

**420-RICR-00-00-1**

## **TITLE 420 – BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS**

### **CHAPTER 00 – LANDSCAPE ARCHITECTS**

#### **SUBCHAPTER 00 – N/A**

##### **PART 1 – Rules and Regulations for Landscape Architects**

### **1.1 Authority**

This regulation is promulgated in accordance with R.I. Gen. Laws §§ 5-51-2 and 5-51-9 by the Rhode Island Board of Examiners of Landscape Architects with the approval of the Director of the Department of Business Regulation.

### **1.2 Scope**

This regulation applies to the licensing and regulation of the practice of landscape architecture in Rhode Island.

### **1.3 Purpose**

The purpose of this regulation is to describe the practices and procedures of the Board and to set forth the rules promulgated to enforce R.I. Gen. Laws Chapter 5-51 for the regulation of the practice of landscape architecture within the state.

### **1.4 Definitions**

- A. "Allied professional" means an individual professional registered in any United States jurisdiction as an architect, professional engineer or professional land surveyor.
- B. "ASLA" means the American Society of Landscape Architects.
- C. "Board" means the Rhode Island State Board of Examiners of Landscape Architects, established pursuant to R.I. Gen. Laws Chapter 5-51 to regulate the practice of landscape architecture in the State of Rhode Island.
- D. "Certificate of Registration" or "License" means the landscape architecture license and/or registration issued by the Board.
- E. "CLARB" means the Council of Landscape Architectural Registration Boards.
- F. "CLARB council record" or "CLARB record" means a verified history of your education, experience, examination, licensure history and professional references to be used to apply for examination, licensure and certification.

- G. "CLARB certification" means the industry-recognized distinction that signifies that a landscape architect has met the professional standards established by CLARB and carries CLARB's recommendation that the individual be granted licensure without further review.
- H. "COA" means the Certificate of Authorization for a Firm.
- I. "Department" means the Rhode Island Department of Business Regulation.
- J. "Direct control and personal supervision" means the supervision of, knowledge of and acceptance of responsibility for another's landscape architecture work by a registered Landscape Architect, in which the supervisor is directly involved in all practice-related judgements affecting public health, safety and welfare.
- K. "Director" means the Director of the Rhode Island Department of Business Regulation or their designee.
- L. "Firm" means a sole proprietorship, partnership, limited liability partnership, corporation, or limited liability company that practices or offers to practice landscape architecture as described by R.I. Gen. Laws § 5-51-13.
- M. "L.A.R.E." means the Landscape Architecture Registration Examination prepared and distributed by CLARB.
- N. "Landscape architect" is defined in R.I. Gen. Laws § 5-51-1(3).
- O. "Landscape architecture" is defined in R.I. Gen. Laws § 5-51-1(4).
- P. "Registrant" means any person holding a certificate of registration or license issued by the Board pursuant to R.I. Gen. Laws Chapter 5-51.
- Q. "Responsible charge" means a registered Landscape Architect who exerts direct control and personal supervision over all activities associated with and defined as landscape architecture. A landscape architect in responsible charge must exert and have authority to supervise all such regulated activities by any firm with whom he or she is employed.
- R. "Seal" means an embossed circular seal or rubber stamp of a design and size approved by the Board. It shall contain the name of the landscape architect, the registration number, the word "Registered" above the State's emblem, and the words "Landscape Architect" below the registration number.
- S. "UNE" means the Uniform National Examination previously prepared and distributed by CLARB.

## **1.5 Board Meetings**

The Board shall hold at least three (3) meetings per year.

