Mr. Pierce was present at the meeting.

Ms. Walter advised the board that Mr. Pierce had applied to take the exam as a six year candidate. She stated that Mr. Pierce had an undergraduate degree in a related profession. She stated that he was eligible for four (4) years credit towards the six (6) years of work experience. Ms. Walter stated that Mr. Pierce had provided documentation of two (2) years of practical experience. Ms. Walter advised the board that she had reviewed the plans Mr. Pierce had submitted and she asked the board to review them.

The board reviewed Mr. Pierce's plans and after discussion the following motion was made.

MOTION: Ms. Marshall-Beasley made a motion to approve the application.

SECOND: Dr. Paskey seconded the motion and the motion passed unanimously.

DISCUSSION

Continuing Education Independent Study

Ms. Walter advised the board that she wanted to ask the board to consider a couple of different opportunities to help streamline the continuing education process. She stated that she would like the board to consider the opportunity to implement some type of independent study to allow landscape architects that take a course from a provider that had not been approved by the board to receive credit for that course. Ms. Walter advised the board that she wanted the board to discuss automatic provider and course approval. She stated that the board could recognize in their rules national organizations that provide continuing education as an automatic provider and or course approval. She stated that sometimes there are timing issues such as the National ASLA meeting. They could only submit seven (7) or eight (8) courses because of the timelines. She stated that if the provider is putting together a seminar it is very difficult to get commitments for speakers and courses so far in advance. She stated that the board needed to make sure the courses submitted are relevant to the profession. She stated that the board could not rubber stamp every thing.

Ms Chastain advised the board that they may want to consider having one board member review the courses and have the Department process the application and the board would receive a ratification list of the courses approved by that member.

Ms. Marshall-Beasley stated that the architects rule is very broad and undermines everything that the board had worked so hard to do. She stated that she was concerned about giving national organizations special consideration. She stated that there could be other companies that are national. She stated that a playground company or other product company could sit and sell product for an hour. Ms. Marshall-Beasley stated how could the board decide who would be pre-approved and who would not. She stated that independent study had the potential to be good but she also sees the potential to be evil. She feels that the board would dilute all of the good they had done over the past seven (7) years.

Mr. Graham stated that the problem seems to be the courses cannot be approved quickly enough. He stated that he liked the idea of expediting the ability to approve courses. He stated that it was a frustration for everyone. Mr. Graham stated that the independent study had a lot of merit but begins to burden the operation and take a lot of board time and discussion. He stated that the

BOARD OF LANDSCAPE ARCHITECTURE

General Business Meeting

October 24, 2008

Page 4

board needed to review the courses and the board is not doing the licensees justice if they do not review the courses.

Ms. Chastain stated that if one board member could review the course applications and approve the application the Department could issue a course number and the board would receive a ratification list at the meeting. She stated that if the reviewer had any doubt they could present the application to the board for approval.

Ms. Guillemette stated that there was a fee for the providers and she asked Ms. Chastain if there was a fee for courses.

Ms. Chastain stated that there was not a fee for courses.

Ms. Guillemette stated that it is work for the board to review each individual's application for continuing education credit. She stated that it is also work for the Department. She stated that the provider sends continuing education credits for licensees electronically. Ms. Guillemette stated that if the board approved an individual's application Ms. Chastain would have to take it back to the Department and take it to the Bureau of Education to be put in the individual's record manually.

Ms. O'Mahoney, the education Chair for the Florida Chapter ASLA, stated that there was an unknown period from the time the continuing education application was received and six weeks later a deficiency letter is received that it is incomplete. She stated if that process could be shortened it would be of great benefit.

Ms. Chastain stated that the Bureau of Education and Testing receives courses for all of the professions in the agency. She stated that they have their work load and they have thirty (30) days to review an application. She stated that several applications may have been received before your application was received so it may be several days before it is reviewed. She stated that if a board member could review the application and make the call it would speed the process. She stated if the application did not have to go to the full board it would expedite the process.

Ms. O'Mahoney advised the board that she went through the evaluation forms from the conference. She stated that landscape architects want to learn. She stated that landscape architects do not tolerate people that address them and do not understand what they do. She stated that National ASLA did not push to get all of their courses approved they only had eight (8) out of thirty (30) courses approved for the conference. She stated that at the conference Florida was the only State that had separate credits and Florida did not accept ASLA CE credits.

