

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

**LCB FILE NO. R082-18I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 04/24/2018**

The following changes to NAC 623A were presented at workshops on August 24 & November 30, 2017 and January 24, 2018. Lettering lined out are to be deleted. Lettering in Red are to be added. Authority granted pursuant to NRS623A.130 and as stated herein.

#### ADMINISTRATIVE PROCEDURE

**NAC 623A.505** Complaints against certificate holders: Action by Board. (NRS 623A.130) 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.

(Added to NAC by Bd. of Landscape Arch. by R216-03, eff. 6-1-2006)

**NAC 623A.507** Complaints against certificate holders: Review by ~~designated member~~ **the Executive Director** of the Board to determine completeness. (NRS 623A.130)

1. Upon the receipt of a complaint, the designated member of the Board shall review the complaint to determine if the complaint is complete by adequately setting forth:
  - (a) The nature of the complaint;
  - (b) The identity of the complainant; and
  - (c) The identity of the respondent.
2. ~~The designated member of the Board may consult with~~ the Executive Director in conducting the review of the complaint pursuant to subsection 1.
3. If the ~~designated member~~ **Executive Director** of the Board determines that the complaint does not meet the requirements of subsection 1, the designated member of the Board shall:
  - (a) If the complaint was not submitted on the official complaint form of the Board, provide to the person filing the complaint the official complaint form of the Board.
  - (b) Request that the person submitting the complaint provide the information that

the designated member of the Board has determined to be missing from the complaint.

(Added to NAC by Bd. of Landscape Arch. by R217-03, eff. 12-30-2011)

**NAC 623A.509** Complaints against certificate holders: Written response by respondent; effect of failure to respond. ([NRS 623A.130](#))

1. Once the ~~designated member~~ **Executive Director** of the Board has determined pursuant to [NAC 623A.507](#) that a complaint is complete, ~~the designated member of the Board shall provide a copy of the complaint to the respondent.~~ **233B**
2. Upon the receipt of a copy of a complaint that has been filed against the respondent, the respondent shall submit to the Board a written response to the complaint within 20 days.
3. ~~If the respondent fails to respond as required pursuant to subsection 2, he or she shall be deemed to have admitted the allegations in the complaint.~~

(Added to NAC by Bd. of Landscape Arch. by R217-03, eff. 12-30-2011)

**NAC 623A.511** Complaints against certificate holders: Review of complaint and response by ~~designated member~~ **Executive Director** of the Board to determine violation has occurred; recommendation to the Board. ([NRS 623A.130](#))

1. Upon the receipt of the response to a complaint pursuant to [NAC 623A.509](#), the ~~designated member~~ **Executive Director** of the Board shall review the complaint and the response to determine whether a probable violation of this chapter or [chapter 623A](#) of NRS has occurred.
2. ~~The designated member of the Board may consult with~~ the Executive Director **may consult with** the legal counsel for the Board in conducting the review of a complaint pursuant to the provisions of subsection 1.
3. After conducting a review of a complaint pursuant to the provisions of subsection 1, the ~~designated member~~ **Executive Director** shall either recommend to the Board to:
  - (a) ~~The Board~~ dismiss the complaint; or
  - (b) ~~The Board~~ proceed with a formal disciplinary hearing and schedule the matter for a disciplinary hearing.

(Added to NAC by Bd. of Landscape Arch. by R217-03, eff. 12-30-2011)

~~**NAC 623A.513** Complaints against certificate holders: Public meeting of the Board; dismissal; preparation and service of formal disciplinary complaint and notice of hearing. ([NRS 623A.130](#))~~

1. ~~At a public meeting of the Board, the Board will review the recommendation of the designated member~~ **Executive Director** of the Board on a complaint provided pursuant to

the provisions of [NAC 623A.511](#) and decide whether to:

(a) ~~Dismiss the complaint; or~~

(b) ~~Proceed with a formal disciplinary hearing on the complaint and fix a date for the hearing on the matter.~~

