

Chapter 4703
OHIO ADMINISTRATIVE CODE
As of April 1, 2009
New or revised language appears in italics

4703:1-1 Administration

4703:1-1-01 Definitions.

- A) "Evidence" - means acceptable and usable evidence, required as a part of any consideration or action on the part of the board, may consist of drawings, specifications, photographs, news items, advertisements, listings, diplomas, transcripts, awards, certificates, contracts, agreements, letters, letterheads, invoices, signs, rental agreements and certified personal statements. Each item of evidence shall be clearly marked to ensure positive and certain identification. It shall be the entire responsibility of the applicant to satisfy the board as to the sufficiency of the record and/or the evidence.
- (B) "Practice" - ample proof of executive and professional responsibility shall be a part of the evidence necessary to establish a record of professional practice. The rendering of landscape architectural services as defined in section 4703.30 of the Revised Code, shall have been the chief occupation of the applicant if said practice is used as a basis for claiming a record of landscape architectural practice.
- (C) "Experience" and "training" - are interchangeable terms meaning full-time or *part-time* employment in landscape architectural work. Employment may be under the direct supervision of an individual registered or licensed to practice landscape architecture under the laws of the state or country in which the work is performed.
- (D) "Principal" - a landscape architect who is a sole proprietor of, officer of, legal partner, director, designated landscape architect or shareholder in a firm, partnership, association, corporation, sole proprietorship or government agency. A "principal" is a member of a firm, sole proprietorship, or government agency who is legally liable for the landscape architectural activities of the firm, sole proprietorship or agency.
- (E) "Base state" - the state or other jurisdiction in which an applicant was originally registered or licensed and which maintains the original records of application and registration including education, experience and examination record, or the state to which these records have been transferred.
- (F) "Firm" - means any legally formed business organization providing landscape architectural services and includes sole proprietorships, partnerships, associations, corporations and limited liability companies.
- (G) "Government agency" - means an agency of federal, state, county or municipal government.
- (H) "Good moral character" - means not having been convicted of a crime involving moral turpitude, not having made misstatements or misrepresentation in connection with an application for registration or certificate of authorization, not having willfully violated any of the sections of the code of conduct required of certificate holders and set forth in the statutes or rules, and not having practiced landscape architecture without registration in violation of registration laws of the jurisdiction in which the practice took place.
- (I) "Contact hour" – a contact hour is at least fifty minutes of participation in an approved course or activity.

- (J) "Qualified/certified" – shall mean activities approved for contact hours by any of the organizations in this rule.

The imprimatur of these organizations in this rule shall constitute official acceptance by the board:

- (1) American society of landscape architects;
- (2) Council of landscape architect registration boards;
- (3) Ohio board of landscape architect examiners;
- (4) Urban land institute;
- (5) American nurseryman's association;
- (6) American planning association;
- (7) National society of professional engineers;
- (8) National recreation and parks association;
- (9) American institute of architects;
- (10) Construction specifications institute;
- (11) Agencies of the state or federal government offering training programs in landscape architecture or a related field;
- (12) Coursework in landscape architecture or a related field at a university or college;
- (13) Other related technical/professional societies or organizations, including local, state or regional affiliates, chapters, components or sections whose programs have been certified by any of the above organizations.

- (K) *"Direct supervision" - means that degree of supervision by a person overseeing the work of another, whereby both perform their work in the same office, where personal contact is routine, and whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his/her supervision.*

Effective date: April 1, 2008

Review date: December 10, 2012

4703:1-1-02 Applications.

- (A) Applications for registration by examination.

(1) All applications shall be made on forms provided by the board. Applications will be received at any time during regular business hours at the office of the board. *Applications* for registration by examination shall be filed in the board office not later than one hundred and twenty days prior to the opening date of the next scheduled examination. *Exam* applications received after that date will be scheduled for the following examination administration.

(2) *The application fee shall accompany the application.*

(3) Each applicant shall submit, with the formal applications, authentic proof of the statements made therein, by attaching such documentary evidence, affidavits, transcripts, diplomas published data, photographs, or any other sworn or proven evidence as, in the discretion of the board, may be sufficient to show the board that the applicant is clearly eligible under the section of the law upon which the application is based. The board reserves the right to retain, as a permanent part of the application, any or all documents submitted, which shall be properly marked for identification and ownership.

(4) Personal appearance before the board, if required, shall be at the time and place designated by the board.

(5) Failure to comply, within sixty days from date of written request from the board, for additional evidence or information, or to appear before the board, when such an appearance is deemed necessary by the board, may be considered as just and sufficient cause for disapproval of the application.

(B) Application for registration by reciprocity.

(1) Applications for registration under section 4703.35 of the Revised Code shall be made on forms provided by the board. Upon making application, the applicant shall cause their certification and council record to be transmitted to the board.

(2) Personal appearance by the board, if requested by the board, shall be at the time and place designated by the board.

(C) Board action on applications.

(1) All applications shall be considered by the board and that action recorded in the minutes and a notation of said action placed with the application.

