

LCB File No. R216-03

**PROPOSED REGULATION OF THE
STATE BOARD OF LANDSCAPE ARCHITECTURE**

**Notice of Intent to Act on Regulations
Notice of Hearing for the Adoption of
The Nevada State board of Landscape Architects**

The Nevada State Board of Landscape Architects will hold a public hearing on February 10, 2006 at 4:00 PM at the office of Jeff Codega Planning and Design and by conference telephone. The purpose of this hearing is to receive comments from all interested persons regarding the adoption of:

Regulations pertaining to Landscape Architects
LCB File No. R216-03

The following is provided pursuant to the requirements of NRS 233B.0603:

1. The proposed regulation clarifies provisions pertaining to erosion; design; grading; certificate of registration and renewal; Landscape Architect Intern; revising fees; complaint procedures; testing and hearing procedures.
2. This regulation amends chapter 623A of the Nevada Administrative Code by clarifying existing regulatory requirements.
3. Estimated economic effect of the regulation:
On the business, which is to be regulated: Every Registered Landscape Architect must comply with the provisions of chapter 623A of NRS and NAC. This regulation updates licensing requirements and complaint procedure.
On the public: Minimal. The regulation clarifies existing regulations, which have become outdated.
On Small Business: Pursuant to Section 3 of NRS 233B.0608. The direct impact of the regulation will be on Registered Landscape Architects, not on small businesses.
4. The Board will not incur any costs.
5. The Board is not aware of any overlap or duplication of the regulation with any local, State or Federal law.
6. This regulation is not adopted pursuant to Federal law.
7. There are no Federal regulations regarding these activities.
8. This regulation requires an increase of existing fees.

Persons wishing to comment on the proposed action of the Board may appear at the hearing and address their comments, data views or arguments to the Nevada State Board of Landscape Architecture, P.O. Box 17039, Reno, NV 89511. Written submissions must be received on or before February 10, 2006. If no person appears at the hearing the Board may act on written submissions.

A copy of this notice and the proposed regulation will be on file at the Nevada State Library, 200 Stewart Street, Carson City, NV for inspection by the public. Additional copies are available and shall be mailed upon request and at the main public library of all counties for inspection. This notice and the text of the proposed regulation are also available in the State of Nevada Register for Administrative Regulations, which is prepared and published by the LCB and on the Internet at <http://www.leg.state.nv.us>.

Upon adoption or upon request within written 30 days and thereafter the Board will issue a concise statement of the reasons for and against adoption. This Notice has been posted at the following locations:

Carson City Library
900 North Roop Street
Carson City, NV 89701

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445

Las Vegas Library
833 Las Vegas Blvd. North
Las Vegas, NV 89101

Lincoln County Library
93 Main Street
P.O. Box 330
Pioche

Elko County Library
720 Court Street
Elko, NV 89801

Lyon County Library
20 Nevin Way
Yerington, NV 89447

Eureka Branch Library
10190 Monroe Street
P.O. Box 293
Eureka, NV 89316

Pershing County Library
1125 Central Avenue
P.O. Box 781
Lovelock, NV 89419

Battle Mountain Branch Library
P.O. Box 141
Battle Mountain, NV 89820

Washoe County Library
Attention: Reference
P.O. Box 2151
Reno, NV 89505

Mineral County Library
First and A Street
P.O. Box 1390
Hawthorne, NV 89415

Clark County Library
Las Vegas, NV 89119

Tonopah Public Library
171 Central Street
P.O. Box 449
Tonopah, NV 89049

Storey County Library
95 South R Street
P.O. Box 14
Virginia City, NV 89440

White Pine County Library
950 Campton Street
Ely, NV 89301

Churchill County Library
553 South Maine Street
Fallon, NV 89406

Douglas County Library
1625 Library Lane
P.O. Box 337
Minden, NV 89423

Goldfield Public Library
Fourth and Cook Street
P.O. Box 430
Goldfield NV 89013

LCB File No. R216-03

**PROPOSED REGULATION OF THE
STATE BOARD OF LANDSCAPE ARCHITECTURE**

(This version replaces the initial agency draft posted on November 26, 2003)

**NEVADA ADMINISTRATIVE CODE:
NAC 623A - LANDSCAPE ARCHITECTS**

This edition of the regulations became effective on May 2, 2003 and is published as a reference for licensees, candidates and other interested parties.

While every effort has been made to ensure the accuracy of this publication, it does not have legal effect until adopted. Should any discrepancy between the law and this publication occur, the law will take precedence.

GENERAL PROVISIONS

NAC 623A.010 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 623A.020 to 623A.065, inclusive, have the meanings ascribed to them in those sections.

GENERAL PROVISIONS

Designation of Titles; definitions:

- 1. "Person" defined. "Person" means any individual, firm, partnership, corporation, association or other organization.***
- 2. "Bona Fide Employee" defined. "Bona Fide Employee" means:***
 - a. Any person employed by a town, city, county, state or federal agency working under the direct supervision of a licensed landscape architect.***
 - b. Any person employed by a business entity working under the direct supervision of a licensed landscape architect who is also employed by the same business entity; or***
 - c. Any person working under the direct supervision of a licensed landscape architect who receives direct wages and/or contract compensation from the licensed Landscape Architect.***
- 3. "Actively Engaged" defined: "Actively engaged" means currently practicing or providing professional services of landscape architecture.***

~~**[NAC 623A.020 "Actively engaged" defined. "Actively engaged" means to practice or provide the professional services of landscape architecture.]**~~

NAC 623A.010 “Respondent” defined. “Respondent” means a person against whom a complaint has been filed.

~~[NAC 623A.025 “Advertisement” defined. “Advertisement” means title blocks, business cards, inside and outside signs, stationery, listings in a telephone or other directory and postings and other advertisements in a newspaper or magazine or by electronic means.]~~

NAC 623A.025 “Advertisement” defined. “Advertisement” means title blocks, business cards, inside and outside signs, brochures, stationery, listings in a telephone or other directory and postings, newspaper or magazine or television, internet, radio or other electronic means, or by any other advertisement method.

~~[NAC 623A.030 “Board” defined. “Board” means the board of landscape architecture.]~~

~~[NAC 623A.035 “Group practice” defined. “Group practice” means a firm, partnership, corporation or association which engages in the practice of landscape architecture.]~~

NAC 623A.035 “Group Practice” defined. “Group practice” means a firm, partnership, corporation or association which has been authorized by the Board to engage in the practice of landscape architecture and which provides a licensed Landscape Architect, which has direct supervision of all professional work.

NAC 623A.040 “Instruments of service” defined. “Instruments of service” means finalized working drawings and specifications which have been prepared by a registrant or under his immediate and responsible direction.

~~[NAC 623A.045 “National examination” defined. “National examination” means the national examination for registration as a landscape architect which is created and distributed by the Council of Landscape Architectural Registration Boards.]~~

NAC 623A.045 “National Examination” defined. “National Examination” means the national examination for registration as a landscape architect, which is created and distributed by the current national association of landscape architectural registration boards.

~~[NAC 623A.050 “Nevada section” defined. “Nevada section” means the jurisdictional examination for registration in this state as a landscape architect which is created and administered by the board.]~~

NAC 623A.050 “Nevada Specific Examination” defined. “Nevada Specific Examination” means the jurisdictional examination for registration in this State as a landscape architect, which is created and administered by the Board.

NAC 623A.055 “Registrant” defined. “Registrant” means a landscape architect who holds a certificate of registration issued by the board.

~~[NAC 623A.060 “Work experience under the direct supervision of a landscape architect” defined. “Work experience under the direct supervision of a landscape architect” means full-time employment in the field of landscape architecture under the professional counsel, guidance and instruction of a registered landscape architect who critically examines, evaluates and monitors the applicant’s work product for quality and compliance with all applicable laws, codes, ordinances and regulations.]~~

NAC 623A.060 “Work experience under the direct supervision of a landscape architect” defined. “Work experience under the direct supervision of a landscape architect” means full-time or part-time employment in the field of landscape architecture under the professional counsel, guidance and instruction of a licensed landscape architect who critically examines, evaluates and monitors the applicant’s work product for quality and compliance with all applicable laws, codes, ordinances and regulations.

~~[NAC 623A.065 “Year” defined. “Year” means a calendar year.]~~

“Landscape Architect Intern” defined. “Landscape Architect intern” means “Landscape Architect In-Training”.

“Grading” defined. “Grading” means the manipulation of the earth’s surface contours for the purpose of controlling and directing water runoff. Also, grading creates aesthetic values associated with topographic landforms and allows for the establishment of elevations and the degree of inclination on slopes for the setting and location of buildings, their approaches, site amenities and for vehicle and pedestrian circulation.