## **1.6 Individual Registrations – Application, Renewal and Reinstatement**

### **A. Application for Individual Registration by Examinations**

1. General Examination Procedures:
  - a. The examination shall be the L.A.R.E prepared and administered by CLARB. The Board may administer a supplemental state exam if approved by the Director of the Department of Business Regulation.
  - b. The Board shall, in its discretion, determine the content and grading standards, as well as administer any state supplemental examination(s) approved by the Director.
2. Application Procedures:
  - a. Apply to CLARB to take the L.A.R.E.
  - b. Upon passing the L.A.R.E., submit a complete application to the Board along with a CLARB Record containing the information required by R.I. Gen. Laws § 5-51-6 and § 1.6(A)(3) of this Part, and any applicable fees.
3. Application Requirements:
  - a. Exam. Proof of passing the L.A.R.E. from CLARB.
  - b. Experience. A two-year, full-time (35 hours/week) work experience is required according to R.I. Gen. Laws § 5-51-6(3). To show evidence of required landscape architectural experience, or experience under an allied professional, the applicant shall present documentation on the form(s) provided by the Board or through a CLARB Record. The supervising landscape architect in responsible charge or allied professional in responsible charge shall verify the documentation of experience. Experience gained from part-time work performed on a regular basis with a minimum of ten (10) hours per week shall be accepted if the total hours are equal to the full-time employment requirement.
  - c. Education.
    - (1) An approved course of study to fulfill the education requirement set forth by R.I. Gen. Laws § 5-51-6 shall include a Bachelor or Master of Landscape Architecture degree from an ASLA accredited program, or the following, at the discretion of the Board: a Bachelor or Master degree

in a field related to landscape architecture, or completion of a non-accredited landscape architecture program.

- (2) Practical experience, as an alternative to the education requirement, shall mean full-time employment in landscape architectural work for a minimum of six (6) years under the direct supervision of an individual registered to practice landscape architecture under the laws of the state in which the work is performed. The applicant must present evidence to the satisfaction of the Board, of landscape architecture work performed by him or her, including drafting, grading, planting design, site design, and layout drawings.

B. Application for Individual Registration by Reciprocity

1. Applicants shall meet the requirements of R.I. Gen. Laws § 5-51-7 and have two (2) years of experience of a grade and character acceptable to the Board.
2. The applicant shall provide evidence on the form supplied by the Board that their registration in the reciprocal state is current.
3. The applicant who has passed the UNE or L.A.R.E. shall provide confirmation of the passing grades and year of passing from the state board that administered the examination or CLARB. The Senior's Examination administered by CLARB is accepted as equivalent to the L.A.R.E. or UNE.
4. A CLARB Certification submitted with the application form shall constitute documentation of qualifications.
5. The Board, with the approval of the Director, may require all applicants applying for reciprocity to pass such supplemental examination to the L.A.R.E. or to provide such additional documentation as is deemed appropriate to the practice of landscape architecture in Rhode Island.

C. Renewal of Individual Registration

1. One renewal notice shall be sent to each registered landscape architect no less than 30 days before June 30 of the expiration year.
2. A penalty fee shall be charged for renewal fees received after June 30 of the expiration year. All fees are listed in § 1.13 of this Part.
3. It is the responsibility of each registered landscape architect to notify the Board in writing of any change in name, mailing address, email address or phone number.

4. Each registered landscape architect shall disclose to the Board the name of all firms for which they served as the Rhode Island registered landscape architect in responsible charge since the last renewal period.

D. Reinstatement of Expired Individual Registration

1. A prior registrant whose registration has expired may be reinstated at the discretion of the Board.
2. The Board may request three (3) examples of work performed during the lapsed period.
3. A reinstated registrant shall pay the penalty fee, the annual renewal fee for each year the registration was expired, and the renewal fee for the current year.
4. A prior registrant whose registration has expired for five (5) years or more shall reapply for registration.

## **1.7 Firm Registrations - Certificates of Authorization (COA)**

- A. Any firm that intends to practice or offer to practice landscape architecture within the State of Rhode Island shall obtain a COA prior to practicing or offering to practice landscape architecture in this State.
- B. COA Initial Application Procedures:
  1. Every firm applying for a COA shall file a written application with the Board. This application must include:
    - a. A designation of one or more landscape architect(s) registered in the State of Rhode Island as being in responsible charge of all landscape architecture work. The failure to so designate a landscape architect shall result in denial of the application; and
    - b. The COA application fee. This fee shall be waived for firms consisting of one person.
  2. COAs are not automatically granted to all registered Landscape Architects. To get a COA, a firm must submit a separate and distinct COA application to the Board.
  3. The Board shall not approve any application for a COA where the landscape architect in responsible charge is hired by the applicant as a subcontractor or independent contractor.
  4. Once issued, a COA shall remain valid for the period specified unless otherwise suspended or revoked. It is the responsibility of the firm to notify

the Board when a landscape architect designated as being in responsible charge is no longer serving in that capacity. A COA for a firm without a designated landscape architect in responsible charge is no longer valid.