(2) If the board proposes to deny admission to the examination or to grant reciprocal registration, an applicant may file an appeal, within thirty days of the mailing of the notice of the action of the board, with the board to show cause as to why the board should grant admission to the examination or issue registration by reciprocity pursuant to sections 119.03 to 119.13 of the Revised Code.

Effective date: *October 1, 2008*

Review date: *November 10, 2011*

4703:1-1-03 Certificates.

(A) Certificates of qualification.

(1) A person registered by the board under section 4703.34 or 4703.35 of the Revised Code will receive an wall certificate as provided under section 4703.36 of the Revised Code.

(2) Only one certificate of qualification shall be issued to a landscape architect. In the event a certificate is damaged, the board will issue a duplicate certificate upon the return of the damaged certificate and payment of the required fee. If a certificate is lost or destroyed, the board will issue a duplicate certificate upon the filing of a notarized affidavit stating the certificate was lost or destroyed and the payment of the required fee.

(B) Certificates of authorization.

A certificate of authorization will be issued to each firm authorized by the board to provide landscape architectural services. A new certificate will be issued annually upon payment of the renewal fee and continued compliance with the current requirements. The certificate shall be displayed at the firm's principal place of business where it can be readily viewed by the public.

Effective date: April 1, 2008

Review date: December 10, 2012

4703:1-1-04 Renewal; restoration.

(A) Each landscape architect registered under sections 4703.30 to 4703.49 of the Revised Code shall apply to the state board of landscape architect examiners each odd numbered year for the renewal of the landscape architect's registration which expires on the thirty-first day of October and shall be renewed according to the standard renewal procedure set forth in Chapter 4745. of the Revised Code.

Each firm holding a certificate of authorization to provide landscape architectural services shall apply to the state board of landscape architect examiners each year for the renewal of the certificate which expires on the thirtieth day of June.

(B) A certificate of qualification which has expired may be renewed within one year of the expiration of date by completing the renewal application form and returning it to the board with the renewal fee and a penalty of twenty five per cent.

(C) An application for the restoration of a certificate of qualification, which has been expired for more than one year, shall be accompanied by a brief outline setting forth the professional activities of the applicant during the period in which the applicant was not licensed. If the applicant's base state of registration is not Ohio, the applicant shall provide verification of current registration in the applicant's base state of registration or current state of residency, as required by the board. The board may require the applicant to appear in person before the board; to complete additional supervised work experience; or complete additional examinations, college coursework, or continuing education.

(D) *The registrant shall not submit an application for renewal or restoration of a license unless the continuing education requirement has been completely fulfilled or the registrant has been exempted from the continuing education requirement by the board.*

Effective date: October 1, 2008

Review date: November 10, 2011

4703:1-1-05 Fees.

(A) *The fee for applying for registration by examination under section 4703.34 of the Revised Code is fifty dollars and shall be submitted with the application.*

(B) The fee for retaking the examination is ten dollars for each day of examination the candidate is required to attend.

(C) The examination fee shall be the amount charged to the board for the examination materials and the procurement and grading thereof.

- (D) *The fee to be paid by an applicant for reciprocal registration under section 4703.35 of the Revised Code shall be two hundred fifty dollars.*
- (E) *The fee to be paid by an examinee for administering an examination on behalf of another jurisdiction shall be twenty-five dollars.*
- (F) *The fee for a duplicate certificate of qualification issued in accordance with section 4703.36 of the Revised Code shall be twenty dollars.*
- (G) *The biennial renewal fee for a certificate of qualification shall be one hundred and twenty-five dollars.*
- (H) *The fee for a duplicate renewal card shall be ten dollars.*
- (I) *The fee to restore an expired certificate of qualification shall be the renewal fee for each renewal period in which the certificate was not renewed plus twenty five per cent for each renewal period, or portion thereof, in which the certificate was delinquent, provided, however, the maximum fee shall not exceed five hundred dollars.*
- (J) *The application fee for a certificate of authorization required under section 4703.331 of the Revised Code shall be one hundred twenty-five dollars.*
- (K) *The annual renewal for a certificate of authorization shall be one hundred dollars.*
- (L) *The fee for a returned check or other instruments returned to the board by financial institutions shall be thirty-five dollars.*

Effective date: *October 1, 2008*
Review date: *November 10, 2007*

4703:1-1-06 Continuing Education.

(A) General Requirements.

Every landscape architect shall complete a minimum of twenty-four contact hours of continuing education prior to the end of each renewal period.

The completion of these hours shall be a condition of renewal of the landscape architect's registration.

An application for renewal or restoration of a license may not be submitted unless the continuing education requirement has been completely fulfilled or the registrant has been exempted from the continuing education requirement by the board.

If the registrant exceeds the total number of required hours in any renewal period, a maximum of twelve hours may be carried forward into the next renewal period.

(B) Exemptions.

