

FOR YEAR OF 2011HELD AT Columbus ON November 18, 2011

The Meeting was called to order at 9:03 A.M. by President Schmalenberger in the Board Room on the 31st floor of the Riffe Center.

1. **ATTENDANCE AND ANNOUNCEMENTS.**

Present: Tim Schmalenberger, President; Patrick Beam, Lee Behnke, Scott Sonnenberg; Amy M. Kobe, Executive Director; Cheryl Thaxton, Administrative Assistant; Chad Holland, Investigator; Barry McKew, Asst. Attorney General.

Absent: Louis Capobianco

Guest: Jeannie Martin-OCASLA

2. **CONSENT AGENDA ITEMS.**

On motion by Mr. Sonnenberg, second by Mr. Behnke and a vote of 4-0, the Consent Agenda was approved.

A. **MINUTES** August 18, 2011

B. **BUDGET FINANCE** Financial Status Report

C. **REGISTRATION.**

1. **Certification to CLARB** -None presented at this meeting

2. **Reciprocal Registration**

Cert. No.
1256

Name
MEYER, Todd

3. **Reinstatements**

Cert No.
902

Name
MARKLEY, Jeff

4. **Ratification of Registration-Examination-None**

D. **EXAMINATION**

1. **New Applications-None**

FOR YEAR OF 2011HELD AT Columbus ON November 18, 2011**F. CERTIFICATES OF AUTHORIZATION****1. Applications**

The following landscape architecture firms have applied for registration to practice in the state of Ohio. They have met all of the ownership requirements, and have shown proof of registration with the Ohio Secretary of State. These have been reviewed by the investigator for the Board and approved by the Executive Director. Formal certificates have been issued. The board's approval ratifies those actions.

**LAND DESIGN LLC
STANTEC ARCHITECTURAL**

3. APPLICATIONS FOR REVIEW-

Virginia Burt- On motion by Mr. Beam and second by Mr. Behnke, the Board voted to grant reciprocal registration. The motion passed by a 3-0 vote, Mr. Schmalenberger abstained from the vote.

4. REPORTS

A. EXECUTIVE DIRECTOR- Director Kobe attended the CLARB Annual Meeting in September and the Board of Director's meeting last week. The biennial renewal was completed the end of October. Overall drop in registrants was 14%. Sent 70 audit letters. Have not heard from 36 of the individuals audited. 23 audits have been completed and accepted. Waiting for an additional 9 responses. 2 have failed.

B. CLARB- Tim Schmalenberger attended the CLARB annual meeting as well as did Amy Kobe. CLARB is proceeding with their changeover to computer based testing and is in the process of converting items to the new format. They are asking for volunteer candidates to be guinea pigs for testing. The test exam will be given in Orlando. The new exam is more a knowledge based exam instead of drawing skills. Total cost is the same, even though there will only be 4 sections in the new format. September 2012 is the expected date for the first administration of the computer exam. Several foreign entities have approached CLARB about international reciprocity and how our system works. The CLARB BOD also discussed ASLA's recent adoption of the post-nominal title "Professional Landscape Architect" (which the Ohio Board previously felt will require a statute change, but not until CLARB's Model Laws are updated. ASLA has also adopted a position which encourages LAAB to grant accreditation to certificate programs in landscape architecture which meet the LAAB education standard. This also would require a CLARB Model Law change and Ohio statute and rule change.

C. OCASLA- Jeannie Martin attended on behalf of the association. Brought up Scott Sonnenberg's term expiring on November 10th and expressed their support of his reappointment. They are in the process of hiring a Lobbyist to work on that and some other matters. Their plan is to do more PR work in the future. ASLA is getting a lot of emails questioning what is accepted as proof of continuing education. She has been telling them they need certificates or a letter. Nick Gilliland is now President.

5. UNFINISHED BUSINESS- None reported

6. NEW BUSINESS

A. Statute Review

Following a comprehensive review by staff and legal counsel, the following changes to the current statutes were reviewed and approved by the Board. On motion by Mr. Behnke and second by Mr. Beam the Board voted to make the following changes:

- To create a new category of Emeritus Architect in ORC 4703.32 (A).
- To allow the Board's designee, to hold exams (4703.33 (B)).
- To allow reciprocal registrants to hold a CLARB Record or Certificate ORC 4703.35.
- To renumber ORC 4703.41; to allow the Board to fine violators; to remove the time frame for suspensions; to allow the Board to discipline persons who obtained a license through false oath or affirmation, or who failed to comply with a disciplinary sanction issued by the Board; and to permit the Board to hold a disciplinary hearing when the person failed to request a hearing within 30 days.
- To rescind ORC 4703.42, 4703.43 and 4703.45.
- To revised ORC 4703.44 to align the Board's statute with Chapter 119 of the Revised Code and to allow the Board's authorized representative (e.g., hearing officer) to take oaths, etc.
- To modify ORC 4703.50, as vouchers are not signed by the architect board's secretary, as all vouchers are issued by OBM.
- To revise 4703.99 to reflect that fining authority is relocated and to add violations under ORC 4703.41 as a misdemeanor of the third degree, etc.