“Erosion, wear and tear” defined. “Erosion, wear and tear” on the land’s surface is the exposure of the earth’s surface by either direct construction activities, human degradation activities on natural landforms and water courses or by natural events. This degradation requires resource protection and restoration of these disturbed areas with soil/slope stabilization, seeding or living plants. This protection process encompasses all lands, wetlands or water environments to restore the natural/wildlife habitat and minimize or eliminate on land surfaces the loss of soil, control dust and sediment loading into a water body or stream course.

“Irrigation Manufacturers” defined. “Irrigation Manufacturers” means a person or business, which manufactures or sells irrigation equipment to legally licensed contractors or the public either through retail or wholesale outlets. These companies sell irrigation parts or related packaged equipment components for the controlled distribution of water to specific locations. The Irrigation Manufacturers or their company’s representatives may provide written or verbal instructions pertaining to the individual mechanical operation and assembly for each sold component. Also, they can provide written or verbal instructions on technical installation as it relates to the integration of components into the specific context of an operational irrigation system. However, Nevada law prohibits irrigation manufacturers or their company’s representatives to take their knowledge of individual irrigation system parts or components and design a complete and fully functional irrigation plan for sale to contractors

and the public for their personal use or as a free service for the installation of their company's equipment for a contactor or the public.

“Irrigation Designer” defined. “Irrigation Designer” means a person who holds out to the public, or renders services for consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications and supervision where the dominant purpose of the services is for the consideration and determination of issues of potable and non-potable water relating to the proper design of a backflow prevention system, delivery and controlled distribution of landscape irrigation water to a project site's plant material by either a designed subsurface, drip or overhead spray system(s). If an individual or company designs or proposes to design conceptual site plans, landscape or irrigation plans, grading plans and construction details associated with irrigation design services that individual shall hold or that company shall have a person on staff, full time that holds a certificate of registration to practice Landscape Architecture in Nevada.

“Erosion Control Specialist” defined. “Erosion Control Specialist” means a person who holds out to the public, or renders services for consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications and supervision where the dominant purpose of the services is for the consideration and determination of issues of the land relating to the control of erosion, preservation of native vegetation, repair of any wear and tear on the earth's surface caused by either human or nature's activities, restoration or reintroduction of vegetation into the natural environment and using native vegetation for water quality purposes or for the creation of natural esthetic values. If an individual or company designs or proposes to provide either conceptual site plans, planting or irrigation plans, grading plans and construction details associated with erosion control services that individual shall hold or that company shall have a person on staff, full time that holds a certificate of registration to practice Landscape Architecture in Nevada.

“Golf Course Architect” defined. A “Golf Course Architect” is an individual who identifies himself, and is recognized by the American Society of Golf Course Architects, and can use this title in the state of Nevada. However, if the individual designs or proposes to design either conceptual site plans, landscape or irrigation plans, grading plans and construction details associated with golf course construction that individual shall hold or that individual's company shall have a person on staff, full time that holds a certificate of registration to practice Landscape Architecture in Nevada.

NAC 623A.065 The Board may, in accordance with the provisions of the Administrative Procedure Act, adopt, amend, or repeal such rules and regulations as are reasonably necessary to:

- 1. Govern the examinations of applicants for certificate of registration to practice landscape architecture;*
- 2. Establish criteria for approving schools of landscape architecture; and*
- 3. Establish rules of professional conduct that are consistent with state or federal law. Every person who holds a certificate of registration issued by the Board shall be governed and controlled by these rules.*
- 4. Carry out the provisions of NRS 623A.*

5. The Board shall have the authority to discipline a landscape architect or to take action against a person who has violated NRS 623A.

The Board shall:

- 1. Consist of five members;*
 - a. Four members who have been actively engaged in the practice of landscape architecture and licensed in good standing by this Board for not less than 3 years immediately prior to their appointment; and*
 - b. One member who is a representative of the general public.*
- 2. The Governor shall appoint all members.*
 - a. Appointments shall be made for three-year terms, expiring on the anniversary of the third year or upon the appointment of his successor.*
 - b. Vacancies shall be filled for the unexpired term.*

The Executive Director shall:

- 1. Assist the Board in the examination of candidates for a landscape architect's certificate of registration and, after investigation, evaluate and make recommendations regarding potential violations of NRS 623A.*
- 2. Investigate, assist, and make recommendations to the Board regarding the regulation of landscape architects in this state.*
- 3. Perform such duties and functions that have been delegated by the Board pursuant to NRS 623A.*
- 4. Shall keep an accurate record of all financial transactions and all proceedings of the Board.*
- 5. Keep a record of the names and addresses of all license holders and such additional personal data as the Board may require. A proper index and record of each license issued shall be kept by the Board. This record shall be available for sale to the public as outlined in the Fees Section of these regulations.*

~~[NAC 623A.120 Original stamp and signature required on all submitted instruments of service.~~

- ~~— 1. All submitted instruments of service, including landscape architectural plans, specifications, reports, papers and other professional documents relating to landscape architecture must be stamped and signed by the registrant who prepared them or provided the direct supervision under which they were prepared.~~
- ~~— 2. A registrant shall use an original impression stamp, and place his original signature and the date of execution across the stamp, on the front page of the work prepared by him. A signature stamp and a signature generated by a computer may not be used.~~
- ~~— 3. If a professional document contains the product of more than one design professional, the registrant must stamp, sign and date the document and add a notation which clearly denotes the sheets that he prepared.~~
- ~~— 4. Details, shop drawings, product descriptions and other product information prepared by a manufacturer, supplier or installer of a specific product or system may be integrated into documents prepared, stamped and signed by a landscape architect if the details, drawings, descriptions or other information are incidental to the overall scope of the project and do not, in~~

~~themselves, describe spaces, elements or systems which directly affect the public health, safety and welfare.]~~

NAC 623A.120 An official stamp, original signature, date of execution and current registration expiration date will be required on all submitted instruments of service.

1. All submitted instruments of service, including landscape architectural plans, specifications, reports, and other professional documents relating to the practice of landscape architecture must be stamped, signed and dated on the title page with a permanently legible imprint by the person who prepared them or provided the direct supervision under which they were prepared.

2. All project related documents must contain the name and certificate number of the landscape architect who prepared them or provided the direct supervision under which they were prepared.

3. A certificate holder shall use an official stamp as described in NAC623A.140 and provided by this Board, and place his original signature over the stamp, along with the date of execution, and the current registration expiration date, on the front page of the work prepared by him or prepared under his direct supervision.

5. If a professional document contains the product of more than one design professional, the certificate holder must stamp, sign, place the date of execution and current registration expiration date on the document and add a notation, which clearly denotes the sheets that he prepared.

6. Details, shop drawings, product descriptions and other product information prepared by a manufacturer, supplier or installer of a specific product or system may be integrated into documents prepared, stamped, signed and dated by a landscape architect if the details, drawings, descriptions or other information are incidental to the overall scope of the project and do not, in themselves, describe spaces, elements or systems which directly affect the public health, safety and welfare.

~~[NAC 623A.140 Official stamp of registered landscape architect.~~

~~—1. A registrant must have an official stamp issued by the board, which is of a design and size as illustrated below:~~

~~An official stamp may be obtained only from the board.~~

~~—2. An official stamp will be issued by the board to a registrant at the time a certificate of registration is issued to him.~~

~~—3. A registrant who receives his certificate of registration on or before November 1, 1995, will be issued an official stamp when he renews his certificate of registration.~~

~~—4. On or after November 1, 1995, a registrant to whom an official stamp has been issued by the board shall stamp all work performed by him with his official stamp. The use of any stamp other than the official stamp is prohibited.~~

~~—5. A registrant may obtain additional official stamps from the board at any time.]~~

NAC 623A.140 Official stamp of a certificate of registration holder.

1. A certificate holder must have an official stamp issued by the Board, which can be obtained only through the Board. This stamp shall bear the certificate holder's name, certificate number, a line for the expiration date, the title "landscape architect" and an imprint of the state of Nevada. Current stamp holders may continue to use their current stamp and write their license expiration date immediately below the stamp impression.

2. An official stamp will be issued by the Board to a certificate holder at the time a certificate is issued to him, upon payment of all applicable fees for producing and shipping such stamp.

3. The use of any stamp other than the official stamp is prohibited.

4. A certificate holder may obtain additional official stamps from the Board at any time upon payment of the applicable fees for producing and shipping such stamp.

5. A certificate holder may obtain an electronic stamp from the Board, upon payment of all applicable fees for producing and shipping such stamp.