C. Renewal of COA

1. One renewal notice shall be sent to each registered firm no less than 30 days before June 30 of the expiration year.
2. A penalty fee shall be charged for renewal fees received after June 30 of the expiration year. All fees are listed in § 1.13 of this Part.
3. It is the responsibility of each firm to notify the Board in writing of any change in name, mailing address, email address, phone number, or person in responsible charge.

D. Reinstatement of Expired COA

1. A reinstated COA shall pay the penalty fee, the annual renewal fee for each year the registration was expired, and the renewal fee for the current year.
2. A prior registrant whose COA has expired for five (5) years or more shall reapply for registration.

## 1.8 Discipline

All disciplinary matters shall be handled in accordance with the Department's Rules of Procedure for Administrative Hearings, [230-RICR-10-00-2](#).

## 1.9 Use of Seal or Stamp

- A. For the purpose of signing drawings, plans, specifications, reports and other contract documents, each registered landscape architect shall have an individual seal or stamp as described in definitions.
- B. The seal/stamp shall be applied to the document and signed and dated by the registered landscape architect. The stamp or seal may be electronic. The stamp shall bear an original or an electronic signature.
- C. No landscape designs, specifications or other landscape documents submitted to a federal, state or municipal agency for permit or authorization shall be submitted without the seal or stamp of the R.I. registered landscape architect in responsible charge of the work.

## **1.10 Hearings, Administrative Procedures, and Access to Public Records**

- A. Wherever a hearing is required by law, said hearing shall be conducted pursuant to R.I. Gen. Laws § 5-51-17.1, the Department's Rules of Procedure for Administrative Hearings, [230-RICR-10-00-2](#), and in accordance with the Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35. Complaints shall be handled pursuant to [230-RICR-10-00-2.4](#). Where necessary, the Director of the Department shall appoint a Hearing Officer pursuant to R.I. Gen. Laws § 42-6-8.
- B. Requests for declaratory rulings and petitions for rulemaking shall be handled pursuant to the Department's regulation for Declaratory Rulings and Petitions, [230-RICR-10-00-3](#), and in accordance with the Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.
- C. Requests for records pursuant to the Access to Public Records Act shall be handled pursuant to the Department's regulation for Access to Public Records, [230-RICR-10-00-1](#) and the Access to Public Records Act, R.I. Gen. Laws Chapter 38-2.

## **1.11 Unlawful Practice**

- A. As set forth in R.I. Gen. Laws Chapter 5-51, no person or firm shall represent himself/herself/itself as a practitioner of landscape architecture, or engage in the practice of landscape architecture, or offer to practice landscape architecture or use or employ any title, sign, card, or device implying that such person or firm is practicing or is authorized to practice landscape architecture in this State, without holding a certificate of registration issued by the Board.
- B. Any person who violates the provisions of R.I. Gen. Laws Chapter 5-51 shall, upon finding of a violation be subject to penalty as set forth in R.I. Gen. Laws §§ 5-51-16 and 5-84-5.
- C. The Board shall investigate any alleged violation of R.I. Gen. Laws Chapter 5-51.

## **1.12 Standards of Professional Practice**

- A. Competence:
  - 1. In practicing landscape architecture, a landscape architect shall act with reasonable care and competence and shall apply the technical knowledge and skill which is ordinarily applied by landscape architects of good standing, practicing in the same locality.
  - 2. In designing a project, a landscape architect shall consider all applicable state and municipal laws and regulations. While a landscape architect

may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the meaning and intent of such regulations, once having obtained such advice, a landscape architect shall not knowingly design a project in violation of such laws and regulations.

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

**B. Conflict of Interest:**

1. A landscape architect or firm shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed by all interested parties.
2. If a landscape architect or firm has any business association or direct or indirect financial interest which is substantial enough to influence their judgment in connection with their performance of professional services, the landscape architect shall fully disclose their client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the landscape architect shall either terminate such association or interest or offer to give up the commission or employment.
3. A landscape architect or firm shall not solicit or accept compensation from any material supplier, equipment supplier or contractor in return for specifying or endorsing their products or services unless the circumstances are fully disclosed to and agreed to by all interested parties.
4. When acting as the interpreter of construction or service contract documents and the judge of contract performance, a landscape architect or firm shall render decisions impartially, favoring neither party to the contract.