Ms. O'Mahoney stated that a landscape architect needs to go to the conference that is going to best benefit their business and growth. She stated that she wanted to offer her services through the Florida Chapter ASLA as a provider. She stated that if there was anything they could do to support the board in their mechanism to help get ASLA, ULI, ISA, FEC and others get their courses approved. She stated that if they are out there to provide educational courses that is what their membership wants to take. She stated that ASLA tries really hard and people want to walk away with something and landscape architects interests are varied. She asked the board to please let the Chapter know if they could help in any way.

Mr. Graham stated that he liked where Ms. O'Mahoney was going with this. He stated ASLA could take the responsibility of reviewing courses from another organization and submitting for approval.

Ms. O'Mahoney stated that she wanted the process to go further. She does not understand why Florida does not accept all courses across the board from ASLA.

Ms. Guillemette stated that according to Florida Statute the board shall establish criteria for the approval of continuing education courses and providers. She stated that the board had certain duties and responsibilities according to statute. Ms. Guillemette stated that the board could try to draft a rule that states every course by ASLA and other organizations was automatically approved. She stated that the board would be delegating a duty to an out side entity. She stated that the board has a duty to consider criteria according to Florida Statute.

Ms. O'Mahoney stated that if there was not a mechanism for blanket approval at least have a way for the landscape architect to submit a course they had taken for approval.

Ms. Walter stated that the board may want to look at the processing of continuing education applications. She stated that there is general agreement that perhaps the board could have the continuing education committee of one approve the courses they feel comfortable approving and bring to the board any courses they have questions on. She stated that process may help shorten the time it takes course applications to get through the system.

Ms. Guillemette stated that the board could delegate the approval to the committee of one without a rule change. She stated that it was a policy change.

Ms. Walter asked the board if providers would be approved as well as courses.

Ms. Marshall-Beasley stated that it should be split and provider applications should come to the full board. She stated once the provider is approved by the

board they could submit all the courses they wanted and the committee of one would approve.

Ms. Marshall-Beasley stated that she wanted the board to look at accepting courses approved by other licensed professional boards, not associations, to fulfill continuing education requirements for landscape architects.

Ms. Guillemette stated that the board had discussed a lot of issues at this meeting. She suggested that the board table the issue of accepting courses approved by other professional boards to fulfill continuing education requirements for landscape architects. Ms. Guillemette advised the board that she and Ms. Chastain would get back to the board at the January 2009 meeting with some rule language.

After discussion by the board the following motion was made.

MOTION: Mr. Graham made a motion for provider applications to come to the board for approval and course applications would be approved by the continuing education committee of one. If there are any questions on course applications it would be submitted to the full board. A ratification of approved courses will be presented to the full board.

SECOND: Dr. Paskey seconded the motion and the motion passed unanimously.

REVIEW OF CONTINUING EDUCATION COURSE/PROVIDER APPLICATIONS

Ms. Marshall-Beasley advised the board that she had reviewed all of the applications on the agenda.

MOTION: Ms. Marshall-Beasley made a motion to approve the provider application for Design with Joy.

SECOND: Mr. Graham seconded the motion and the motion passed unanimously.

MOTION: Ms. Marshall-Beasley made a motion to approve the following course applications from Design with Joy and Florida Chapter ISA.

SECOND: Dr. Paskey seconded the motion and the motion passed unanimously.

Design with Joy

Design to LEED – Technical Review – 10 hours
Sustainable Plant Selection – 2 hours
Florida Chapter ISA

Florida Tree Nursery Grades and Standards Arboriculture Starts in the Nursery – 6.5 hours
Up by the Roots – Healthy Soils and Trees in the Built Environment – 6.5 hours

APPROVAL OF THE JULY 31, 2008 MINUTES

MOTION: Mr. Graham made a motion to approve the minutes as presented.

SECOND: Mr. Bowden seconded the motion and the motion passed unanimously.

RATIFICATION LIST

Ms. Walter reviewed the ratification list with the board.

MOTION: Mr. Bowden made a motion to approve the ratification list as presented.