Seal design:

~~[NAC 623A.150 Submission of business address required; change of address.~~

~~—1. A registrant shall file his proper and current business address with the board.~~

~~—2. A registrant shall notify the board in writing within 30 days after any change of address. The notification must include both his old and new address. The fee for a change of address must accompany the notification.]~~

NAC 623A.150 Submission of business address required; change of address.

1. A registrant shall file his proper and current business address with the Board.

2. A registrant shall notify the Board in writing within 30 days after any change of address. The notification must include both his old and new address.

3. The fee for a change of address must accompany the notification.

NAC 623A.165 Practice of landscape architecture, or use of certain titles without certificate(s) prohibited; issuance of certificate(s); contents of certificate(s).

1. If an applicant complies with the provisions of this Chapter, and has met the qualifications to practice landscape architecture, the Board shall upon payment by the

applicant of all fees, issue to the applicant a certificate of registration to practice as a landscape architect. If a certificate of registration to practice as a landscape architect is issued after the beginning of the fiscal year, the Board shall prorate the fee that the applicant shall pay.

REGISTRATION AND EXAMINATION

~~[NAC 623A.210 Application for certificate of registration; form; content; submission.~~

~~—1. Application for certification as a landscape architect must be made on a form prescribed by the board and accompanied by the nonrefundable application fee.~~

~~—2. A completed application must be submitted to the board as follows:~~

~~—(a) Except as otherwise provided in paragraph (c), an applicant for registration by examination who plans to take any portion of the examination in June must submit a completed application and the application fee to the board on or before March 1.~~

~~—(b) Except as otherwise provided in paragraph (d), an applicant for registration by examination who plans to take any portion of the examination in December must submit a completed application and the application fee to the board on or before September 1.~~

~~—(c) An applicant for registration by reciprocity who plans to take only the Nevada section of the examination in June must submit a completed application and the application fee to the board on or before May 1.~~

~~—(d) An applicant for registration by reciprocity who plans to take only the Nevada section of the examination in December must submit a completed application and the application fee to the board on or before November 1.~~

~~—3. The applicant shall provide the following information on the application form:~~

~~—(a) Whether the application is for registration by examination, registration by reciprocity, registration on the basis of certification by the Council of Landscape Architectural Registration Boards or registration on the basis of 6 years of experience in the field of landscape architecture under the direct supervision of a registered landscape architect.~~

~~—(b) His name, his business and residence addresses and his business and residence telephone numbers.~~

~~—(c) His state of residence.~~

~~—(d) His birthplace and birthdate.~~

~~—(e) A chronological statement of his educational background, including the names and addresses of schools attended, years of attendance, major subject and degree received, as applicable.~~

~~—(f) A statement of all prior registrations, indicating each state in which registration has been granted, the date of issuance of the certificate or license and the current status of his registration in each state.~~

~~—(g) A list of professional organizations of which he is a member.~~

~~—(h) The names and addresses of two registered landscape architects and two licensed professionals from a related design profession who have direct knowledge of his professional abilities.~~

~~—(i) A complete record of his work experience, including the beginning and ending dates of that employment, the titles of the positions held by the applicant and the duties performed by the~~

~~applicant in those positions. Employment in the field of landscape architecture must be described in particularity.~~

~~—(j) Any other information deemed necessary by the board.]~~

NAC 623A.170 Application for certification of registration; certification of registration by reciprocity.

1. Application for registration as a landscape architect, or registration as a landscape architect by reciprocity, shall be made on the form prescribed by the Board and accompanied by a non-refundable application fee.

2. An applicant shall provide the following information on the application form:

a. Name, residence and business addresses, residence and business telephone and fax numbers, and email address.

b. State of residence

c. Birthplace, birth date and social security number

d. Citizenship or legal residence

e. Information regarding any conviction(s) for a felony or gross misdemeanor, other than a minor traffic violation

f. A chronological statement of his education, including the names and addresses of schools attended, years of attendance, subject studied and degree(s) received as applicable.

g. Statement of all prior registrations or certifications, indicating each state in which registration or certification has been granted, the date of issuance of the registration or certification and the current status of the registration or certification in each state.

h. A list of professional organizations of which he is a member of.

i. For landscape architecture registration or landscape architecture registration by reciprocity, the applicant shall provide the names and addresses of two registered landscape architects and two licensed professionals from a related design profession who have direct knowledge of his professional abilities.

j. For landscape architecture registration or landscape architecture registration by reciprocity, the applicant shall provide a complete record of his work experience, including the beginning and ending dates of employment, titles of positions held by the applicant and duties performed in those positions. Employment in the field of landscape architecture shall be described in detail.

k. Any other information deemed necessary by the Board.

l. A sworn affidavit that the information provided to the Board is truthful, complete and accurate.

3. An applicant may submit his CLARB certification in lieu of items 2 F, 2 G, 2 H, 2 I, 2 J.

4. An applicant shall submit his application to the Board on or prior to the following dates:

a. An applicant for landscape architecture registration by national examination who plans to take any portion of the examination in June shall submit a completed application and the application fee to the Board on or before March 1st.

b. An applicant for landscape architecture registration who plans to take any portion of the national examination in December shall submit a completed application and the application fee to the Board on or before September 1st.

c. An applicant for landscape architecture registration by reciprocity who plans to take only the Nevada Specific examination in June shall submit a completed application and the application fee to the Board on or before May 1st.

d. An applicant for landscape architecture registration by reciprocity who plans to take only the Nevada Specific examination in December shall submit a completed application and the application fee to the Board on or before November 1st.

~~[NAC 623A.220 Registration: Eligibility based on combination of education and experience.~~

~~—1. Except as otherwise provided in NAC 623A.222, 623A.224 and 623A.226, an applicant for certification must have 6 years of education and experience in landscape architecture.~~

~~—2. The board will accept the following combinations of education and experience to fulfill the requirements contained in subsection 1:~~

~~—(a) A bachelor's or master's degree in landscape architecture from an approved school and 2 years of postgraduate work experience under the direct supervision of a landscape architect who is registered in this state, any other state in the United States, any province of Canada or any other jurisdiction approved by the board.~~

~~—(b) An associate degree in landscape architecture, or, except as otherwise provided in paragraph (c), a bachelor's degree in a related field, including, but not limited to, horticulture or forestry, and 4 years of postgraduate work experience under the direct supervision of a landscape architect who is registered in this state, any other state in the United States, any province of Canada or any other jurisdiction approved by the board. A master's degree in a related field will be deemed equivalent to 1 year of postgraduate work experience.~~

~~—(c) A bachelor's degree in architecture or civil engineering from an institution that is accredited by an accrediting body approved by the board and 3 years of postgraduate work experience under the direct supervision of a landscape architect who is registered in this state, any other state in the United States, any province of Canada or any other jurisdiction approved by the board. A master's degree in architecture or civil engineering will be deemed equivalent to 1 year of postgraduate work experience.~~

~~—(d) Any other combination of education and experience which is deemed by the board to be equivalent to the requirements set forth in paragraphs (a), (b) and (c).~~

~~—3. An applicant for registration as a landscape architect pursuant to this section must be 21 years of age or older, of good moral character and a citizen of the United States or lawfully entitled to remain and work in the United States.~~

~~—4. As used in this section, "approved school" means an institution which offers a program of landscape architecture accredited by the Landscape Architectural Accreditation Board of the American Society of Landscape Architects or a program deemed by the board to be equivalent thereto.]~~

~~[NAC 623A.222 Registration: Eligibility based on reciprocity.~~

~~—1. An applicant is eligible for registration by reciprocity if the applicant:~~

~~—(a) Holds an active certificate or license in good standing to practice landscape architecture in any other state of the United States, any province of Canada or any other jurisdiction approved by the board;~~

~~—(b) Has had no disciplinary action taken against him during the period in which he has been certified or licensed as a landscape architect;~~

- ~~— (c) Has received a minimum passing score of 75 percent on each section of the national examination;~~
- ~~— (d) Achieves a minimum score of 75 percent on the Nevada section of the examination; and~~
- ~~— (e) Has:~~
 - ~~— (1) Been actively engaged in full-time practice as a registered landscape architect for 3 or more years; or~~
 - ~~— (2) Fulfilled the requirements for education and work experience as set forth in NAC 623A.220.~~
- ~~— 2. An applicant for registration as a landscape architect pursuant to this section must be 21 years of age or older, of good moral character and a citizen of the United States or lawfully entitled to remain and work in the United States.]~~

~~[NAC 623A.224 Registration: Eligibility based on certification by Council of Landscape Architectural Registration Boards:~~

- ~~— 1. An applicant is eligible for registration as a landscape architect if he has been certified by the Council of Landscape Architectural Registration Boards and if he:~~
 - ~~— (a) Has achieved a passing score on the senior practitioner examination; and~~
 - ~~— (b) Has had no disciplinary action taken against him during the period of his registration as a landscape architect.~~
- ~~— 2. An applicant for registration as a landscape architect pursuant to this section must be 21 years of age or older, of good moral character and a citizen of the United States or lawfully entitled to remain and work in the United States.]~~

~~[NAC 623A.226 Registration: Eligibility based on work experience:~~

- ~~— 1. An applicant who does not meet the educational qualifications set forth in NAC 623A.220 may be eligible for registration as a landscape architect on the basis of his work experience in landscape architecture if the applicant:~~
 - ~~— (a) Establishes to the satisfaction of the board that he has been actively engaged in the full-time professional practice of landscape architecture under the direct supervision of a registered landscape architect for at least 6 years;~~
 - ~~— (b) Achieves a minimum passing score of 75 percent on each section of the national examination; and~~
 - ~~— (c) Achieves a minimum passing score of 75 percent on the Nevada section of the examination.~~
- ~~— 2. An applicant for registration as a landscape architect in accordance with this section must be 21 years of age or older, of good moral character and a citizen of the United States or lawfully entitled to remain and work in the United States.]~~

NAC 623A.187 Credits for work experience, examination eligibility based on work experience, examination eligibility based on combination of education and experience, examination eligibility based on reciprocity.

