

PROPOSED REGULATION OF THE STATE
BOARD OF LANDSCAPE ARCHITECTURE

LCB File No. R216-03

July 14, 2004

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1-3, 12, 16-21, 32, 37, and 39-41, NRS 623A.130; §4, NRS 623A.100 and 623A.130; §5, NRS 623A.130 and 623A.135; §6, NRS 623A.135 and 623A.200; §7, NRS 623A.130, 623A.170 and 623A.263; §§8 and 25, NRS 623A.130 and 623A.170; §§9-11 and 28-31, NRS 623A.130 and 623A.190; §§13 and 14, NRS 623A.130 and 623A.267; §15, NRS 623A.130 and 623A.3535; §§22 and 23, NRS 623A.130 and 623A.195; §§24 and 34, NRS 623A.130 and 623A.230; §§26 and 27, NRS 623A.130, 623A.187 and 623A.190; §33, NRS 623A.130 and 623A.165; §35, NRS 623A.130, 623A.165 and 623A.240; §36, NRS 623A.130 and 623A.355; §38, NRS 623A.130 and 623A.133.

A REGULATION relating to landscape architecture; interpreting the term “grading”; revising the requirements for a certificate of registration; revising the provisions relating to the renewal or reinstatement of a certificate of registration; establishing the requirements for a certificate to practice as a landscape architect intern; establishing the requirements for the renewal or reinstatement of a certificate to practice as a landscape architect intern; revising fees; revising the procedures relating to the filing of a complaint against a registrant; revising the professional code for a registrant or landscape architect intern; and providing other matters properly relating thereto.

Section 1. Chapter 623A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this regulation.

Sec. 2. *“Certificate holder” means a person who has been issued:*

1. A certificate of registration; or

2. A certificate to practice as a landscape architect intern.

Sec. 3. *As used in NRS 623A.060, the Board interprets the term “grading” to mean the manipulation of the surface contours of the land to:*

1. *Control and direct the flow of water.*
2. *Create aesthetic values associated with topographic landforms.*
3. *Establish elevations and degrees of inclination on slopes for:*
 - (a) *Setting and locating buildings, structures, facilities and other improvements; or*
 - (b) *Locating corridors for the movement of vehicles and pedestrians.*

Sec. 4. *The Executive Director shall:*

1. *Assist the Board in the review of an application for a certificate of registration or a certificate to practice as a landscape architect intern;*
2. *Investigate and make recommendations to the Board and assist the Board with the regulation of landscape architects and landscape architect interns; and*
3. *Keep an accurate record of the financial transactions and proceedings of the Board.*

Sec. 5. 1. *The Board will keep a mailing list of the persons issued certificates of registration and certificates to practice as a landscape architect intern.*

2. *The mailing list will contain a record of the name, address and other personal information of each person issued a certificate of registration or a certificate to practice as a landscape architect intern.*

3. *A person may obtain a copy of the mailing list by submitting to the Board a request and the fee as provided in NAC 623A.360.*

Sec. 6. 1. *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.*

2. *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.*

3. To renew an expired certificate within 1 year after the certificate expires, the registrant must apply for renewal of the certificate on a form prescribed by the Board and include the fee for renewal and the fee for delinquent renewal of the certificate as provided in NAC 623A.360.

4. To renew an expired certificate more than 1 year after the date on which the certificate expired, the registrant must apply for renewal of the certificate on a form prescribed by the Board and include the fee for renewal, the fee for delinquent renewal and the fee for reinstatement as provided in NAC 623A.360. A certificate which is not reinstated within 3 years after the date on which the certificate expired may not be reinstated.

5. If a registrant complies with the provisions for the renewal of a certificate of registration pursuant to the provisions of subsection 2 or 3 or the reinstatement of a certificate of registration pursuant to the provisions of subsection 4, the Board will issue a renewal card to the registrant. A renewal card issued by the Board will contain:

- (a) The expiration date of the renewal or reinstatement of the certificate of registration;*
- (b) The seal of the Board;*
- (c) The number of the certificate of registration to which the renewal card applies; and*
- (d) The signature of the President of the Board or the Secretary of the Board.*

6. The Executive Director shall record the renewal or reinstatement of a certificate of registration.

Sec. 7. 1. *Application for a certificate to practice as a landscape architect intern 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) An applicant for a certificate to practice as a landscape architect intern 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 April 1.