A landscape architect may be exempt, upon board review and approval, from continuing education requirements in any of the following situations:

- (1) *Landscape architects newly licensed by examination by the state of Ohio are exempt from the continuing education requirements for their first renewal period only. This exemption does not apply to reciprocal registrants.*

- (2) Landscape architect is on full time duty, or temporarily called up for active duty, in the United States military service, where such activity restricts participation in continuing education activities. *The landscape architect shall provide supporting documentation for the board's review and approval.*
- (3) Landscape architect has experienced a physical disability, illness, or other extenuating circumstances that prevents the landscape architect from practicing landscape architecture.
The landscape architect shall provide supporting documentation for the board's review and approval.
- (4) The landscape architect otherwise meets all renewal requirements and is registered in any other jurisdiction having continuing education requirements, which the landscape architect has met, provided that such other jurisdiction accepts satisfaction of this jurisdiction's continuing education requirements as meeting it own.

(C) Content requirements.

Acceptable activities include those that increase the landscape architect's knowledge and/or understanding of technical or professional subjects and contribute directly to the improvement of the landscape architect's professional knowledge and competence to practice landscape architecture.

These subjects generally include but are not limited to the following:

- (1) Legal and administrative issues: study of codes including building, zoning, environmental codes and laws affecting and governing the practice of landscape architecture, basic construction laws, construction contracts, project management, professional liability issues, bid evaluation process and ethical standards for professional practice, universal and accessibility codes.
- (2) Analysis: study of mathematics, geology, history of landscape architecture, land use, and cultural landscapes, sociological and cultural influences on design, behavioral, psychological and sensory implication on design, natural conditions and ecosystems, resource preservation, characteristics of fire hazard areas, visual assessment techniques, topography, hydrology, hydraulics, vegetation and soils analysis.
- (3) Design issues: study of basic design and planning principles including regional, urban, community, landscape, and transportation, roadway design, design of pedestrian and vehicular circulation systems, universal / accessible design, principles of sustainability, plant material use, landscape maintenance material and practices, playground safety guidelines, irrigation system design.
- (4) Construction methods and processes: study of construction methods and techniques, equipment technology and use, construction sequencing, permitting construction activities, methods of installation, principles and practice of grading, drainage, erosion control, wetland creation and mitigation, utility system design / requirements, irrigation systems, lighting systems.
- (5) Details: study of construction detailing including site materials availability, cost, basic characteristics and applications, site amenities including pools, fountains, playground equipment, decks, walls, overhead structures, pavement design, structural requirements for amenities including small structures.
- (6) Self directed activities: self directed activities are those that are done independent of a structured format such as a seminar or lecture. In order to qualify, an applicant shall:

- (a) Account for time spent completing activity
- (b) Summarize the content of the activity, and
- (c) Relate the activity to public health, safety, and welfare

Documentation shall be required at the discretion of the board.

(D) Methods for fulfilling continuing education requirements.

A landscape architect may earn the required contact hours by any of the following methods, except that credit shall be awarded only once in a renewal period for the same program with the same content.

- (1) Attending a graduate or undergraduate level course at an accredited institution of higher learning where academic credit is granted and the content meets the requirements set forth in paragraph (C) of this rule. Credit: Twelve (12) continuing education credits for each one (1) hour of academic credit received.
- (2) Attending a course, program, seminar, conference, workshop or similar event where it is presented, sponsored, or approved by: an accredited institution of higher learning, a professional organization, and has been qualified/certified as defined in rule 4703:1-1-01 (J). Credit: One(1) hour of continuing education credit for each hour of actual contact time of instruction provided.
- (3) Teaching a graduate or undergraduate course, on a part-time basis, at an accredited institution of higher learning where the content meets the requirements noted above. Credit: Twelve (12) hours of continuing education credit for each one (1) hour of academic credit provided by the course except that after the first year, the maximum credit may not exceed more than fifty per cent of the required continuing education credit of the renewal period.
- (4) Teaching a course or seminar, delivering a lecture, presenting a paper, or a program, workshop or monograph at an educational event meeting the above requirements, except that this credit may be taken only once for the same program. Credit: Two (2) hours maximum.
- (5) Publishing an article in a professional journal, which meets the content requirements above, for one time credit for each article. Credit: One (1) hour of continuing education credit for each hour of preparation, not to exceed five (5) hours per article.
- (6) Publishing a book, which meets the content requirements above, for one time credit for each book. Credit: One (1) hour of continuing education credit for each hour of preparation, not to exceed twelve (12) hours per book.
- (7) As a member of a professional committee responsible for researching, writing or grading questions for the landscape architect registration exam or other similar technical activities. Credit: a maximum of fifty per cent of the required continuing education credit of the renewal period.
- (8) Professional service to the public, which draws upon the landscape architect's professional expertise, on boards and commissions such as: planning boards, building code organizations, urban renewal boards, and other similar activities. The board shall, in its discretion, determine applicable activities in this category which are in addition to those specifically named above. These activities may be listed by the board from time to time. Credit: One hour of continuing education credit for each hour of work in this

activity, not to exceed twenty-five percent of the continuing education requirements of the renewal period.