1. All applicants for examination eligibility shall meet one of the following requirements for work experience, or education and work experience, or reciprocity set forth in this Chapter and by the Board:

a) Work Experience- An applicant establishes to the satisfaction of the Board that he has been actively engaged in the full-time professional practice of landscape architecture under the direct supervision of a holder of a certificate of registration for at least six years.

b) Education and Experience- An applicant has received a bachelor's or master's degree in landscape architecture from an accredited school and two years of postgraduate work experience under the direct supervision of a holder of a certificate of registration.

c) An applicant has received an associate degree in landscape architecture, or, except as otherwise provided in paragraph (d), a bachelor's degree in a related field, including, but not limited to, horticulture or forestry, and four years of postgraduate work experience under the direct supervision of a holder of a certificate of registration. A master's degree in a related field shall be deemed equivalent to one year of postgraduate work experience.

d) An applicant has received a bachelor's degree in architecture or civil engineering from an accredited school and three years of postgraduate work experience under the direct supervision of a holder of certificate of registration. A master's degree in architecture or civil engineering shall be deemed equivalent to one year of postgraduate work experience.

e) Any other combination of education and work experience which is deemed by the Board to be equivalent to the requirements set forth in paragraphs (b), (c) and (d).

f) Reciprocity- Holds a current certificate of registration in any other state of the United States, any province of Canada or any other jurisdiction recognized by the Board. An applicant shall satisfy the requirement of actively engaged in full-time practice as a holder of a certificate of registration for two or more years; or two years of postgraduate work experience under the direct supervision of a holder of certificate of registration.

~~[NAC 623A.228 Nature of examination:~~

~~—1. The examination for registration as a landscape architect in this state consists of the national examination and the Nevada section of the examination.~~

~~—2. The board will prepare the Nevada section of the examination. The Nevada section will test the applicant's knowledge of local environmental conditions, plants, soils, water management, and local laws and regulations relating to landscape architecture. Further information regarding the Nevada section may be obtained at the office of the board.]~~

~~[NAC 623A.230 Examinations: Time; place; reexamination:~~

~~—1. The examination for registration will be conducted in June and December of each year at locations selected by the board. When possible, the board will alternate the locations at which it conducts the examination by administering it in Reno in even-numbered years and in Las Vegas in odd-numbered years.~~

~~—2. Both the national examination and the Nevada section of the examination will be administered in June and December, except that not all parts of the national examination may be offered at each examination. Upon request, the board will provide to an applicant further information about which sections of the national examination will be offered in each examination.~~

~~—3. The board will review each application for registration to determine if the applicant meets the requirements to sit for the section or sections of the examination which he needs to qualify for registration in this state as a landscape architect. If the board determines that the applicant~~

~~meets the requirements, it will notify the applicant of the exact date, time and place of the examination.~~

~~—4. To qualify for registration as a landscape architect, an applicant must achieve a minimum score of 75 percent on each of the required sections of the examination.~~

~~—5. For a period of 5 years after an applicant first sits for the examination, he may retake any section on which he has failed to achieve a minimum score of 75 percent without submitting a new application. The applicant does not need to retake a section within this 5 year period if he has achieved the minimum passing score of 75 percent on that section.~~

~~—6. If an applicant does not achieve a passing score on all of the required sections of the examination within the 5 year period, the applicant must submit a new application for registration and achieve the minimum passing score on all of the parts of the examination before he will be issued a certificate of registration as a landscape architect.]~~

NAC 623A.190 Nature of examination; time; place; results; re-examination; review; appeal; hold over cases.

1. The examination shall consist of the National examination and the Nevada Specific examination. An applicant must pass both examinations for registration as a landscape architect in this State.

2. The national examination and the Nevada Specific examination shall be administered and conducted under the direction of the Board. The current recognized national association of registered Boards will prepare the national examination. The Board will prepare the Nevada Specific examination, or seek assistance from independent qualified persons in preparing the examination questions, conducting the examination and providing score verification. Further information can be obtained from the Board in preparing for both examinations.

3. The national examination for registration shall be conducted in June and December of each year at locations selected by the Board. The Board shall alternate the locations at which it conducts the examination by administering the exam in Reno in even numbered years, and Las Vegas in odd numbered years; or as determined by the Board.

4. The national examination and the Nevada Specific examination shall be administered in June and December of each year, except that not all parts of the national examination may be offered at each examination. Further information can be obtained from the Board regarding which sections of the national examination shall be offered at each examination, or as determined by the Board.

5. The Board shall review each application for registration to determine if the applicant meets the requirements to sit for the national examination. If the Board determines that the applicant meets the requirements, the Board shall notify the candidate of the exact date, time and place of the examination.

6. A candidate shall not take notes or speak with other candidates during the examination. Candidates shall not engage in any other activity that would result in the disclosure of the examination contents or interfere with the orderly administration of the examination.

7. The national and Nevada Specific examinations shall be graded anonymously. A candidate who takes the national and Nevada Specific examinations shall be assigned an identification number and his identity shall not be revealed until after the grading on the examination has been complete.

8. A candidate shall be notified as to his passage or failure of each part of the national and Nevada Specific examination. To qualify for registration as a landscape architect a candidate must achieve a passing score on the national examination on each of the required sections and a minimum score of 75 percent on the Nevada Specific Examination.

9. For a period of five years after a candidate first sits for the examination, he may retake any section, which he has failed to achieve a minimum score of 75 percent on the Nevada Specific Examination or a passing score on the national examination without submitting a new application. A candidate is only required to retake those sections where a passing score was not achieved. If a candidate does not achieve a passing score on all of the required sections within the five-year period, the applicant's process for application, sitting and examination begins anew.

10. If a candidate desires to review any section of the National examination, the candidate may request a review with the Board. Upon this request, the executive director shall provide information on how a candidate may contact the current recognized national association of registered boards for the purpose of pursuing a review.

11. If a candidate fails any section of the National examination, the candidate may file an appeal with the Board. Upon this request, the executive director shall provide information on how the candidate may contact the current recognized national association of registered boards for the purpose of pursuing an appeal.

12. If a candidate desires to review the Nevada Specific examination, the candidate may request a review with the Board. Upon this request, the executive director shall provide information on how a candidate may pursue a review.

13. If a candidate fails the Nevada Specific examination, but receives a score of 73 percent or higher on the examination he may submit an appeal with the Board. A request for an appeal shall be submitted to the Board no later than 15 days after the candidate receives notification of his results. The Board will consider this appeal at its next scheduled meeting, at which time the Board will render a decision on the matter by formal action.

14. If a candidate is scheduled and has paid the required fees to sit for the examination, and for reasons outside of his control misses or fails to show up for the examination, he may petition the Board for a hold over case. The Board shall review each hold over petition received, and grant or deny after reviewing the case.

