

MINUTES

BOARD OF LANDSCAPE ARCHITECTURE

Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399

General Board and Business Meeting
February 6, 2004
9:00 a.m.

Call To Order

Mr. Davis called the meeting to order at 9:13 a.m.

Board Members Present

Paul Davis, Chairman
Elizabeth Anne Gillick, Vice Chair
Collene Walter
Elizabeth Marshall Beasley

Board Members Absent

Phillip Graham

Others Present

Juanita Chastain, Executive Director
Barbara Edwards, Board Counsel
Charlie Pellegrini, Prosecuting Attorney
Terri Estes, Government Analyst
Linda Tinsley, Government Analyst
Jeff Castor, ASLA

Approval of the August 22, 2003 Telephone Conference Call Minutes

MOTION: Ms. Beasley made a motion to approve the minutes as printed.

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

Approval of the September 19, 2003 Telephone Conference Call Minutes

Ms. Walter stated that she had one comment on page eleven (11) line two hundred and eighty (280) that Ms. Graham should be Mr. Graham. Ms. Walter advised Ms. Estes that the minutes were wonderful.

MOTION: Ms. Gillick made a motion to approve the minutes with corrections.

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

Application Review

Joseph Glass

Ms. Estes presented the application to the board and stated that the applicant had originally been licensed in Florida and the license went null and void. The application is before the board because he had been practicing with a null & void license.

Mr. Davis asked if the applicant had self reported or if it was discovered through investigations.

Ms. Estes stated that it was self reported.

Ms. Marshall-Beasley asked Ms. Estes if he had submitted a change of address.

Ms. Estes stated that the Department had no record of a change of address.

Mr. Davis stated that in the past the board had consistently been fining five hundred dollars (\$500.00) for re-instatement of a license.

MOTION: Ms. Marshall-Beasley made a motion to impose a fine of five hundred dollars (\$500.00) and re-instate the license.

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

Ms. Edwards asked the board if Mr. Glass had applied for a business license as well and would he have been fined five hundred dollars (\$500.00) for each or for both licensees.

The board members advised Ms. Edwards that they would have fined him five hundred (\$500.00) dollars for each.

Ms. Edwards stated that some of her other boards have taken the position that once a license goes null and void it cannot be re-instated and the individual has

to re-apply as if they are applying for the first time. Ms. Edwards asked the board if the applicant would have to take the exam.

Ms. Chastain stated that if he meets the qualifications and has taken and passed the exam usually that applies to his application and he will be assigned a new license number.

Mr. Davis stated that Mr. Glass had submitted a new application and his credentials have been reviewed.

Stresau, Smith & Stresau, PA

Ms. Estes advised the board that there was a letter in their folders from Mr. Stresau for their review.

Mr. Davis advised the board that a motion was needed to continue the review of Mr. Stresau's application as requested in his letter.

Ms. Edwards advised the board that there was a ninety (90) day time limit on applications.

Ms. Gillick stated that the board may have a telephone conference call in March and the application could be continued until March and still be within the ninety (90) days.

Ms. Estes stated that his application is complete.

Ms. Edwards asked Ms. Estes if the applicant had completed page four (4) of the application.

Ms. Estes stated that the applicant had replied to page four (4) in his letter.

Motion: Ms. Gillick made a motion to issue a continuance to Mr. Stresau until the March 2004 telephone conference call.

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

Review of Continuing Education Providers and Courses

Center of Collaboration and Education in Design
Strategies for Safe and Sustainable Communities – 12 hours

Ms. Walter presented the course to the board and stated that a work book was submitted with the application that substantiated the twelve (12) hours of credit that was requested for the course.

MOTION: Ms. Walter made a motion to approve the course.

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

**University of Florida /Florida Energy Extension Service
Continuing Education Course Application Renewal
*Florida Yards and Neighborhoods***

Ms. Walter presented the course as a renewal application from the University of Florida. The application is for four (4) credit hours.

MOTION: Ms. Walter made a motion to approve the renewal application for the University of Florida/Florida Energy Extension Service.

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

Ms. Walter asked the board to consider having a conference call in March to approve continuing education courses.

Ratification List

Mr. Davis reviewed the ratification list with the board.

MOTION: Ms. Gillick made a motion to approve the following applicants on the ratification list.

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

Certificate of Authorization

Ivey Planning Group, LLC, Lewis Scully, Gionet, Inc.