- (9) *Obtaining the “LEED Professional Accreditation by passing the “LEED AP Exam” during the current renewal period. Official documentation from the “Green Building Certification Institute (GBCI)” must be provided. Credit: a one time credit of eight hours.*

(E) Records maintained by landscape architects.

Each landscape architect shall, in addition to information submitted to the board, maintain a written record of all continuing education courses or programs undertaken. *Records shall be made available at any time to the board upon written request for review and audit. Records shall be maintained for four years. Records may be requested at any time in connection with an investigation or enforcement proceeding.* Failure to provide the requested information in the time frame established by the board shall constitute cause for disciplinary action by the board and may be cause for *finer, reprimand, suspension revocation or denial of the application for renewal of the landscape architect’s registration.*

Appropriate records shall consist of the following:

- (1) Certificate of attendance;
- (2) Course or activity description;
- (3) Transcripts/records of credits maintained by providers who may qualify/certify such credits and activities
- (4) Other documentation verifying the content and time of the course or event.

(F) *Audit.*

Upon request, each landscape architect shall provide proof of satisfying the continuing education requirement. *Failure to provide the requested information in the time frame established by the board shall constitute cause for fines, reprimand, suspension, revocation or denial of the application for renewal of the landscape architect’s registration.*

(G) *Disallowance.*

If the board disallows one or more continuing education activities claimed, the landscape architect has up to *ninety* days after the notification to substantiate the original claim or to complete other continuing education activities sufficient to meet the minimum requirements.

(H) Landscape architect shall attest to compliance.

Every landscape architect shall attest, in the manner prescribed by the board, to the landscape architect’s meeting of the requirements as described herein. Said attestation shall accompany the renewal application.

(I) Falsification of records.

Any landscape architect falsifying the records of the landscape architect’s continuing education activities shall be subject to disciplinary action by the board.

(J) Appeal.

A landscape architect shall have the right to appeal any refusal by the board to accept continuing educational activities for credit under these requirements. This appeal shall include the presentation of evidence supporting the landscape architect's contention that the activity meets the requirements of this rule.

(K) Requirements for lapsed, reinstating and reciprocal registrants

- (1) A landscape architect whose license has lapsed, and who desires to reinstate that license, must submit, with the reinstatement application, proof of completion of twenty-four hours of continuing education within the last two years.*
- (2) A reciprocal applicant whose initial application is submitted twelve months or less prior to the expiration of the renewal period shall have their continuing education requirement pro-rated in an amount equal to the number of months remaining in the renewal period.*

Effective: October 1, 2008

Review date: November 10, 2011

4703:1-2 Registration

4703:1-2-01 Requirements for registration by examination.

- (A) All candidates for registration by examination shall be at least eighteen years of age and of good moral character. Candidates shall have a professional degree in landscape architecture required in section 4703.34 of the Revised Code and as set forth in this rule, completed the experience requirements as required under section 4703.34 of the Revised Code and as set forth herein and pass the examination required under section 4703.33 of the Revised Code and as set forth herein.

Candidates are permitted to sit for any or all sections of the examination after completing the education requirements and prior to completing the experience requirements. Registration will not be issued until all requirements have been met.

- B) The professional degree shall be a degree from a landscape architectural curriculum accredited by the "Landscape Architectural Accrediting Board" or other accrediting agency approved by the board.
- (C) The required experience shall be in areas directly related to landscape architecture and shall include experience in design, contract documents, contract administration and office management.
- (D) The experience requirements may be fulfilled by completing three years of experience in landscape architecture in accordance with the following table and meet the following conditions:
- (1) To earn the full experience credit allowed under category 1 or 2 of the table, the applicant must work full-time for a period of at least two months with one employer. Full-time means the applicant works for at least thirty-five hours per week.
 - (2) Credit for part-time employment may be obtained when the intern works for at least twenty hours per week for the equivalent of two months of full-time work under one employer. Additional credit will be given for part-time work in excess of twenty hours per week.
 - (3) No experience credit may be obtained prior to completion of the third year of an undergraduate professional degree program or prior to the completion of the first year of a graduate professional degree program with undergraduate degrees in another discipline.
 - (4) At least two years of experience credit must be obtained after completion of the education requirements.
 - (5) Evaluation of experience shall be at the discretion of the board and may require substantiation of the quality and character of the experience, notwithstanding the fact that the applicant has complied with the technical requirements as set forth herein.

Experience credit	Credit earned	Maximum credit allowed
Category 1. Experience directly related to landscape architectural work when that work supervised by a landscape architect who is responsible for the landscape architectural activities and decisions of the organization.	100%	No limit
Category 2. Experience in the employment of government agencies, architects, civil engineers, city or regional planners, landscape design-build in areas directly related to landscape architecture when that experience is gained under the direct supervision of a landscape architect.	100%	100%
Category 3. Experience in the employment of government agencies, architects, civil engineers, city or regional planners, landscape design-build in areas directly related to landscape architecture when that experience is not gained under the direct supervision of a landscape architect.	50%	One year
Category 4. Masters or PH.D degree in landscape architecture when that degree is preceded by an accredited undergraduate landscape architectural degree.		One year

(E) The registration examination.