~~[NAC 623A.240 Examination to be directed by board; anonymous grading; conduct of applicants.~~

~~—1. The examination will be conducted under the direction and control of the board. The board may seek the assistance of independent, qualified persons to prepare questions, conduct the examination, score the examination and submit recommended grades for the examination.~~

~~—2. The examination will be graded anonymously. An applicant who takes the examination will be assigned a random identification number and his identity will not be revealed until after the final grading on the examination has been completed.~~

~~—3. An applicant shall not:~~

~~—(a) Take notes or speak with other examinees during the examination; or~~

~~—(b) Engage in any other activity that would result in the disclosure of the contents of the examination or interfere with the orderly administration of the examination.]~~

~~[NAC 623A.250 Notification of examination results; regrading; review of examination papers; appeal.~~

~~—1. An applicant will be notified as to his passage or failure of each part of the examination for registration as a landscape architect.~~

~~—2. If an applicant fails the Nevada section of the examination, that section may be regraded by hand to ensure that there were no errors in the initial grading. A request for regrading must be submitted in writing to the office of the board not later than 15 calendar days after the applicant receives notification that he has failed the Nevada section of the examination. The executive director of the board will respond to such a request not later than 10 days after he receives the request.~~

~~—3. An applicant who receives a failing grade of 70 percent or higher on the Nevada section of the examination after that section has been regraded pursuant to subsection 2 may review his examination and submit a written appeal to the board. A request for a review of an examination pursuant to this subsection must be submitted in writing to the office of the board not later than 7 calendar days after the date on which the applicant receives the results of the regrading.~~

~~—4. After receiving a request from an applicant pursuant to subsection 3 for a review of the Nevada section of the examination, the executive director shall arrange a meeting between the applicant and a member of the board designated to conduct the review. After reviewing the Nevada section, the applicant may submit a written statement of appeal and the grounds therefor to the board. The board will consider the appeal at its next regularly scheduled board meeting, at which time it will render a decision on the matter by formal action.~~

~~—5. If the applicant fails a section of the national examination, the applicant may file an appeal with the Council of Landscape Architectural Registration Boards. Upon request, the executive director will provide information to the applicant on how the applicant may contact the council for the purposes of pursuing such an appeal.~~

~~—6. The examination papers of an applicant who achieves a minimum passing score will be destroyed at the time a certificate of registration is issued to the applicant.]~~

~~[NAC 623A.310 Issuance of certificate; renewal.~~

~~—1. The board will issue a certificate of registration to an applicant entitling him to practice landscape architecture in this state in accordance with the provisions of chapter 623A of NRS and this chapter if:~~

~~—(a) The board finds that the applicant is of good moral character;~~

~~—(b) The applicant passes all of the sections of the examination for registration as a landscape architect; and~~

~~—(c) The applicant has timely submitted all of the required fees.~~

~~—2. A certificate of registration issued by the board expires at midnight on June 30 next following the date of issuance, unless the certificate is renewed.~~

~~—3. To renew an unexpired certificate, the registrant must apply for renewal of the certificate on a form prescribed by the board and pay the annual renewal fee on or before June 30 following the date that the certificate or renewal was issued.~~

~~—4. To renew an expired certificate within 60 days after the certificate expires, the applicant must include with the fee for renewal, the fee for delinquent renewal of the certificate.~~

~~—5. To renew an expired certificate more than 60 days after the date on which the certificate expired, the applicant must include, in addition to the renewal fee, the fee for reinstatement. A~~

~~certificate which is not reinstated within 3 years after the date on which the certificate expired may not be reinstated.]~~

NAC 623A.193 Issuance of certificate of registration

- 1. The Board shall issue a certificate of registration to a successful candidate to practice landscape architecture in this State in accordance with the provisions of Chapter 623A and if:
 - a. The Board finds that the candidate is of good moral character;*
 - b. The candidate passes all of the sections of the examination for registration as a landscape architect;*
 - c. The candidate is registered as a landscape architect in another jurisdiction as determined by the Board, and has passed the Nevada Specific examination; and*
 - d. The candidate has timely submitted all of the required fees.**

NAC 623A.200 Renewal or reinstatement of certificate(s); issuance of renewal card; record of renewal; unlawful acts.

1. A certificate of registration that has expired through failure to be renewed may be renewed at any time within one year after the date of its expiration upon application to and with the approval of the Board and upon payment of the annual renewal fee and the delinquency fee prescribed by the Board pursuant to the provisions of NAC 623A.240.

2. A certificate of registration that has expired for failure to be renewed within one year after the date of its expiration may be reinstated by the Board without examination within three years after the date the certificate of registration expires upon application to and with the approval of the Board and upon payment of the annual renewal fee, the delinquency fee and the reinstatement as set forth in NAC623A.240. A certificate of registration, which is not reinstated within three years after the date on which the registration expired, shall not be reinstated.

3. The holder of a certificate of registration shall submit to the Board the annual renewal fee and proof required pursuant to the provisions of subsection 2, or if the Board approves the renewal or reinstatement of a certificate of registration pursuant to the provisions of subsection 3 or 4, the Board shall upon receipt of the applicable fees and proof or upon receipt of the approval of the Board, issue a renewal card to the applicant, indicating that his certificate of registration is renewed for one year. The renewal card shall bear the seal of the Board and include:

- a. The number of the certificate of registration; and*
- b. The signature of the president or secretary of the Board or a facsimile of that signature.*

4. The renewal of a certificate of registration and the number of the certificate of registration shall be recorded by the executive director of the Board.

5. The unauthorized use or display of a certificate of registration, renewal card, or the seal of a holder of a certificate of registration is unlawful.

6. To renew a certificate of registration, the registrant shall apply for renewal on the form prescribed by the Board and pay the annual renewal fee on or before June 30th following the date that the certificate of registration was issued.

~~[NAC 623A.350 Lost, mutilated or destroyed certificates; duplicate certificates. The board will issue a duplicate certificate upon request of a certificate holder which is accompanied by an~~

~~affidavit showing loss, mutilation or destruction of his original certificate, and upon payment of the fee for the issuance of a certificate of registration.]~~

NAC 623A.230 Submission of business address required; change of address, lost, stolen or destroyed certificate(s), duplicate certificate(s).

1. A certificate of registration holder shall file his proper and current business address with the Board.

2. A certificate of registration holder shall notify the Board in writing within 30 days after any change of address. The notification shall include both his old and new address. The fee for a change of address shall accompany the notification.

3. A certificate of registration holder shall notify the Board in writing if his certificate of registration has been lost, stolen, mutilated or destroyed. The Board shall issue a duplicate certificate of registration upon request, accompanied by a sworn affidavit detailing the loss, mutilation or destruction of the original certificate, and upon receipt of payment of the fee for the issuance of a duplicate certificate.

~~[NAC 623A.360 Fees. The board will charge and collect the following fees:~~

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Application fee	\$200.00
Examination fee	100.00;
	plus the cost
	of the examination
Certificate of registration	25.00
Annual renewal fee	160.00
Delinquency fee	50.00
Reinstatement fee	300.00
Change of address fee	10.00
Mailing list, all registrants	5.00
Returned check	5.00
Copy of the Construction Industry Reference Manual, which is also known as the Blue Book	2.00
Copy of a document, per page25]

NAC 623A.240 Fees

1. The Board shall charge and collect the following fees:

<i>Application fee for national examination</i>	<i>\$175.00</i>
<i>Application fee for LAIT</i>	<i>\$100.00</i>
<i>Application fee for Reciprocity</i>	<i>\$100.00</i>
<i>Examination fee for national examination</i>	<i>\$100.00 plus the cost of the examination</i>
<i>Examination fee for LAIT</i>	<i>\$50.00 plus the cost of the examination</i>
<i>Examination fee for Nevada Specific Examination</i>	<i>\$75.00</i>

<i>Examination review fee (national and NV Specific Exam)</i>	<i>\$50.00 plus CLARB fees</i>
<i>Certificate of Registration fee (LA)</i>	<i>\$25.00</i>
<i>L.A.I.T. certificate fee (LAIT)</i>	<i>\$25.00</i>
<i>Seal Fee</i>	<i>\$25.00</i>
<i>Electronic Seal Fee</i>	<i>\$25.00</i>
<i>Annual renewal fee (LA)</i>	<i>\$180.00</i>
<i>Annual renewal fee (LAIT)</i>	<i>\$100.00</i>
<i>Delinquency fee (LA/LAIT)</i>	<i>\$50.00</i>
<i>Reinstatement fee (LA)</i>	<i>\$300.00 plus other associated fees</i>
<i>Reinstatement fee (LAIT)</i>	<i>\$150.00 plus other associated fees</i>
<i>Change of address fee (LA/LAIT)</i>	<i>\$10.00</i>
<i>List of registrants (LA/LAIT)</i>	<i>\$10.00</i>
<i>Return check costs</i>	<i>\$25.00 (=cost + fees)</i>
<i>Blue Book-Construction Industry Reference Manual</i>	<i>\$5.00</i>
<i>Document copy, per page</i>	<i>\$.25</i>

(Annual renewal fee shall be prorated monthly after January 1st of each fiscal year)

LANDSCAPE ARCHITECT IN-TRAINING

NAC 623A.370 Landscape Architect in-Training

- 1. Application for certification as a landscape architect in-training (L.A.I.T.) shall be made on the form prescribed by the Board and accompanied by the non-refundable application fee.**
- 2. An applicant shall provide the following information on the application form:**
 - (a) Name, residence and business addresses, residence and business telephone and fax numbers and e-mail address.**
 - (b) State of residence.**
 - (c) Birthplace, birth date and social security number.**
 - (d) Citizenship or legal residence.**
 - (e) Provide information regarding any conviction(s) for a felony or gross misdemeanor, other than a minor traffic violation.**
 - (f) A chronological statement of his educational background, including the names and addresses of schools attended, years of attendance, subject studied and degree(s) to be received, as applicable.**
 - (g) Certified transcripts sent directly to the Board from the registrar of each college, university, or educational institution that the candidate attended.**
 - (h) A release authorizing the Board to investigate the candidate's education, experience, moral character, and repute.**

(i) The names and addresses of two personal references to attest to moral character; and one professor from the applicant's school that has direct knowledge of the applicant's scholastic abilities.