(b) An applicant for a certificate to practice as a landscape architect intern 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 October 1.

3. An applicant for a certificate to practice as a landscape architect intern shall provide the following information on the application form:

(a) The name, business and residence addresses, business and residence telephone numbers and facsimile numbers, and electronic mail address of the applicant.

(b) The state of residence of the applicant.

(c) The birthplace, birth date and social security number of the applicant.

(d) Information regarding any conviction of the applicant for a felony, gross misdemeanor or misdemeanor.

(e) Evidence that the applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States.

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

(g) Certified transcripts sent directly to the Board from each college, university or other educational institution that the applicant attended.

(h) A signed release authorizing the Board to investigate the education, experience, moral character and reputation of the applicant.

(i) The names and addresses of two personal references who have direct knowledge of the applicant.

(j) The name and address of one teacher or professor who has direct knowledge of the scholastic ability of the applicant.

(k) An affidavit signed by the applicant attesting that the information provided to the Board is truthful, complete and accurate.

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

Sec. 8. 1. *The examination for a certificate to practice as a landscape architect intern consists of the following sections of the national examination:*

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

(b) Section B: Analytical Aspects of Practice.

2. *Further information regarding the national examination may be obtained from the Board.*

Sec. 9. 1. *The examination for a certificate to practice as a landscape architect intern 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. *The Board will review each application for a certificate to practice as a landscape architect intern 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 will notify the applicant of the exact date, time and place of the examination.

3. *To qualify for the issuance of a certificate to practice as a landscape architect intern, an applicant must achieve a passing score on each section of the examination.*

4. For a period of 5 years after an applicant first sits for the examination, the applicant may retake any section of the examination on which he has failed to achieve a passing score without submitting a new application for a certificate to practice as a landscape architect intern. The applicant does not need to retake a section of the examination within this 5-year period if he has achieved a passing score on that section.

5. 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 a certificate to practice as a landscape architect intern and achieve a passing score on all of the required sections of the examination before he will be issued a certificate to practice as a landscape architect intern.

Sec. 10. *1. The examination for a certificate to practice as a landscape architect intern will be administered and conducted under the direction and control of the Board. The Board may seek the assistance of independent, qualified persons to conduct the examination, score the examination and provide scoring verification.*

2. The examination for a certificate to practice as a landscape architect intern 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.

Sec. 11. 1. *An applicant will be notified as to his passage or failure of each section of the examination for a certificate to practice as a landscape architect intern.*

2. If an applicant fails a section of the examination, the applicant may file an appeal with the Board. Upon the request of an applicant to appeal the examination, the Executive Director will provide information to the applicant on how the applicant may contact the Council of Landscape Architectural Registration Boards to pursue the appeal.

Sec. 12. 1. *If an applicant for a certificate to practice as a landscape architect intern achieves a passing score on each section of the examination for a certificate to practice as a landscape architect intern, the Board will keep the examination in the file of the applicant.*

2. If a person who has been issued a certificate to practice as a landscape architect intern applies for a certificate of registration, the person may use the passing scores achieved on the sections of the national examination taken as part of the examination for a certificate to practice as a landscape architect to satisfy the requirement to pass those sections for a certificate of registration.

Sec. 13. *The Board will issue a certificate to practice as a landscape architect intern to an applicant entitling him to practice landscape architecture in this State in accordance with the provisions of this chapter and chapter 623A of NRS and under the direct supervision of a registrant if:*

- 1. The Board finds that the applicant is of good moral character;*
- 2. The applicant achieves a passing score on the examination for a certificate to practice as a landscape architect intern; and*
- 3. The applicant has timely submitted all of the required fees.*

Sec. 14. 1. *A certificate to practice as a landscape architect intern issued by the Board expires at midnight on June 30 next following the date of issuance, unless the certificate is renewed.*

2. To renew an unexpired certificate, the holder of a certificate to practice as a landscape architect intern 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.

