

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**4703:1-3-05 Injunctions.**

The ~~state board of landscape architect examiners~~ landscape architects board is authorized, pursuant to section 4703.46 of the Revised Code, to apply for relief by injunction or restraining order to enjoin or restrain a person, firm, corporation, partnership, or any other group or combination of persons from the commission of any act which is prohibited by sections 4703.30 to 4703.52 of the Revised Code or by rules adopted by the board under sections 4703.30 to 4703.49 of the Revised Code that govern the standards of service, conduct, and practice to be followed in the practice of landscape architecture.

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio Landscape Architects Board

Regulation/Package Title: Exam Admission Requirements

Rule Number(s): 4703:1-3-05

Date: 5/17/16

**Rule Type:**

5-Year Review

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### **Regulatory Intent**

**1. Please briefly describe the draft regulation in plain language.**

*The rule authorizes the board to obtain injunctions for violations of the board's laws or rules. The rule change also corrects the name of the board, pursuant to SB 68, 130<sup>th</sup> General Assembly.*

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

2. **Please list the Ohio statute authorizing the Agency to adopt this regulation.**

*Revised Code 4703.31, 4703.33, 4703.46*

3. **Does the regulation implement a federal requirement?** *No.*

**Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?** *N/A*

*If yes, please briefly explain the source and substance of the federal requirement.*

4. **If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.** *N/A*

5. **What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

*The rule protects the rights of individuals and businesses by ensuring proper legal procedures are followed. The rule change also corrects the name of the board in the rule, pursuant to SB 68, 130<sup>th</sup> General Assembly.*

6. **How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?** *N/A*

### **Development of the Regulation**

7. **Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

8. **What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?** *The rule was sent to licensees via the board's listserv. Three responses were received. Two stated they did not have any comments and one response requested clarification of the rule's purpose, which was sent via email.*

9. **What scientific data was used to develop the rule or the measurable outcomes of the rule?** *N/A* **How does this data support the regulation being proposed?** *N/A*

10. **What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate?** *None. If none, why didn't the Agency consider regulatory alternatives?* *Other alternatives are not applicable.*

11. **Did the Agency specifically consider a performance-based regulation? Please explain.** *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

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N/A

**12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?** *The Board is the only entity regulating the practice of landscape architecture.*

**13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

*Stakeholders will be notified via email of the change, which will also be posted on the Board's website.*

### **Adverse Impact to Business**

**14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

a. **Identify the scope of the impacted business community:** *Registered landscape architects and persons in violation of the laws governing the practice. There is no cost to comply.*

b. **Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance):** *This rule refers exclusively to the board's right to obtain injunctions.*

c. **Quantify the expected adverse impact from the regulation.**

*A court order prohibiting the illegal practice of landscape architecture.*

**15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?** *The Board is authorized by Revised Code section 4703.46 to seek injunctions.*

### **Regulatory Flexibility**

**16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.** *N/A*

**17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?** *N/A*

**18. What resources are available to assist small businesses with compliance of the regulation?**

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*The Board staff is available via phone or email to provide assistance with completing the application and answering applicant questions. In addition, comprehensive information is available 24/7 on the Board's website.*