(j) Any other information deemed necessary by the Board.

(k) A sworn affidavit that the information provided to the Board is accurate, true, and complete.

3. An applicant shall submit his application to the Board on or prior to the following dates:

(a) An applicant for landscape architect in-training certification who plans to take any portion of the national examination in June shall submit a completed application and the application fee to the Board before April 1st.

(b) An applicant for landscape architect in-training certification who plans to take any portion of the national examination in December shall submit a completed application and the application fee to the Board before October 1st.

NAC 623A.375 Nature of examination

1. The examination for certification as a landscape architect in-training in this state consists of the following sections of the national examination:

(a) Section A: Legal & Administrative Aspects of Practice; and

(b) Section B: Analytical Aspects of Practice; or

(c) Other examinations as determined by the Board

NAC 623A.380 Examinations: Time; place; re-examination

1. The national examination, for certification as a landscape architect in-training, shall be conducted in June and December of each year at locations selected by the Board. The Board shall alternate the locations at which it conducts the examination by administering the exam in Reno in even-numbered years, and in Las Vegas in odd-numbered years; or as determined by the Board.

2. The Board shall review each application for certification as a landscape architect in-training to determine if the applicant meets the requirements to sit for the examination. If the Board determines that the applicant meets the requirements, the Board shall notify the candidate of the exact date, time and place of the national examination.

3. A candidate shall be notified as to his passage or failure of each part of the national examination. To qualify for certification as a landscape architect in-training, a candidate must achieve a passing score on each of the required sections of the examination.

4. For a period of five years after a candidate first sits for the national examination, he may retake any section on which he has failed to achieve a passing score. A candidate is only required to retake those sections on which a passing score was not achieved. If a candidate does not achieve a passing score on all of the required sections within the five-year period, the applicant's process for application, sitting and examination begins anew.

NAC 623A.385 Examination to be directed by Board; anonymous grading; conduct of applicants

1. The national examination shall be administered and conducted under the direction of the Board. The Board may seek assistance from independent, qualified persons in preparing examination questions, conducting the examination, and providing score verification.

2. *The national examination shall be graded anonymously. A candidate who takes the national examination shall be assigned an identification number and his identity shall not be revealed until after the grading on the examination has been completed.*

3. *A candidate shall not take notes or speak with other candidates during the examination. Candidates shall not engage in any other activity that would result in the disclosure of the examination contents or interfere with the orderly administration of the examination.*

NAC 623A.390 Notification of examination results; regrading; review of examination papers; appeal

1. *A candidate shall be notified as to his passage or failure of each part of the national examination for certification as a landscape architect in-training.*

2. *If a candidate fails any section of the national examination, the candidate may file an appeal with the Board. Upon request, the executive director shall provide information on how the candidate may contact the current recognized national association of registration boards for the purposes of pursuing such an appeal.*

3. *The national examination papers of a candidate who achieves a minimum passing score will be kept on file at the time a certificate to work as a landscape architect in-training is issued to the candidate.*

4. *When a landscape architect in-training makes an application for registration as a landscape architect the examination shall be added to the applicants file, so the applicant will receive proper credit for passing those sections of the exam for certification as a landscape architect in-training.*

NAC 623A.395 Issuance of certificate; renewal

1. *The Board shall issue a certificate to a successful candidate entitling him use the term 'landscape architect in-training' and to work under the direct supervision of a registered landscape architect in this state in accordance with the provisions of chapter 623A of NRS and this chapter if:*

(a) The Board finds that the candidate is of good moral character;

(b) The candidate passes all of the sections of the examination for certification as a landscape architect in-training;

(c) The candidate has timely submitted all of the required fees.

2. *An L.A.I.T. certificate that has expired through failure to be renewed may be renewed at any time within one year after that date of its expiration upon application to and with the approval of the Board and upon payment of the annual renewal fee and the delinquency fee prescribed by the Board pursuant to the provisions of NAC 623A.240. An L.A.I.T. certificate, which is not reinstated within three years after the date on which the certificate expired, shall not be reinstated.*

3. *An L.A.I.T certificate that has expired for failure to be renewed within one year after the date of its expiration may be reinstated by the Board without examination within three years after the date the certificate expires upon application to and with the approval of the Board and upon payment of the annual renewal fee, the delinquency fee and the reinstatement as set forth in NAC 623A.240.*

4. *The holder of an L.A.I.T. certificate shall submit to the Board the annual renewal fee and proof required pursuant to the provisions of subsection 3, or if the Board approves the renewal or reinstatement of a certificate pursuant to the provisions of subsection 4 or 5, the*

Board shall upon receipt of the applicable fees and proof or upon receipt of the approval of the Board, issue a renewal card to the applicant, indicating that his certificate is renewed for one year. The renewal card shall bear the seal of the Board and include:

(a) The number of the L.A.I.T. certificate; and

(b) The signature of the president or secretary of the Board or a facsimile of that signature.

5. The renewal of an L.A.I.T. certificate and the number of the certificate shall be recorded by the executive director of the Board.

6. The unauthorized use or display of an L.A.I.T. certificate, renewal card, or the seal of a holder of an L.A.I.T. certificate is unlawful.

7. To renew an L.A.I.T. certificate, the landscape architect in-training shall apply for renewal on the form prescribed by the Board and pay the annual renewal fee on or before June 30th following the date that the certificate was issued.

NAC 623A.400 Lost, stolen, mutilated or destroyed certificates; duplicate certificates

1. A certificate of landscape architecture in-training holder shall notify the Board in writing if his certificate has been lost, stolen, mutilated or destroyed.

2. The Board shall issue a duplicate L.A.I.T. certificate upon request, which is accompanied by a sworn affidavit detailing the loss, mutilation or destruction of the original certificate, and upon payment of the fee for the issuance of a duplicate certificate.

~~[PRACTICE; STANDARDS; DISCIPLINARY ACTION]~~

~~[NAC 623A.410 Branch office; conditions for operation. Upon the approval of the board, a group or individual landscape architectural practice which has its headquarters in any state of the United States, any province of Canada or any other jurisdiction approved by the board may operate a branch office in Nevada. Each branch office must be operated by a current registrant in good standing for whom the branch office is his principal place of business.]~~

PRACTICE; STANDARDS; DISCIPLINARY ACTION

NAC 623A.410 Branch office; conditions for operation.

Upon the approval of the Board, a group or individual landscape architectural practice, which has its headquarters in any state of the United States, any province of Canada or any other jurisdiction approved by the Board may operate a branch office in Nevada. Each branch office must be operated by a current registrant in good standing for whom the branch office is his principal place of business.

~~[NAC 623A.420 Advertising.~~

~~—1. The name and certificate number of the registrant and the title “Landscape Architect” must appear in a conspicuous manner in all advertisements of the registrant.~~

~~—2. An advertisement of a registrant must not be false, deceptive or misleading.]~~

NAC 623A.420 Advertising.