3. To renew an expired certificate within 1 year after the certificate expires, the holder of a certificate to practice as a landscape architect intern must apply for renewal of the certificate on a form prescribed by the Board and include the fee for renewal and the fee for delinquent renewal of the certificate as provided in NAC 623A.360.

4. To renew an expired certificate more than 1 year after the date on which the certificate expired, the holder of a certificate to practice as a landscape architect intern must apply for renewal of the certificate on a form prescribed by the Board and include the fee for renewal, the fee for delinquent renewal and the fee for reinstatement as provided in NAC 623A.360. A certificate which is not reinstated within 3 years after the date on which the certificate expired may not be reinstated.

5. If a holder of a certificate to practice as a landscape architect intern complies with the provisions for the renewal of a certificate of registration pursuant to the provisions of subsection 2 or 3 or the reinstatement of a certificate of registration pursuant to the provisions of subsection 4, the Board will issue a renewal card to the registrant. A renewal card issued by the Board will contain:

(a) The expiration date of the renewal or reinstatement of the certificate to practice as a landscape architect intern;

(b) The seal of the Board;

(c) The number of the certificate to practice as a landscape architect intern to which the renewal card applies; and

(d) The signature of the President of the Board or the Secretary of the Board.

6. The Executive Director shall record the renewal or reinstatement of a certificate to practice as a landscape architect intern.

Sec. 15. *If a complaint is filed with the Executive Director pursuant to the provisions of NRS 623A.290, the Board:*

1. If the complaint does not allege a violation of this chapter or chapter 623A of NRS, will transmit the complaint together with any evidence or information relating to the complaint to the agency, public or private, who, in the opinion of the Board, has jurisdiction over the complaint.

2. If the person filing the complaint is known, will notify the person filing the complaint of the final action taken on the complaint.

3. May meet and confer with the person filing the complaint and the person against whom the complaint is filed to facilitate a resolution of the complaint.

Sec. 16. *1. A person may file a written request with the Board for the history of complaints and disciplinary action taken against a registrant and the status of the certificate of registration of the registrant.*

2. If the Board receives a request pursuant to subsection 1, the Board will provide to the person submitting the request:

- (a) The number of complaints filed against the registrant within the past 3 years;*
- (b) The disposition of any complaint filed against the registrant within the past 3 years;*
- (c) The number of disciplinary actions taken against the registrant within the past 3 years;*
- (d) If a disciplinary action has been taken against a registrant within the past 3 years:*
 - (1) The date the disciplinary action was taken; and*
 - (2) The disposition of the disciplinary action; and*
- (e) The status of the certificate of registration of the registrant.*

3. In addition to the information provided pursuant to subsection 2, the Board will provide the person submitting the request:

- (a) Information to help the person understand the material provided by the Board; and*
- (b) A statement regarding the utility of using the history of complaints and disciplinary action against a registrant in selecting a registrant.*

Sec. 17. NAC 623A.010 is hereby amended to read as follows:

623A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 623A.020 to ~~623A.065,~~ **623A.060**, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 18. NAC 623A.025 is hereby amended to read as follows:

623A.025 “Advertisement” means title blocks, business cards, inside and outside signs, *brochures*, stationery, listings in a telephone or other directory , ~~and~~ postings and other advertisements in a newspaper or magazine *or on the television, radio or Internet* or by *any other* electronic means ~~and~~ *or any other method of advertising.*

Sec. 19. NAC 623A.045 is hereby amended to read as follows:

623A.045 “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 ~~[and]~~ *or its successor organization.*

Sec. 20. NAC 623A.050 is hereby amended to read as follows:

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

Sec. 21. NAC 623A.060 is hereby amended to read as follows:

623A.060 “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 ~~[registered landscape architect]~~ *registrant* who critically examines, evaluates and monitors the applicant’s work product for quality and compliance with all applicable laws, codes, ordinances and regulations.

Sec. 22. NAC 623A.120 is hereby amended to read as follows:

623A.120 1. All submitted instruments of service, including , *without limitation,* landscape architectural plans, specifications, reports, papers and other professional documents relating to *the practice of* landscape architecture must be stamped , ~~[and]~~ signed *and dated pursuant to the provisions of subsection 3* by the ~~[registrant]~~ *certificate holder* who prepared them or provided the direct supervision under which they were prepared.