(1) All applicants qualifying under section 4703.34 of the Revised Code and this rule and as required under section 4703.35 of the Revised Code shall pass the registration examination *as prepared by the council of landscape architectural registration boards ("CLARB") and accepted by the board.*

(2) The registration examination shall be a single examination comprised of multiple sections which shall be taken and passed by all candidates for registration by examination.

(3) The scope of the examinations shall be such as to determine the qualifications of the candidate to practice landscape architecture and shall cover such technical, professional and practical subjects as relate to the practice of the profession of landscape architecture and the basic arts and sciences, a knowledge of which is material and necessary to the proper understanding, application and qualification for the practice of the profession of landscape architecture.

(4) The examination shall be administered in accordance with instructions issued by "CLARB". A copy of these instructions will be furnished to each candidate. The dates, times and location or locations of the examination will be determined by the board or "CLARB".

(5) Each section of the registration examination stands alone and shall be passed singularly and independently of other sections of the examination.

(6) *All applicants for registration by examination shall have an active "CLARB" "Council Record" and shall have an official copy transmitted to the board prior to being approval to take the exam.*

- (F) Retaking the registration examination.

Each candidate may retake failed sections of the examination an unlimited number of times upon reapplication on forms provided by the board and the payment of the required examination and retake fees at each examination period.

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4703:1-2-02 Registration by reciprocity.

- (A) Candidates for registration by reciprocity under section 4703.35 of the Revised Code shall have current registration in good standing in the state of original registration or the state of current residency or practice. The qualifications of the candidate must be substantially equivalent, in the opinion of the board, to those required in this state at the time of original registration.
- (B) Candidates for registration under section 4703.35 of the Revised Code shall hold certification issued by the Council of Landscape Architectural Registration Boards. Said certification shall be current and in good standing. The candidate shall have their certification and council record to be transmitted to the board.
- (C) Personal appearance before the board, if requested by the board, shall be at the time and place designated by the board.

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4703:1-3 Practice

4703:1-3-01 Seal requirements.

- (A) Each landscape architect shall be authorized to use a seal as hereinafter directed in paragraphs (B) and (C) of this rule on all documents prepared by the landscape architect or under the landscape architect's direct supervision for use in the state of Ohio, for the purpose of properly imprinting the drawings, specifications, and other contract documents as required by section 4703.32 of the Revised Code. The seal shall be circular in shape and two inches in diameter. Concentric with the outside of the seal there shall be a circle one and three eighths inches in diameter. In the annular space between the circle and the outside of the seal shall be the words "state of Ohio" at the top and "landscape architect" at the bottom. The name of the landscape architect and the landscape architect's registration number shall be placed horizontally within the inner circle. The seal shall be either an individual embossing seal, rubber stamp seal, electronically generated seal or other reproducible facsimile.
- (B) The application of the seal over an ink or electronic signature to the first sheet of bound sets of drawings (with index of drawings included), title page of specifications and to other drawings and contract documents shall constitute the landscape architect stamp as referred to in division (D) of section 4703.32 of the Revised Code. The term signature as used herein shall mean a handwritten identification containing the name of the person who applied it; or for electronic or digital documents shall mean an electronic authentication process attached to or logically associated with the document. The digital signature must be unique to, and under the sole control of the person using it; it must also be capable of verification and linked to a document in such a manner that the digital signature is invalidated if any data on the document is altered.
- (C) An electronic seal and signature are permitted to be used in lieu of an original seal and signature when the following criteria, and all other requirements of this rule are met:
- (1) It is a unique identification of the professional;
 - (2) It is verifiable;
 - (3) It is under the professional's direct and sole control;
 - (4) It is linked to a document in such a manner that changes are readily determined and visually displayed if any data contained in the document file was changed subsequent to the electronic seal and signature having been affixed to the document, and
 - (5) Changes to the document after affixing the electronic seal and signature shall cause the electronic seal and signature to be removed or altered in such a way as to invalidate the electronic seal and signature.
 - (6) In addition, once the electronic seal and signature is applied to the document, the document shall be available in a view only format if the document is to be electronically transmitted;
 - (7) The graphic image of the electronic seal and signature shall be readily available and produced in a manner acceptable to the board. It shall contain the same words as and shall have substantially the same graphic appearance and size as required above when the image of the electronically transmitted document is viewed at the same size as the document in its original form.

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4703:1-3-02 **Landscape architecture firms.**

(A) Firm certificate of authorization required.

All firms, partnerships, associations, corporations or limited liability companies formed for the purpose of providing landscape architecture services are required to obtain a certificate of authorization from the board.