**C. Full Disclosure:**

1. A landscape architect or firm shall fully and accurately represent to a prospective or existing client or employer all qualifications and the scope of responsibility in connection with work for which credit is claimed.

**D. Professional Conduct**

1. No firm shall practice or offer to practice the profession of landscape architecture in Rhode Island unless there is a Rhode Island Registered Landscape Architect in responsible charge of such services in each office or each separate office in which such services are performed or offered to



be performed and said Rhode Island Registered Landscape Architect is listed on that firm's Certificate of Authorization, in accordance with R.I. Gen. Laws § 5-51-13.

2. The Landscape Architect in responsible charge shall be able to clearly define the scope and degree of their direct control and personal supervision, explain how it was exercised, and demonstrate responsibility for the work for which the landscape architect has signed and sealed. The Landscape Architect in responsible charge shall exercise the necessary degree of direct control over work, including:
  - a. Having control over the decisions on technical matters of policy and design;
  - b. Exercising professional judgment in all professional matters that are embodied in the work, and the drawings, specifications, or other documents involved in the work;
  - c. Exercising critical examination and evaluation of the firm's work product, during and after preparation, for purposes of compliance with applicable laws, codes, ordinances, regulations and usual and customary standards of care pertaining to the practice of landscape architecture;
  - d. Making professional decisions (made personally or by others over which he/she exercises direct control and personal supervision), or reviewing and approving proposed decisions prior to their implementation, including consideration of alternatives, whenever professional decisions are made that could affect the health, safety and welfare of the; and
  - e. Determining the validity and applicability of recommendations prior to their incorporation into the work, including the qualifications of those making the recommendations.
  
3. The professional decisions that must be made by and are the responsibility of the Landscape Architect in responsible charge are those decisions concerning permanent or temporary work that could affect the health, safety and welfare of the public, and may include, but are not limited to, the following:
  - a. The selection of alternatives to be investigated and the comparison of alternatives for designed work; and
  - b. The selection or development of design standards and materials to be used.

4. The Landscape Architect in responsible charge shall be required to stamp all drawings, reports, documents, specifications, or other submissions which are required to be so signed or identified. The Landscape Architect in responsible charge shall also be held professionally accountable for the accuracy and correctness of any such documents submitted, as well as for the quality and professionalism of the work performed.
5. The Landscape Architect in responsible charge shall have the authority to approve or disapprove on behalf of the firm all activities associated with the practice of Landscape Architecture, and such decisions and/or determinations by that individual may not be overturned or altered by any other person or persons associated with that firm except with the approval of the Landscape Architect in responsible charge. No registered person or persons may be designated as being in responsible charge of landscape architecture work by any firm unless and until such designation is made in writing, is signed by the Landscape Architect in Direct Control and Personal Supervision and is submitted to the Department.
6. Upon termination of the designation of in responsible charge, the landscape architect whose designation has been terminated must notify the Board in writing within ten (10) days of their termination from the position of being in responsible charge. Until said notice is received, the designated individual shall remain in responsible charge and may be held accountable for the landscape architecture work performed by that firm.

### 1.13 Fees

- A. Fees apply equally to residents and non-residents and shall be paid in full before any action is taken by the Board. To any extent these fees vary from those imposed by statute, R.I. Gen. Laws § 5-51-14, the statute controls. All fees are nonrefundable.

Examination and re-examination	To be determined based on the CLARB cost plus administrative costs
State supplemental examination section	\$25.00 (per section)
Reciprocity Application	\$150.00
Certificate of Registration – Initial Registration Fee	\$36.00
Biennial Registration renewal fee	\$80.00

Reinstatement of expired Certificate of Registration	\$25.00 plus \$40.00 for every year or portion of a year
COA initial Application	\$60.00. This fee shall be waived if the firm consists of only one person who is the person in responsible charge.
Biennial COA renewal fee	\$120.00. This fee shall be waived if the firm consists of only one person who is the person in responsible charge.
Reinstatement of COA	\$25.00 plus \$60.00 for every year or portion of a year.