SECOND: Dr. Paskey seconded the motion and the motion passed unanimously.

Certificate of Authorization

AB Design, LLC

Endorsement Applicants

Ryan Trudell, Bradley C. Lenahan

Exam Candidates

Jessica M. Buesching, Jose Alejandro Falquez, Dylan L. Roden, Andrea M. Douglas, Hongbum Yun, Zachary Randall Borg, Jessica Anne Krier, Kuan-Chang Chen, Erica Stimart, Leslee Kristine Chapman, Casey Marcus Collins, Justin Matthew Tyler, Michael Glenn Ekblad, Jeffrey T. Lombard, Scott William Monn, Robert M. Moehring, Derick C. Langel, Kirk Patrick Hoosac

Ms. Chastain advised the board that in an effort to expedite the exam and licensure applications she is asking the board to allow the Department to process

the applications and proceed with exam scheduling and licensing. She stated that the board would continue to receive applications with discipline problems and six year candidates. She stated that the board would continue to receive the ratification list at the meetings.

The board agreed to allow the Department to process the applications as presented by Ms. Chastain.

ELECTION OF OFFICERS

Ms. Walter opened the floor for nomination of officers.

MOTION: Ms. Walter nominated Ms. Marshall-Beasley for Chair.

SECOND: Mr. Graham seconded the motion and the motion passed unanimously.

MOTION: Ms. Walter nominated Mr. Graham for Vice Chair.

SECOND: Dr. Paskey seconded the motion and the motion passed unanimously.

Ms. Guillemette advised the board that under Chapter 455.225, Florida Statutes allows for a former board member to be a member of the probable cause panel. Ms. Guillemette stated that the board did not have a rule but they would discuss development of the rule during the rules report. She stated that the probable cause panel must include one of the board's former or present consumer members if one is available. She stated that the panel must have a license holder as well.

Ms. Walter asked if anyone would volunteer to be on the probable cause panel.

Dr. Paskey volunteered to serve on the probable cause panel as the licensed member and Brian Walker volunteered to serve as the consumer member.

REPORTS

Chair's Report – Collene Walter

Ms. Walter advised the board that she had attended the National ASLA conference. She stated that ASLA had provided some handouts and she brought some back for the board members for their information.

Ms. Walter put some information in the folders for the board's information about the continuing dialogue between the Florida Chapter ASLA government affairs

committee and their discussions with the Florida Engineering Society as it relates to the stormwater management issue.

Board Counsel's Report – Diane Guillemette

Ms. Guillemette advised the board that she would bring for board consideration at the January 2009 meeting crossover credit from other licensee approved boards. She stated that she would like the board to allow her to open for development a rule to include a former board member on the probable cause panel.

MOTION: Mr. Walker made a motion to direct board counsel to open for rule development a rule to include a former board member on the probable cause panel.

SECOND: Mr. Graham seconded the motion and the motion passed unanimously.

Executive Director's Report – Juanita Chastain

Ms. Chastain reviewed the financial report with the board. She stated that the board was financially sound.

Ms. Chastain stated that she wanted to thank Ms. Walter for her service as Chair.

Mr. Graham stated that Ms. Walter had served the board admirably over her tenure and it had been a delight to work with her.

Prosecuting Attorney's Report – LeChea Parson

Ms. Parson reviewed her report with the board.

NEW BUSINESS

Ms. Guillemette stated that Mr. Bowden had an ethics question. She stated that he was a board member and would like to offer a continuing education course. She stated that he could not get paid for it. Ms. Guillemette stated that she would discuss the issue further with Mr. Bowden and they would submit an informal request to the commission on ethics.

OLD BUSINESS

The board set the following meeting dates:

January 16, 2009 in Tallahassee, April 24, 2009 in Orlando, July 23, 2009 at the Florida ASLA conference in Sanibel, October 16, 2009 in St. Augustine

Ms. Marshall-Beasley volunteered to be the CLARB delegate and Mr. Delate will be the alternate.

Dr. Paskey volunteered to be the continuing education committee of one and Mr. Graham will be the alternate.

MOTION: Ms. Marshall-Beasley made a motion to adjourn.

SECOND: Ms. Walter seconded the motion and the motion passed unanimously.

The meeting adjourned at 12:30 p.m.