Each firm authorized by the board to provide such services shall meet all of the following requirements:

- (1) More than fifty per cent of the partners, members, shareholders, or trustees of an employee stock ownership plan trust, and more than fifty per cent of the directors, in the case of a corporation or professional association, shall be professional engineers, surveyors, architects or landscape architects currently registered in this or any other state.
- (2) More than fifty percent of the interests or shares of a firm, partnership, association, corporation or limited liability company shall be held by professional engineers, surveyors, architects or landscape architects currently registered in this or any other state.
- (3) Each firm, partnership, association, corporation or limited liability company shall designate one or more landscape architects, currently registered in the state of Ohio, as being in responsible charge of the landscape architecture activities and decisions of the firm.
- (4) Each landscape architect designated as being in responsible charge of the firm's landscape architecture activities shall be currently registered in the state of Ohio and shall file a notarized affidavit of responsibility with the board.
- (5) A professional association formed under the provisions of Chapter 1785. of the Revised Code shall meet the ownership requirements defined in Chapter 1785 of the Revised Code in addition to the requirements of this chapter.

(B) New applications.

Applications for new firm certificates of authorization shall be made to the board on forms provided for that purpose and shall include the following information and documents:

- (1) Name address and professional status of each partner, manager, officer, member, director, trustee or shareholder, and, if applicable, the state in which they are currently registered and the registration number.
- (2) Name and address of each landscape architect, actively registered in the state of Ohio, and who is designated as being in responsible charge of the firm's professional landscape architecture activities and decisions.
- (3) Notarized affidavit of responsibility from each landscape architect, currently registered in the state of Ohio, and who is designated as being in responsible charge of the firm's professional landscape architecture activities and decisions.

- (4) In the case of a corporation or professional association, the number of shares of stock issued and the number of shares owned by each shareholder. In the case of a partnership, the per cent of ownership held by each partner, manager or member.
- (5) Copy of the firm's articles of incorporation, partnership agreement, certificate of partnership, employee stock ownership trust plan or statement of limited partnership association and any amendments.
- (6) Required application fee.

(C) Annual renewal.

All firm certificates of authorization expire annually on June thirtieth. Renewals shall be for a period of one year.

Failure to renew the certificate within forty-five days of expiration shall require the filing of a new application.

Applications for renewal shall be made on forms provided by the board and shall include the following:

- (1) Name, address and professional status of every partner, manager, officer, member, director, trustee or shareholder and the percentage of ownership or number of shares held by each.
- (2) Name and address of each landscape architect designated as being in responsible charge of the firm's professional landscape architecture activities and decisions. Each landscape architect in responsible charge shall be currently registered in the state of Ohio.
- (3) Notarized affidavit of responsibility from each landscape architect, currently registered in the state of Ohio, and who is designated as being in responsible charge of the firm's professional landscape architecture activities and decisions.
- (4) Required renewal fee.

(D) Changes requiring a new application.

A firm, partnership, association, corporation, employee stock ownership plan trust or limited liability company which has been issued a certificate of authorization in the following situations:

- (1) Upon a change in the name of the firm.
- (2) Upon the failure of a firm holding a certificate of authorization to renew the certificate in accordance with paragraph (C) of this rule.

(E) Changes requiring notice to the board.

A firm shall notify the board, in writing, within thirty days, when any of the following occur:

- (1) Change in the name of the firm.
- (2) Change of directors, members, partners, shareholders or trustees.
- (3) Change in the landscape architect designated in responsible charge.

(4) Change in distribution of ownership.

(5) Change of the firm's address.

(F) Display of certificate.

The certificate of authorization shall be displayed at the firm's principal place of business where it can readily be viewed by the public.

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4703:1-3-03 Firm Names.

When personal names of landscape architects are used in the name of the firm, only names of living registrants or former registered members of the firm, now retired or deceased, may be used. When the name of a retired or deceased member of a firm or sole proprietorship is to be retained in the firm's name, the status of such member shall be clearly shown on the firm's or sole proprietorship's letterheads by the use of the words "retired" or "deceased" or the dates of the years of the member's birth and death.

This must be done within one year after severance or death. Any reference in the firm name to other persons of a firm, partnership, association or corporation shall be permitted only when such persons are registered landscape architects, architects, professional engineers or surveyors and their identity is made known specifically on letterheads of the firm.

A sole proprietorship, firm, partnership, association or corporation otherwise qualified to practice in Ohio is permitted to practice under a name which does not include the names of registered principals. Names which tend to deceive or confuse the public or which are unreasonably similar to the name of another sole proprietorship or firm will not be permitted.

Any non-resident firm legally engaged in the practice of landscape architecture in the jurisdiction of its origin is granted the right to retain its identity upon obtaining a certificate of authorization to provide landscape architecture services in Ohio.

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Review date: December 10, 2012

4703:1-3-04 Code of conduct.

(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 take into account all applicable state and municipal construction laws, zoning codes and other applicable regulations. While a landscape architect may rely on the advice of other professionals (e.g., attorneys, architects, professional engineers and other qualified persons) as to the intent and meaning 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 *the landscape architect*, together with those whom the landscape architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.

(4) No person shall be permitted to practice landscape architecture if, in the board's *judgment*, such person's professional competence is substantially impaired by physical or mental disabilities.

(B) Conflict of interest.