2. *If a submitted instrument of service, including, without limitation, a landscape architectural plan, specification, report, paper or other professional document relating to the practice of landscape architecture is prepared by a person other than a registrant, the submitted instrument of service must contain the name and registration number of the*

registrant who provided the direct supervision under which the submitted instrument of service was prepared.

3. A ~~[registrant]~~ *certificate holder* shall use ~~[an]~~ *the* original impression stamp ~~[,]~~ *provided by the Board pursuant to NAC 623A.140* and place his original signature , ~~[and]~~ the date of execution *and the expiration date of his registration* 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.]~~ 4. If a professional document contains the product of more than one design professional, the ~~[registrant]~~ *certificate holder* must stamp, sign and date the document *pursuant to the provisions of subsection 3* and add a notation which clearly denotes the sheets that he prepared.

~~[4.]~~ 5. 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 , *stamped and dated pursuant to the provisions of subsection 3* by a ~~[landscape architect]~~ *certificate holder* 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.

Sec. 23. NAC 623A.140 is hereby amended to read as follows:

623A.140 1. A ~~[registrant]~~ *certificate holder* must have an official stamp issued by the Board . ~~[, which is of a design and size as illustrated below:]~~

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~~→ 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 holder after:*

(a) *The certificate of registration or the certificate to practice as a landscape architect intern* 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 certificate holder;~~
and

(b) *The certificate holder pays the fee for the official stamp as provided in NAC 623A.360.*

3. *In addition to an official stamp, a certificate holder may obtain an electronic official stamp from the Board by submitting to the Board a request for an electronic official stamp and the fee for the electronic official stamp provided pursuant to the provisions of NAC 623A.360.*

4. The use of any stamp other than the official stamp *or an electronic official stamp* is prohibited.

5. A ~~[registrant]~~ *certificate holder* may obtain additional official stamps *or electronic official stamps* from the Board at any time ~~[.]~~ *by submitting to the Board a request for an additional official stamp or an additional electronic official stamp and the fee for the official stamp or electronic official stamp as provided in NAC 623A.360.*

Sec. 24. NAC 623A.150 is hereby amended to read as follows:

623A.150 1. A ~~[registrant]~~ *certificate holder* shall file his proper and current business address with the Board.

2. A ~~registrant~~ *certificate holder* 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 *as provided in NAC 623A.360* must accompany the notification.

Sec. 25. NAC 623A.210 is hereby amended to read as follows:

623A.210 1. Application for ~~certification as a landscape architect~~ *a certificate of registration* 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 (e), an~~ *An* applicant for *a certificate of 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~~ *An* applicant for *a certificate of 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]~~

3. *Except as otherwise provided in subsection 4, an applicant for a certificate of registration 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~~ *The name*, business and residence addresses, ~~and his~~ business and residence telephone numbers ~~;~~

~~(c) His~~ *and facsimile numbers, and electronic mail address of the applicant.*

~~(b)~~ *The* state of residence ~~;~~

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

~~(e)~~ *of the applicant.*

~~(c)~~ *The birthplace, birth date and social security number of the applicant.*

~~(d)~~ *Information regarding any conviction of the applicant for a felony, gross misdemeanor or misdemeanor.*

~~(e)~~ *Evidence that the applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States.*

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

~~(f)~~ ~~(g)~~ A statement of all prior registrations ~~;~~ *of the applicant as a landscape architect*, 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)]~~ (h) A list of professional organizations of which ~~[he]~~ *the applicant* is a member.

~~[(h)]~~ (i) The names and addresses of two registered landscape architects and two licensed professionals from a related design profession who have direct knowledge of ~~[his]~~ *the* professional abilities ~~[~~

~~—(i)]~~ *of the applicant.*

(j) A complete record of ~~[his]~~ *the* work experience ~~[~~ *of the applicant*, 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)]~~ (k) *An affidavit signed by the applicant attesting that the information provided to the Board is truthful, complete and accurate.*

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

4. If an applicant for a certificate of registration has been certified by the Council of Landscape Architect Registration Boards, the applicant may submit a copy of the certification of the Council of Landscape Architect Registration Boards instead of the information required pursuant to the provisions of paragraphs (f) to (j), inclusive, of subsection 3 when submitting the application for a certificate of registration.