Business Name Change

From: Swan Moody & Associates, Inc, To: John Moody & Associates, Inc.

Endorsement

Jose Alminana, Dennis E. Meyer, Anthony J. Viers

Exam

Natalie A. Jarrell

Rules

Notice of Proposed Rule Development, Rule 61G10-11.0035 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions

Ms. Edwards advised the board that the notice for rule development and the language that was approved was in the agenda material for the boards information.

Mr. Davis asked if the Military Spouse had to take any steps to renew when they return to the state.

Ms. Edwards advised the board that it is the licensee's responsibility to renew their license.

Mr. Davis asked what the status of the license is while they are in the Military.

Ms. Tinsley advised the board that the license is put in Military status in the computer system and the licensee must provide a copy of their military orders.

Discussion

Draft Letter to Mr. James Penrod

Ms. Chastain advised the board that she requested that the letter be placed on the agenda for the board's review.

Mr. Davis stated that he would like to make a few grammatical changes. He stated that he would like to strike would like to, in the first paragraph, to the Florida Board of Landscape Architecture formally requests.

Ms. Gillick stated she felt the letter should be sent.

Ms. Marshall-Beasley suggested to Ms. Chastain that she add to the first paragraph after request the following information that you stated was available.

Ms. Walter advised Ms. Chastain that she include in the letter we look forward to your response in advance of our March telephone conference call.

Ms. Chastain advised the board that she would make the changes and the letter would then go to the communications office for approval.

Letter from Charles Bailey, Chair, Maryland Board of Examiners of Landscape Architects

Ms. Chastain stated that the letter from Mr. Bailey was included in the agenda for the board's information.

Ms. Walter stated that one comment she had was that she felt Mr. Bailey brought up a good point. She stated that the board had discussed in the past that they do not want individuals to have the perception that if they pass the national exam that they are automatically licensed by the state of Florida. She stated what the letter is asking for is that CLARB have a disclaimer on their exam information.

Mr. Davis stated that there was a disclaimer in the information provided by CLARB.

Ms. Marshall-Beasley stated it was on CLARB's web site.

Ms. Walter stated that maybe the board needed to send a letter.

Ms. Marshall-Beasley stated that she would draft a letter to CLARB addressing the board's concerns about the exam and licensing requirements in other states.

Ms. Chastain read a January 6, 2004 letter from CLARB, stating that the CLARB web site states that different states may have different requirements and it is the applicant's responsibility to check with their state.

Complaints and Investigative Fiscal Year Totals 2003-04

Ms. Chastain introduced Mr. Mark Whitten, Division Director and Mr. Jerry Wilson, Assistant Division Director to the board.

Mr. Wilson stated that the board had a conference call in December and the board had asked the Department to conduct a survey of the companies who advertise themselves as landscape architects. He stated that there is a group of people in Tallahassee who were auditing various phone books from around the state to check the phone books to see who is advertising as a landscape architect. The auditors then check the computer system to see if they are licensed. They have detected several that do not have a certificate of authorization. Mr. Wilson stated as of this date they have discovered twenty (20) instances in three (3) regional areas of firms that are offering landscape architecture services without certificates of authorization. He stated that ten (10) more firms had been identified that do not appear to have a licensed landscape

architect tied to the business. Mr. Wilson stated that the firms that have a landscape architect without a certificate of authorization that the landscape architect will be charged with failure to have a certificate of authorization. Mr. Wilson stated that the firm will be charged with unlicensed activity and a cease and desist will be issued until they become properly licensed.

Ms. Marshall-Beasley asked Mr. Wilson what the fine would be.

Mr. Wilson stated that Mr. Pellegrini could answer that question.

Mr. Pellegrini advised the board that the fine would be up to one thousand (\$1000.00) dollars.

Mr. Wilson stated that the cases for the licensed person would go to probable cause.

Mr. Wilson stated that unlicensed activity is a cease and desist, compliance will be monitored and a fine can be imposed of five thousand (\$5000.00) per count for unlicensed activity.

Ms. Marshall-Beasley asked what constituted a count.

Mr. Pellegrini stated that it was per violation.

Ms. Marshall-Beasley stated that the phone book sweep was good but they are catching licensees and not the large engineering firms and landscape designers.

Mr. Wilson stated that plan stamping always has an aspect of unlicensed activity.

Mr. Jeff Castor from the Department of Transportation advised the board that they pre-qualify all of their consultants and make sure they have a certificate of authorization. Mr. Castor stated that two (2) years ago there was a statutory change to require landscape architects to sign and seal plans.