(1) A landscape architect shall not accept compensation for *the landscape architecture* services from more than one party on a project unless the circumstances are fully disclosed and agree to (such disclosure and agreement to be in writing) by all interested parties.

(2) If a landscape architect has any business association or direct or indirect financial interest which is substantial enough to influence *the landscape architect's* judgment in connection with *the landscape architect's* performance of professional services, the landscape architect shall fully disclose in writing to *the landscape architect's* 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 will either terminate such association or interest or offer to give up the commission or employment.

(3) A landscape architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

(4) When acting as the interpreter of landscape contract documents and the judge of contract performance, a landscape architect shall render decisions impartially, favoring neither party to the contract.

(C) Full disclosure.

(1) A landscape architect, making public statements on landscape architectural questions, shall disclose when *the landscape architect* is being compensated for making such statements.

(2) A landscape architect shall accurately represent to a prospective or existing clients or employer *the landscape architect's* qualifications and the scope of *the landscape architect's* responsibility in connection with the work for which *the landscape architect* is claiming responsibility.

(3) If, in the course of *the landscape architect's* work on a project, a landscape architect becomes aware of a decision taken by *the landscape architect's* employer or client, against the landscape architect's advice, which violates applicable federal, state or municipal construction laws, zoning codes and other applicable regulations and which will, in the landscape architects judgment, materially affect adversely the safety to the public of the finished project, the landscape architect shall:

(a) Report the decision to the local authorities or other public official charged with the enforcement of such laws and regulations,

(b) Refuse to consent to the decision, and

(c) In circumstances where the landscape architect reasonably believes that other such decisions will be taken notwithstanding *the landscape architect's* objection, terminate *the landscape architect's* services with reference to the project.

In the case of a termination in accordance with paragraph (C)(3)(c) of this rule, the landscape architect shall have no liability to *the* client on account of such termination.

(4) A landscape architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his application for registration or renewal.

(5) A landscape architect shall not assist the application for registration of a person known by the landscape architect to be unqualified in respect to education, training, experience or character.

(6) A landscape architect possessing knowledge of a violation of these rules by another landscape architect shall report such knowledge to the board.

(D) Compliance with laws.

(1) A landscape architect shall not, in the conduct of *the landscape architect's* practice, knowingly violate any state or federal criminal law.

(2) A landscape architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's *judgment* in connection with a prospective or existing project in which the landscape architect is interested.

(3) A landscape architect shall comply with the registration laws and regulations governing *the* professional practice in any *lawful* jurisdiction. *A landscape architect may be subject to disciplinary action if, based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction, the landscape was disciplined in any other jurisdiction.*

(E) Professional conduct.

(1) A landscape architect shall not sign or seal drawings, specifications, reports or other professional work for which *the landscape architect* does not have direct professional knowledge, and direct supervisory control and over which *the landscape architect* has legal authority; provided, however, that in the case of the portions of such professional work prepared by the landscape architect's consultants, registered under this or another professional registration law of *any lawful* jurisdiction, the landscape architect may sign or seal that portion of the professional work if the landscape architect has reviewed such portion, has coordinated its preparation, and intends be responsible for its adequacy.

(2) A landscape architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the *judgment* of an existing or prospective client in connection with a project in which the landscape architect is interested.

(3) A landscape architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

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4703:1-3-05 Injunctions.

The state board of landscape architect examiners 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.

Effective date: December 10, 2002
Review date: November 11, 2011

4703:1-3-06 Resident landscape architect required.

A landscape architect or landscape architecture firm maintaining more than one place of business for the practice of landscape architecture shall have a resident registered landscape architect in responsible charge of the landscape architecture activities of each office in this state.

“Resident”, as used in this rule, shall mean one who spends a majority of their normal working time in said office. The firm shall inform the board of the name of the resident landscape architect in charge of the professional landscape architecture activities of each separate place of business.

Effective date: April 1, 2008
Review date: December 10, 2012

4703:1-3-07 This section left blank.

4703:1-3-08 Prohibition of improper contacts

(A) *Prior to the filing of an application, and after final board action on an application, verbal and written communication with individual board members or any member of the board’s staff shall be freely permitted; provided, that in no event is any member of the board or staff authorized to give any indication what specific action the board may take upon the merits of any application which may be filed with it.*

(B) *General advice, however, may be given as to the manner of completing or submitting applications, the procedures to be followed in processing applications, and the nature of the standards applied by the board in evaluating applications.*

(C) *While an application for registration or enforcement is pending before the board, no one shall initiate any written or oral communications with individual board members concerning the matter; but inquiries may be made orally or in writing to the board staff or in writing to the board.*

Effective Date: April 1, 2008

Review date: December 10, 2012

4703:1 – 4 Meetings and Records

4703:1-4-01 Meeting notice.