The motion passed by a roll call vote as follows:

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|--------------------|-----|
| Mr. Beam | yes |
| Mr. Behnke | yes |
| Mr. Sonnenberg | yes |
| Mr. Schmalenberger | yes |

On motion by Mr. Behnke and second by Mr. Sonnenberg, the Board voted on the following:

- To change the name of the Board to the Ohio Landscape Architects Board, since the exam is now administered by CLARB, in ORC 4703.31 (A).

The motion passed by a roll call vote as follows:

| | |
|--------------------|-----|
| Mr. Beam | yes |
| Mr. Behnke | yes |
| Mr. Sonnenberg | yes |
| Mr. Schmalenberger | yes |

B. Five Year Rule Review

The Board reviewed the following Rules, under the five year rule review: On motion by Mr. Behnke and second by Mr. Sonnenberg, the Board took the following action:

- 4703: 1-1-02, no change
- 4703: 1-1-04, no change
- 4703: 1-1-05, no change
- 4703: 1-2-02 (B), to remove "certification" and replace it with "council record"
- 4703: 1-3-01 (B), to add a requirement to include the license expiration date when sealing documents, which aligns the rule with recent changes adopted by the Architects Board. It is anticipated this change will reduce the number of lapsed licenses.
- 4703:1-3-05, no change

The motion passed by a roll call vote as follows:

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|--------------------|-----|
| Mr. Beam | yes |
| Mr. Behnke | yes |
| Mr. Sonnenberg | yes |
| Mr. Schmalenberger | yes |

The Board decided to solicit additional feedback from stakeholders on the proposed changes to 4703:1-1-06, the continuing education rules, including:

- Changing the requirement from a biennial requirement of 24 hours to 12 hours per calendar year;
- Eliminating carry-over as there are more than enough courses available compared to the early days of CE
- Requiring all hours to be structured (courses) hours.

Ms. Martin stated she is confident the OCASLA supports the changes.

Director Kobe will consult with JCAAR on the best way to implement the changes to carry-over. The timing change in hours would need to coincide with the renewal period.

All of the proposed rule changes will be reviewed again at the February 2012 Board meeting. JCARR has approved extending the five year review deadline to May 8, 2012.

C. 2012 Board Meeting Dates On motion by Mr. Beam, and second by Mr. Sonnenberg, the Board voted to accept the proposed 2012 calendar. The motion passed by a 4-0 vote.

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7. ENFORCEMENT

Mr. Sonnenberg moved the Board go into executive session, pursuant to Ohio Revised Code section 121.22 (G) 3, for the purpose of discussing matters relative to investigations. Mr. Behnke seconded the motion which passed by a roll call vote as follows:

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|--------------------|--------|
| Mr. Beam | Yes |
| Mr. Sonnenberg | Yes |
| Mr. Capobianco | Absent |
| Mr. Behnke | Yes |
| Mr. Schmalenberger | Yes |

The Board returned to regular session at 11:54 AM.

SETTLEMENT AGREEMENTS

1. **File # 2011-9:** On motion by Mr. Beam, second by Mr. Sonnenberg, the Board voted to accept the Settlement Agreement. The motion was passed by a 4-0 vote.

NEW CASES

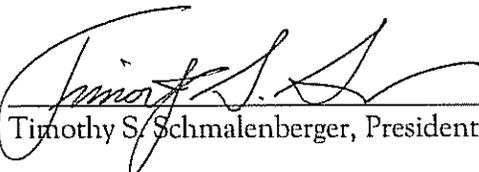
1. **File # 2011-36:** On motion by Mr. Sonnenberg, second by Mr. Beam, the Board voted to issue a notice of opportunity with a Settlement Agreement with offer of \$500 fine. Motion passed by a 4-0 vote.

2. **File # 2011-39:** On motion by Mr. Behnke, second by Mr. Beam, the Board voted to close the case due to compliance being obtained. The motion passed by a 4-0 vote.

3. **File # 2011-40:** On motion by Mr. Beam, second by Mr. Behnke, the Board voted to issue a notice of opportunity with a Settlement Agreement with offer of \$500 fine. The motion passed by a 4-0 vote.

8. ADJOURNMENT

There being no further business before the Board at this time, Mr. Behnke moved the meeting be adjourned at 12:00 pm. Mr. Sonnenberg seconded the motion which passed by a 4-0 vote.


Timothy S. Schmalenberger, President