Sec. 26. NAC 623A.220 is hereby amended to read as follows:

623A.220 1. Except as otherwise provided in NAC 623A.222 ~~[, 623A.224]~~ and 623A.226, an applicant for ~~[certification must have]~~ *a certificate of registration must:*

(a) *Have* 6 years of education and experience in landscape architecture ~~[~~;

(b) *Achieve a passing score on each section of the national examination; and*

(c) *Achieve a minimum passing score of 75 percent on the Nevada specific examination.*

2. The Board will accept the following combinations of education and experience to fulfill the requirements contained in *paragraph (a) of* 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.

Sec. 27. NAC 623A.222 is hereby amended to read as follows:

623A.222 1. An applicant is eligible for *a certificate of* 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~~ *specific* examination; and

(e) Has:

(1) Been actively engaged in full-time practice as a registered landscape architect for ~~3~~ 2 or more years; or

(2) Fulfilled the requirements for education and work experience as set forth in NAC 623A.220.

2. An applicant for *a certificate of* 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.

Sec. 28. NAC 623A.226 is hereby amended to read as follows:

623A.226 1. An applicant *for a certificate of registration* who does not meet the educational qualifications set forth in *paragraph (a) of subsection 1 of* NAC 623A.220 may be eligible for *a certificate of* 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]~~ *specific* 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.

Sec. 29. NAC 623A.228 is hereby amended to read as follows:

623A.228 1. The examination for *a certificate of* registration ~~[as a landscape architect in this state]~~ consists of the national examination and the Nevada ~~[section of the]~~ *specific* 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.]~~ *specific examination. The Board may seek the assistance of independent, qualified persons to prepare questions for the Nevada specific examination.*

3. Further information regarding the *national examination or the Nevada [section] specific examination* may be obtained ~~[at the office of]~~ *from* the Board.

Sec. 30. NAC 623A.230 is hereby amended to read as follows:

623A.230 1. The examination for *a certificate of* 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]~~ *specific* 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 *a certificate of* 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 *a certificate of* 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,]~~ *If* an applicant ~~[must achieve a minimum score of 75 percent on each of the required sections of the examination.]~~ *submits an application for a certificate of registration, pays the fee for the application as provided in NRS 623A.360, is scheduled to take the examination for a certificate of registration and fails to take the examination, the applicant may petition the Board to take a subsequently scheduled examination. For good cause shown, the Board may approve the petition to take a subsequently scheduled examination.*

5. For a period of 5 years after an applicant first sits for the examination, he may retake any section *of the national examination or the Nevada specific examination* on which he has failed to achieve a ~~[minimum score of 75 percent]~~ *passing score* without submitting a new application ~~[.]~~ *for a certificate of registration.* The applicant does not need to retake a section *of the national examination or the Nevada specific examination* 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 *national examination and the Nevada specific examination* within the 5-year period, the applicant must submit a new application for *a certificate of registration* and achieve ~~[the minimum]~~ *a* passing score on all of the ~~[parts]~~ *sections* of the *national examination and the Nevada specific examination* before he will be issued a certificate of registration . ~~[as a landscape architect.]~~

Sec. 31. NAC 623A.240 is hereby amended to read as follows:

623A.240 1. The examination *for a certificate of registration* will be *administered and* 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.]~~ *provide scoring verification.*

2. The examination *for a certificate of registration* 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.

Sec. 32. NAC 623A.250 is hereby amended to read as follows:

623A.250 1. An applicant will be notified as to his passage or failure of each ~~[part]~~ *section* of the examination for *a certificate of* 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.]~~ 2. 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]~~ *has taken the Nevada specific examination* may *submit a request to the Board to* 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]~~ *his Nevada specific* 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.] provide information to the applicant on how the applicant may pursue such a review.~~

3. An applicant who receives a failing grade of 73 percent or higher on the Nevada specific examination may 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 15 calendar days after the date on which the applicant receives notification of his results on the examination. 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.