- (A) Any person may ascertain the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings of the board of landscape architect examiners by:
- (1) Writing the board office, whose present address is "77 South High Street, 16th Floor, Columbus, Ohio 43215-6108."
 - (2) Calling the board by telephone at area code 614-466-2316 during normal business hours.
 - (3) Contacting the board office in person during normal business hours.
 - (4) *Visiting the board website at <http://arc.ohio.gov/lae>*
- (B) *Upon request*, any person may have their name placed on a list to receive advance notices by regular mail *or electronically* of all meetings of the board.
- (C) Any news media, so requesting in writing, will receive at least twenty-four-hour notice of the time, place and purpose of any special meetings of the board and will be notified immediately, *electronically*, by telephone or otherwise, of the time, place and purpose of any emergency meeting of the board.

Effective date: April 1, 2008

Review date: December 10, 2012

4703:1-4-02 Adoption of rules.

- (A) Prior to the adoption, amendment or rescission of any rule, this board shall give public notice thereof in the register of Ohio, as provided in section 119.03 of the Revised Code, at least thirty days prior to the date set for public hearing. The board may also give whatever other notice it reasonably considers necessary to ensure notice is given to all persons affected by the rule, amendment or rescission. This notice shall include:
- (1) A statement of the board's intention to consider adoption, amendment or rescission of a rule;
 - (2) A synopsis of the proposed rule, amendment or rescission, or a general statement of the subject to which the proposed rule, amendment or rescission relates;
 - (3) A statement of the reason or purpose for adopting, amending or rescinding the rule;
 - (4) The date, time and place of the hearing on the proposed action.
- (B) The board shall provide copies of the notice of public hearing or the complete text of the proposed rule amendment or rescission to any person who requests it at a fee not to exceed the cost of copying and mailing.

Effective date: December 10, 2002

Review date: November 10, 2011

4703:1-4-03 Personal information systems.

(A) The board shall appoint one employee to be directly responsible for each personal information system maintained by the board. Said employee shall:

(1) Inform all employees who have any responsibility for the operation or maintenance of said system or the use of personal information maintained in the system, of the applicable provisions of Chapter 1347. of the Revised Code and rules adopted thereunder; and,

(2) Inform all persons requested to supply personal information for a system whether or not he/she is legally required to provide such information; and,

(3) Restrict the collection, maintenance and use of personal information to only that which is necessary and relevant to functions of the board as required or authorized by statute or rule; and,

(4) Provide all persons, asked to supply personal information that will be placed in an interconnected or combined system, with information relevant to the system, including the identity of all other agencies or organizations that have access to the information in the system; and,

(5) Allow a person who is the subject of a record in a personal information system to inspect the record pursuant to section 1347.08 of the Revised Code. Upon the request and verification that the person requesting access to the record is the subject of information contained in the system, the employee shall:

(a) Inform the person of any personal information in the system of which he/she is the subject;

(b) Permit the person, or his/her legal guardian, or an attorney who presents a signed authorization made by the person, to inspect all personal information in the system of which he/she is the subject, except where prohibited by law;

(c) Inform the person of the uses made of the personal information and identify other users who have access to the system;

(d) Allow a person who wishes to exercise his/her rights as provided by this rule to be accompanied by one individual of his/her choice;

(e) Provide, for a reasonable charge, copies of any personal information the person is authorized to inspect.

(6) Investigate disputes concerning the accuracy, relevance, timeliness or completeness of personal information pursuant to section 1347.09 of the Revised Code and paragraph (D) of this rule.

(B) The board shall reprimand in writing any employee who initiates or otherwise contributes to any disciplinary or other punitive action taken against another individual who brings to the attention of appropriate authorities, the press, or a member of the public, any evidence of unauthorized use of any material contained in the personal information system. A copy of the reprimand shall be entered in the employee's personal file.

(C) The board shall monitor its personal information system by:

- (1) Maintaining the personal information system with the accuracy, relevance, timeliness, and completeness necessary to assure fairness in any determination made by the board which is based on information contained in the system; and
 - (2) Eliminating unnecessary information from the system.
- (D) The board shall investigate, upon request, the accuracy, relevance, timeliness or completeness of personal information, which is disputed by the subject of a record contained in the system, within ninety days after receipt of a request from the disputant; and,
- (1) Notify the disputant of the results of the investigation and any action the board intends to take with respect to the disputed information; and,
 - (2) Delete any information the board cannot verify or finds to be inaccurate; and,
 - (3) Permit the disputant, if he/she is not satisfied with the determination made by the board, to include within the system:
 - (a) A brief statement of his/her position on the disputed information; or,
 - (b) brief statement that he/she finds the information in the system to be inaccurate, irrelevant, outdated, or incomplete.
 - (4) The board shall maintain a copy of all statements made by a disputant.
- (E) The board shall not place personal information into an interconnected and combined system, unless said system contributes to the efficiency of the agencies or organizations authorized to use the system in implementing programs which are required or authorized by law.
- (F) The board shall not use personal information placed into an interconnected or combined system by another state or local agency or an organization, unless the personal information is necessary and relevant to the performance of a lawful function of the board.
- (G) The board shall make available, upon request, all information concerning charges made by the board for reproduction of materials contained in its personal information system.

Effective date: December 10, 2002

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