1. *The name and certificate number of the registrant and the title “Landscape Architect” must appear in a conspicuous manner in all advertisements of the registrant.*
2. *An advertisement of a registrant must not be false, deceptive or misleading.*
3. *Advertising without license: If, upon investigation, the Board has probable cause to believe that a person is advertising with respect to the offering or performance of services, without being properly licensed by this Board to offer or perform those services, the Board may:*
 - (a) *Issue a Cease and Desist letter pertaining to the unlawful advertising*
 - (b) *Request a correction that requires the violator to notify the vendor furnishing services to the violator to discontinue the unlawful advertising.*

~~[NAC 623A.430 Group practice.~~

- ~~—1. A registrant who forms a group practice with one or more persons who are not landscape architects must notify the board in writing within 30 days after the formation of the practice, giving the names and titles of all of the members of the practice.~~
- ~~—2. The registrant must notify the board, in writing, within 30 days after a change or dissolution occurs in the group practice.~~
- ~~—3. A landscape architectural service performed by a group practice must be performed by or under the direct supervision of a registrant who is a partner, principal, officer, employee or consultant of the group practice. All instruments of service of the group practice must be stamped and signed by the registrant who provided the immediate and responsible direction for the work performed.~~
- ~~—4. All advertisements and other similar materials used by the group practice must contain the name of the registrant and his certificate number.]~~

NAC 623A.430 Group practice

1. *A registrant who forms a group practice with one or more persons who are not landscape architects shall notify the Board in writing within 30 days after the formation of the practice, giving the names and titles of all of the members of the practice.*
2. *The registrant shall notify the Board, in writing, within 30 days after a change or dissolution occurs in the group practice.*
3. *A landscape architectural service performed by a group practice shall be performed by or under the direct supervision of a registrant who is a partner, principal, officer, or employee of the group practice. All instruments of service of the group practice must be stamped and signed by the registrant who provided the direct supervision of the work performed.*
4. *All advertisements and other similar materials used by the group practice shall contain the name of the registrant and his certificate number.*

~~[NAC 623A.480 Standards for ethical conduct. A registrant shall uphold and advance the honor and dignity of the profession by maintaining a high standard of ethical conduct. In particular, the registrant:~~

- ~~—1. Shall exert every effort toward the preservation and protection of the natural resources and toward understanding the interaction of the economic and social systems with these resources.~~

- ~~—2. Must have a social and environmental responsibility to reconcile the public's needs and the natural environment with minimal disruption of the natural system.~~
- ~~—3. Shall further the public health, safety and welfare and advance the profession by constantly striving to provide the highest level of professional services and avoiding the appearance of improper conduct.~~
- ~~—4. Shall serve his client or employer with integrity, understanding, knowledge and creative ability and respond morally to social, political, economic and technological influences.~~
- ~~—5. Shall encourage educational research and the development and dissemination of useful technical information relating to the planning, design and construction of the physical environment.]~~

NAC 623A.480 Standards for ethical conduct

A registrant shall uphold and advance the honor and dignity of the profession by maintaining a high standard of ethical conduct. In particular, the registrant:

- 1. Shall further the public health, safety and welfare and advance the profession by constantly striving to provide the highest level of professional services and avoiding the appearance of improper conduct.***
- 2. Shall exert every effort toward the preservation and protection of the natural resources and toward understanding the interaction of the economic and social systems with these resources.***
- 3. Shall have a social and environmental responsibility to reconcile the public's needs and the natural environment with minimal disruption of the natural system.***
- 4. Shall serve his client or employer with integrity, understanding, knowledge and creative ability and respond morally to social, political, economic and technological influences.***
- 5. Shall encourage educational research and the development and dissemination of useful technical information relating to the planning, design and construction of the physical environment.***

~~**[NAC 623A.490 Professional conduct; grounds for disciplinary action:**~~

- ~~—1. A registrant shall not perform or attempt to perform a professional service relating to landscape architecture unless he is qualified by education and experience to perform that service. A registrant may accept employment which requires practice in a related design field if he limits his actual practice to those areas in which he is qualified. He may associate with other professional persons to the extent necessary. When practicing in a related design field, the registrant must be held to the same standards of technical knowledge and skill as apply to that profession.~~
- ~~—2. If a registrant observes a situation or circumstance which, in his professional opinion, could result in a threat to the public health, safety and welfare, the registrant shall notify the responsible party, official, agency or board, as may be appropriate, of the potential threat.~~
- ~~—3. A registrant shall not accept a work project or employment where his duty to a client or the public would conflict with his personal interest or the interest of another client of the registrant without full disclosure of all material facts of the conflict to each person who might be related to or affected by the project or employment.~~
- ~~—4. A registrant shall not accept compensation from more than one person for services related to the same project or professional employment without making full disclosure to and obtaining the express written consent of all such persons.~~

- ~~—5. A registrant shall not give, lend or promise anything of value to a public officer with the intent to influence or attempt to influence the officer's judgment or actions.~~
- ~~—6. A registrant shall not attempt to obtain, offer to undertake or accept a work project or employment for which he knows another legally qualified person or firm has been selected or employed until he has evidence that the latter agreement has been terminated.~~
- ~~—7. A registrant shall not engage in fraud, deceit, misrepresentation, exaggeration or concealment of material facts in advertising, soliciting or providing professional services.~~
- ~~—8. A registrant shall accurately represent his qualifications and the scope and nature of his responsibilities in connection with work for which he is claiming credit.~~
- ~~—9. A registrant shall not maliciously injure the professional reputation, business prospects or practice of another registrant or professional person.~~
- ~~—10. A registrant shall comply with all federal, state, municipal and county laws, codes, ordinances and regulations pertaining to the practice of landscape architecture.~~
- ~~—11. A registrant shall not engage in conduct which involves fraud or the wrongful exploitation of the rights of other persons and shall not counsel or assist a client in conduct that the registrant knows, or should know, involves fraud or other illegal acts.~~
- ~~—12. A registrant shall not materially alter the scope or objectives of a project without the consent of the client. The registrant shall keep the client fully informed of any changes in the scope of a project.~~
- ~~—13. A registrant who reasonably believes, based on substantial information, that another landscape architect has committed a violation of the provisions of chapter 623A of NRS or this chapter which raises a serious question as to the honesty, trustworthiness or fitness of that landscape architect, shall report that information to the board.~~
- ~~—14. Any violation of this section is a ground for disciplinary action.]~~

NAC 623A.490 Professional conduct; grounds for disciplinary action

- 1. A registrant shall not perform or attempt to perform a professional service relating to landscape architecture unless he is qualified by education and experience to perform that service. A registrant may accept employment, which requires practice in a related design field if he limits his actual practice to those areas in which he is qualified. He may associate with other professional persons to the extent necessary. When practicing in a related design field, the registrant shall be held to the same standards of technical knowledge and skill as apply to that profession.***
- 2. If a registrant observes a situation or circumstance which, in his professional opinion could result in a threat to the public health, safety and welfare, the registrant shall notify the responsible party, official, agency or Board, as may be appropriate, of the potential threat.***
- 3. A registrant shall not accept a work project or employment where his duty to a client or the public would conflict with his personal interest or the interest of another client of the registrant without full disclosure of all material facts of the conflict to each person who might be related to or affected by the project or employment.***
- 4. A registrant shall not accept compensation from more than one person for services related to the same project or professional employment without making full disclosure to and obtaining the express written consent of all such persons.***
- 5. A registrant shall not give, lend or promise anything of value to a public officer with the intent to influence or attempt to influence the officer's judgment or actions.***

6. A registrant shall not attempt to obtain, offer to undertake or accept a work project or employment for which he knows another legally qualified person or firm has been selected or employed until he has evidence that the latter agreement has been terminated.

7. A registrant shall not engage in fraud, deceit, misrepresentation, exaggeration or concealment of material facts in advertising, soliciting or providing professional services.

8. A registrant shall accurately represent his qualifications and the scope and nature of his responsibilities in connection with work for which he is claiming credit.

9. A registrant shall not maliciously injure the professional reputation, business prospects or practice of another registrant or professional person.

10. A registrant shall comply with all federal, state, municipal and county laws, codes, ordinances and regulations pertaining to the practice of landscape architecture.

11. A registrant shall not engage in conduct which involves fraud or the wrongful exploitation of the rights of other persons and shall not counsel or assist a client in conduct that the registrant knows, or should know, involves fraud or other illegal acts.

12. A registrant shall not materially alter the scope or objectives of a project without the consent of the client. The registrant shall keep the client fully informed of any changes in the scope of a project.

13. A registrant, who reasonably believes, based on substantial information, that another landscape architect has committed a violation of the provisions of chapter 623A of NRS or this chapter, which raises a serious question as to the honesty, trustworthiness or fitness of that person to practice landscape architecture, shall report that information to the Board.

14. A person shall not obtain a certificate of registration by fraud or misrepresentation.

15. A person shall not impersonate a landscape architect or former landscape architect of the same or similar name, or practice landscape architecture under an assumed or fictitious name.

16. A registrant shall not affix his seal or signature, or permit the use of his name, signature or seal on plans, drawings, specifications or other instruments of service which have not been prepared by him or under his direct supervision, nor shall he permit the use of his name, signature or seal to be used for the purpose of assisting any person or landscape architect from another state who is not registered in this state to evade the provisions of this chapter.

17. A registrant shall not aid or abet in the practice of landscape architecture, any person not duly authorized by the Board to practice landscape architecture.

18. A registrant shall notify the Board within 30 days of any disciplinary action or judgment against him by any public agency or court action for any act substantially related to his or her qualifications, functions, or duties in the practice of landscape architecture.