4. An applicant who has taken a national examination conducted by the Board may submit a request to the Board to review his examination. After receiving a request from an applicant for a review of his national examination, the Executive Director shall provide information to the applicant on how the applicant may contact the Council of Landscape Architectural Registration Boards for the purpose of pursuing such a review.

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.]~~ *Board*. Upon *the* request ~~[]~~ *of an applicant for an appeal*, the Executive Director will provide information to the applicant on how the applicant may contact the ~~[council]~~ *Council of Landscape Architectural Registration Boards* 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.]~~

Sec. 33. NAC 623A.310 is hereby amended to read as follows:

623A.310 ~~[]~~ 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 *this chapter and* chapter 623A of NRS ~~[and this chapter if:~~

~~(a)]~~ :

1. The Board finds that the applicant is of good moral character;

~~[(b)]~~ 2. The applicant ~~[passes all of the sections of the examination for registration as a landscape architect; and~~

~~—(c)] satisfies the requirements for a certificate of registration provided pursuant to the provisions of NAC 623A.220, 623A.222 or 623A.226; and~~

3. 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.]~~

Sec. 34. NAC 623A.350 is hereby amended to read as follows:

623A.350 *1. A certificate holder shall notify the Board in writing if his certificate of registration or his certificate to practice as a landscape architect intern is lost, stolen, mutilated or destroyed.*

2. The Board will issue a duplicate certificate of registration or certificate to practice as a landscape architect intern upon request of a certificate holder which is accompanied by ~~an affidavit showing~~ a signed affidavit detailing the loss, theft, mutilation or destruction of ~~his~~ the original certificate, and upon payment of the fee for the issuance of a certificate of registration ~~] as provided in NAC 623A.360.~~

Sec. 35. NAC 623A.360 is hereby amended to read as follows:

623A.360 *1. The Board will charge and collect the following fees:*

Application fee [.....]	\$200.00]
<i>for a certificate of registration pursuant to the provisions of NAC 623A.220 or 623A.226.....</i>	<i>\$175.00</i>
<i>Application fee for a certificate of registration pursuant to the provisions of NAC 623A.222</i>	<i>100.00</i>

<i>Application fee for a certificate to practice as a landscape architect intern....</i>	<i>100.00</i>
Examination fee <i>for the national examination for an applicant for a</i>	
<i>certificate of registration</i>	<i>100.00,</i>
	<i>plus the cost</i>
	<i>of the examination</i>
<i>Examination fee for the national examination for an applicant for a</i>	
<i>certificate to practice as a landscape architect intern.....</i>	<i>50.00,</i>
	<i>plus the cost</i>
	<i>of the examination</i>
<i>Examination fee for the Nevada specific examination for an applicant for a</i>	
<i>certificate of registration</i>	<i>75.00</i>
<i>Review fee for the national examination.....</i>	<i>50.00,</i>
	<i>plus the costs charged by Council of</i>
	<i>Landscape Architectural Registration Boards</i>
<i>Review fee for the Nevada specific examination.....</i>	<i>50.00</i>
Certificate of registration	25.00
<i>Certificate to practice as a landscape architect intern.....</i>	<i>25.00</i>
Annual renewal fee [.....]	160.00
<i>for a certificate of registration</i>	<i>180.00</i>
Delinquency fee <i>for a certificate of registration</i>	50.00
Reinstatement fee <i>for a certificate of registration</i>	300.00
<i>Annual renewal fee for a certificate to practice</i>	
<i>as a landscape architect intern</i>	<i>100.00</i>

<i>Delinquency fee for a certificate to practice</i>	
<i>as a landscape architect intern</i>	<i>50.00</i>
<i>Reinstatement fee for a certificate to practice</i>	
<i>as a landscape architect intern</i>	<i>150.00</i>
Change of address fee	10.00
<i>Fee for an official stamp</i>	<i>25.00</i>
<i>Fee for an electronic official stamp.....</i>	<i>25.00</i>
Mailing list, all registrants.....	5.00
	<i>10.00</i>
Returned check.....	5.00
	<i>25.00</i>
Copy of the Construction Industry Reference Manual, which is also known as the Blue Book.....	2.00
	<i>5.00</i>
Copy of a document, per page.....	.25

2. The renewal fee for a certificate of registration or a certificate to practice as a landscape architect intern will be prorated on a monthly basis for each month after July 1 that the renewal fee is submitted.