Mr. Wilson stated that there are two ways to tackle the problem with larger firms. He stated while the investigators are reading the paper and realizing a new commercial building is being constructed in the area they can investigate and find out who the engineers, architects and landscape architects are involved in the project. He advised the board that they could call the unlicensed activity person with the Department and report any suspicious activity. He stated that there was a forty eight (48) hour turn around on unlicensed activity.

Ms. Chastain advised the board that if a licensee calls them on a complaint to not talk to them because that can prejudice them when the matter comes before the board. She advised them to refer the complainant to the Department.

Ms. Edwards stated that another caution is to be careful what you say because you can be called as a witness for the other side.

Reports

Chair's Report – Paul Davis

Mr. Davis advised the board that he participated in the exam grading in January. He stated that he noticed some improvement in the grading process. He stated that the candidates overall did much better and he felt ASLA has stepped up their exam preparation efforts.

Mr. Davis stated that he had been asked to serve on CLARB's continuing education committee. He stated that half the states had continuing education and CLARB would like to see it as a requirement for all states. He advised the board that this would be discussed at the February meeting in Chicago.

Executive Director's Report – Juanita Chastain

Ms. Chastain advised the board that at the last board meeting she was asked to invite the Department of Agriculture to the next meeting. She stated that she did talk to Yolanda Roundtree and was informed the Department's involvement with the FMGA's brochure is basically marketing and that is a service offered to agricultural associations. The Department of Agriculture understands the board's concerns and they will comply with that.

Ms. Chastain advised the board that she discussed the advertising of continuing education providers before approval with Mr. Ayrish. Mr. Ayrish suggested that this information be put on the web site.

Ms. Walter commented that it takes sixty (60) to ninety (90) days to complete the application process. She stated that this information should also be on the web site.

Ms. Chastain advised the board that she would have the financial report at the next meeting.

Prosecuting Attorney's Report – Charles Pellegrini

Mr. Pellegrini advised the board that there was one case being litigated and they were waiting for the Recommended Order from the Judge.

Board Counsel's Report – Barbara Edwards

Ms. Edwards advised the board that she had no report.

For the Board's Information

Cherry Lake Tree Farm's Provider and Course Survey

Ms. Walter advised the board that a course evaluation form was given to participants at every course. Ms. Walter stated that she had not received much negative feedback on any of the courses and most people have had favorable feedback on the courses.

Mr. Davis stated that maybe ten (10) questions on the web site and licensees could sign in and give feedback on the courses.

Ms. Walter stated that maybe a survey could be included in the newsletter.

Ms. Chastain stated that she would start collecting material for the next newsletter and asked if any one had any articles.

Ms. Gillick stated that in the newsletter licensee's need to be made aware that they need to notify the Department if they move or if they have a corporation they need to have a certificate of authorization.

Ms. Edwards stated that she would write an article on laws and rules.

Ms. Marshall-Beasley stated that a beneficial article would be five (5) easy ways to lose your license. She stated that number one (1) Changing your address and not notifying the Department, number Two (2) Stamp and seal someone else's plans, number three (3) don't register your corporation.

Ms. Walter stated that she would draft an article on the advanced building code course.

Ms. Chastain advised the board that she would have the newsletter ready in a couple of months.

Total Number of Licensees

Ms. Chastain advised the board that this was for their information.

She reviewed the information with the board.

New Business

Ms. Chastain advised the board that they needed to have election of officers.

MOTION: Ms. Gillick made a motion to nominate Mr. Davis to continue as Chair.

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

MOTION: Ms. Marshall-Beasley made a motion to nominate Elizabeth Gillick as Vice Chair.

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

Mr. Davis asked if the meeting schedule was set up for the year.

Ms. Gillick stated that the board needed to schedule a conference call in March.

After discussion by the board the following meetings were scheduled.

March 12, 2004 at 9:00 a.m., Telephone Conference Call

May 7, 2004, Tampa

July 29 or 30, 2004, Daytona, Adams Mark Hotel, ASLA Meeting

October 22, 2004, West Palm Beach, Four Seasons

February 4, 2004, Orlando

Ms. Chastain advised the board that eight hundred (800) numbers would be scheduled for telephone conference calls if they were available.

MOTION: Ms. Gillick made a motion to adjourn.

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

The meeting adjourned at 11:05 a.m.