19. A registrant shall comply with an order issued by the Board and shall cooperate in an investigation being conducted by the Board, if requested.

20. The Board will suspend a license if the licensee is not in compliance with a child support order or judgment.

21. The Board may order a registrant's license suspended or revoked, or may decline to issue or renew a license if a registrant is convicted of or enters a plea of nolo contendere to a felony or gross misdemeanor; or any crime, an essential element of which is dishonesty or which is directly related to the practice of landscape architecture.

22. A registrant practicing in violation of the provisions of this chapter constitutes grounds for disciplinary action.

NAC 623A.495 Unlicensed Person Engaging in Practice – Sanctions:

1. It is a misdemeanor, punishable by a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5000) per occurrence, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, for any person, who, without possessing a valid, unrevoked license as provided in this chapter,

(a) engages in the practice of landscape architecture or

(b) uses the title or term "Landscape Architect" or "Landscape Architect In-Training", "Landscape Designer", "Landscape Consultant", "Landscape Draftsman", or any other title or term indicating or implying that he is a landscape architect or landscape architect intern in any advertisement.

~~[NAC 623A.520 Disciplinary hearing against registrant; notice; procedure; judicial review.~~

~~—1. All parties to a disciplinary proceeding or other contested matter under the Nevada Administrative Procedure Act will be afforded an opportunity for a hearing before the board or a duly appointed hearing panel after reasonable notice of at least 30 days.~~

~~—2. The notice must contain:~~

~~—(a) The time, place and nature of the hearing.~~

~~—(b) The legal authority and jurisdiction under which the hearing will be held.~~

~~—(c) A reference to the particular sections of NRS and this chapter which are involved.~~

~~—(d) A clear statement of the matters asserted.~~

~~—3. At the hearing, each party has the right to be represented by counsel, to respond to and introduce evidence and argument on all issues involved, and to produce witnesses and to examine and cross-examine opposing witnesses.~~

~~—4. A person who is aggrieved by a final decision of the board in a contested case is entitled to a judicial review pursuant to the Nevada Administrative Procedure Act.]~~

NAC 623A.500 Complaint Procedure-Notification of Complainant and Registrant:

1. Any person who becomes aware that any of the grounds for disciplinary action may exist shall file a complaint specifying the relative facts with the executive director of the Board.

2. A complaint should be made in writing and signed by the person making it.

3. The Board shall notify the complainant of the final action taken on his complaint. There shall be a notification made in every case in which the complainant is known.

4. If the complaint is not within the jurisdiction of the Board or if the Board is unable to dispose satisfactorily of the complaint, the Board shall transmit the complaint together with any evidence or information it has concerning the complaint to the agency, public or private, whose authority in the opinion of the Board will provide the most effective means to secure the relief sought.

5. The Board shall, when the Board deems it appropriate, notify the person against whom the complaint is made, of the nature of the complaint, and may meet and confer with the complainant and the person whom the complaint has been made against in order to mediate the complaint.

6. It shall be the continuing duty of the Board to take whatever action it deems necessary, to inform the public of its functions under this section.

NAC 623A.505 Time Limitation for Filing Complaints:

1. Except as provided in subsection 2, a complaint shall be filed within two years of the occurrence of the act or omission alleged as the grounds for disciplinary action.

2. If the complaint alleges fraud or misrepresentation, the complaint shall be filed within two years after the discovery of the fraud or misrepresentation.

NAC 623A.510 Investigations - Suspension, Revocation:

1. The Board may, upon its own motion, and shall upon the complaint in writing of any person, investigate the actions of any landscape architect, and may suspend for a period not exceeding one year, or revoke, the license of any such landscape architect who is guilty of any one or more of the acts or omissions constituting grounds for disciplinary action under the chapter.

NAC 623A.520 Disciplinary hearing against registrant; notice; procedure; judicial review

1. All parties to a disciplinary proceeding or other contested matter under the Nevada Administrative Procedure Act shall be afforded an opportunity for a hearing before the Board or a duly appointed hearing panel after reasonable notice of at least 20 days.

2. The notice shall contain:

(a) The time, place and nature of the hearing.

(b) The legal authority and jurisdiction under which the hearing shall be held.

(c) A reference to the particular sections of NRS and this chapter, which are involved.

(d) A clear statement of the matters asserted.

3. At the hearing, each party has the right to be represented by counsel, to respond to and introduce evidence and argument on all issues involved, and to produce witnesses and to examine and cross-examine opposing witnesses.

4. A person who is aggrieved by a final decision of the Board in a contested case is entitled to a judicial review pursuant to the Nevada Administrative Procedure Act.

[MISCELLANEOUS]

~~[NAC 623A.600 Petition for action on regulation; petitions for declaratory order or advisory opinion.~~

~~— 1. Any interested person or agency may petition the board to adopt, file, amend or repeal any regulation of the board, by letter addressed to the executive director of the board. Relevant data, views and arguments must accompany such a petition. The board will consider a petition filed pursuant to this subsection at its next regularly scheduled board meeting. The board will, not later than 30 days after the meeting:~~

~~— (a) Initiate the rule making process; or~~

~~— (b) Deny the petition in writing, stating its reasons for the denial.~~

~~— 2. Any interested person or agency may petition the board for a declaratory order or an advisory opinion regarding the applicability of any statutory provision or regulation or decision of the board. The board will consider a petition for a declaratory order or an advisory opinion~~

~~filed pursuant to this subsection at its next regularly scheduled board meeting. The board will, not later than 30 days after the date of the meeting:~~

~~—(a) Issue a declaratory order or an advisory opinion; or~~

~~—(b) Deny the petition for an order or opinion in writing stating the reasons therefor.]~~

MISCELLANEOUS

NAC 623A.600 Petition for action on regulation; petitions for declaratory order or advisory opinion

1. Any interested person or agency may petition the Board to adopt, file, amend or repeal any regulation of the Board, by letter addressed to the executive director of the Board. Relevant data, views and arguments must accompany such a petition. The Board will consider a petition filed pursuant to this subsection at its next regularly scheduled Board meeting. The Board will, not later than 30 days after the meeting:

(a) Initiate the rule-making process; or

(b) Deny the petition in writing, stating its reasons for the denial.

2. Any interested person or agency may petition the Board for a declaratory order or an advisory opinion regarding the applicability of any statutory provision or regulation or decision of the Board. The Board shall consider a petition for a declaratory order or an advisory opinion filed pursuant to this subsection at its next regularly scheduled Board meeting. The Board will, not later than 30 days after the date of the meeting:

(a) Issue a declaratory order or an advisory opinion; or

(b) Deny the petition for an order or opinion in writing stating the reasons therefore.

Complaint Information System

1. The Board shall provide a system designed to provide individual members of the consuming public information regarding complaints and disciplinary actions against registrants and information regarding their license status as specified below, unless in the determination of the Board disclosure of such complaint information would be unduly prejudicial to registrants.

2. The Board shall maintain a system of information, regarding disciplinary action received during the proceeding three years which will afford to members of the public, upon written request, all of the following regarding a particular licensee:

a. The number of such disciplinary action which, after investigation including contact with the registrant, have been found by the Board to indicate probable violations of the Board's licensing law or regulations.

b. With respect to each such complaint, the following information:

i. Its date of receipt by year.

ii. Its disposition, by indicating whether the matter has been:

1. referred to formal disciplinary action, or

2. found to involve a minor violation not in itself meriting disciplinary action, or

3. disposed of through settlement, compromise or complaint mediation; or

4. disposed of through any other action, formal or informal, taken against the

registrant.

3. Such comparative data as may be considered by the Board to be informative to consumers.

4. Such general cautionary statement, as the Board shall deem appropriate, regarding the utility of complaint information to individual consumers in their selection of a licensed landscape architect.

5. If a complaint, which was initially determined to indicate a probable violation of law is later found by the Board's staff upon further investigation not to truly involve a violation, the case shall be dismissed.

Information to be Provided Regarding Disciplinary Action:

1. The Board shall maintain records showing the disciplinary history of all current license holders and shall provide to members of the public, upon written request, the following information:

a. Whether any current licensee has ever been disciplined and, if so, when and for what offense.

b. Whether any current licensee has been named in any disciplinary action.

c. Information to be Provided Regarding License Status.

2. The Board shall maintain records showing certain license information for all past and current license holders. The Board shall provide to members of the public upon written request, the following information regarding past and current licensees:

a. The name of the landscape architect as it appears in the Board's records.

b. The license number.

c. The address and business telephone number of record.

d. The date of original licensure.

e. The date or dates such license expired, lapsed, or was terminated and if applicable, the reason for termination.