Sec. 36. NAC 623A.420 is hereby amended to read as follows:

- 623A.420 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. If the Board has probable cause to believe that a person without a certificate of registration is advertising for the performance of the practice of landscape architecture, the Board may issue a letter to the person ordering the person:

(a) To cease and desist advertising without a certificate of registration.

(b) If the advertisement is being conducted by another person, to inform the person making the advertisement to cease and desist the advertisement.

Sec. 37. NAC 623A.430 is hereby amended to read as follows:

623A.430 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]~~ *or employee* of the group practice. All instruments of service of the group practice must be stamped and signed *pursuant to the provisions of NAC 623A.120* by the registrant who provided the ~~[immediate and responsible direction]~~ *direct supervision* 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.

Sec. 38. NAC 623A.490 is hereby amended to read as follows:

623A.490 1. A ~~[registrant]~~ *certificate holder* 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]~~ *certificate holder* 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] certificate holder** must be held to the same standards of technical knowledge and skill as apply to that profession.

2. If a **[registrant] certificate holder** observes a situation or circumstance which, in his professional opinion, could result in a threat to the public health, safety and welfare, the **[registrant] certificate holder** shall notify the responsible party, official, agency or board, as may be appropriate, of the potential threat.

3. A **[registrant] certificate holder** 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] certificate holder** 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] certificate holder** 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] certificate holder** 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] certificate holder** 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]~~ *certificate holder* shall not engage in fraud, deceit, misrepresentation, exaggeration or concealment of material facts in advertising, soliciting or providing professional services.
8. A ~~[registrant]~~ *certificate holder* 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]~~ *certificate holder* shall not maliciously injure the professional reputation, business prospects or practice of another ~~[registrant]~~ *certificate holder* or professional person.
10. A ~~[registrant]~~ *certificate holder* shall comply with all federal, state, municipal and county laws, codes, ordinances and regulations pertaining to the practice of landscape architecture.
11. A ~~[registrant]~~ *certificate holder* 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]~~ *certificate holder* shall not materially alter the scope or objectives of a project without the consent of the client. The ~~[registrant]~~ *certificate holder* shall keep the client fully informed of any changes in the scope of a project.
13. A ~~[registrant]~~ *certificate holder* who reasonably believes, based on substantial information, that another landscape architect *or landscape architect intern* has committed a violation of the provisions of *this chapter or* chapter 623A of NRS ~~[or this chapter]~~ which raises a serious question as to the honesty, trustworthiness or fitness of that landscape architect ~~[,]~~ *or landscape architect intern* shall report that information to the Board.
14. *A certificate holder shall notify the Board within 30 days of any disciplinary action or judgment against the certificate holder issued by any public agency or court which*

substantially relates to the qualifications, functions or duties of the practice of landscape architecture.

15. A certificate holder shall not:

(a) Fail to make timely payments for the support of one or more children pursuant to a court order; or

(b) Fail to comply with any warrant or subpoena relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of one or more children.

16. Any violation of this ~~[section]~~ *chapter or chapter 623A of NRS* is a ground for disciplinary action.

Sec. 39. NAC 623A.520 is hereby amended to read as follows:

623A.520 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]~~ **20** 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.

Sec. 40. NAC 623A.065 and 623A.224 are hereby repealed.

Sec. 41. 1. If a certificate holder was issued an official stamp pursuant to the provisions of NAC 623A.140 before the effective date of this regulation, the certificate holder may:

(a) Submit a request for an official stamp pursuant to the provisions of subsection 5 of NAC 623A.140; or

(b) Use the official stamp issued to the certificate holder before the effective date of this regulation and handwrite the expiration date of his registration immediately below the stamp impression.

2. As used in this section, “certificate holder” has the meaning ascribed to it in section 2 of this regulation.

TEXT OF REPEALED SECTIONS

623A.065 “Year” defined. “Year” means a calendar year.

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.