~~2. If the Board decides pursuant to the provisions of subsection 1 to dismiss the complaint, the Board will provide a copy of its decision to the complainant and the respondent.~~

~~3. If the Board decides pursuant to the provisions of subsection 1 to proceed with a formal disciplinary hearing, the legal counsel for the Board shall prepare:~~

~~(a) A formal disciplinary complaint setting forth the specific violations of this chapter or [chapter 623A](#) of NRS that the respondent is alleged to have violated; and~~

~~(b) A notice of hearing pursuant to the provisions of [NAC 623A.520](#).~~

~~4. The legal counsel for the Board shall serve the formal disciplinary complaint and the notice of hearing prepared pursuant to the provisions of subsection 3 upon the respondent by certified mail, return receipt requested.~~

(Added to NAC by Bd. of Landscape Arch. by R217-03, eff. 12-30-2011)

**NAC 623A.515** Settlement of complaints: Determination of parameters; offer; proposed stipulated agreement; approval. ([NRS 623A.130](#))

1. After the formal disciplinary ~~a~~ complaint and the notice of hearing have ~~has~~ been filed with the board, served upon the respondent pursuant to the provisions of [NAC 623A.513](#), the designated member of the Board, the Executive Director and the legal counsel for the Board may determine parameters within which the complaint may be settled with the respondent.

2. If, pursuant to the provisions of subsection 1, ~~the designated member of the Board,~~ the Executive Director and the legal counsel for the Board determine parameters within which the complaint may be settled, the legal counsel for the Board shall offer to the respondent to settle the complaint.

3. If the legal counsel for the Board and the respondent reach an agreement to settle the complaint, the legal counsel for the Board shall prepare a proposed stipulated agreement that resolves the complaint.

The following changes to NAC 623A were presented at workshops on August 24 & November 30, 2017 and January 24, 2018. Lettering lined out are to be deleted. Lettering in Red are to be added. Authority granted 623A.165 and 623A.240

**NAC 623A.170** Schedule of fees. ([NRS 338.173](#), [623A.130](#), [623A.165](#), [623A.240](#))

- The Board will charge and collect the following fees, **not to exceed**:

Application fee for a certificate of registration pursuant to the provisions of <a href="#">NAC 623A.220</a> or <a href="#">623A.226</a> .....	<del>\$175.00</del> <b>\$200.00</b>
Application fee for a certificate of registration pursuant to the provisions of <a href="#">NAC 623A.222</a> .....	<del>100.00</del> <b>200.00</b>
Application fee for a certificate to practice as a landscape architect intern.....	<del>50.00</del> <b>100.00</b>
Examination fee for the Nevada specific examination for an applicant for a certificate of registration.....	<del>75.00</del> <b>100.00</b>
Fee for the review of a Nevada specific examination, if requested pursuant to <a href="#">NAC 623A.250</a> .....	<del>50.00</del> <b>75.00</b>
Certificate of registration.....	<del>25.00</del> <b>100.00</b>
Certificate of eligibility.....	<del>300.00</del> <b>300.00</b>

Certificate to practice as a landscape architect intern.....	25.00
Annual renewal fee for a certificate of registration.....	200.00
Delinquency fee for a certificate of registration.....	50.00
Reinstatement fee for a certificate of registration.....	300.00
Annual renewal fee for a certificate of .....	125.00
Annual renewal fee for a certificate to practice as a landscape architect intern.....	<del>400.00</del> 125.00
Delinquency fee for a certificate to practice as a landscape architect intern.....	<del>25.00</del> 50.00
Reinstatement fee for a certificate to practice as a landscape architect intern..	<del>450.00</del> 300.00
Change of address fee.....	10.00
Fee for a duplicate certificate of eligibility.....	30.00
Fee for an official stamp.....	<del>25.00</del> 50.00
Fee for an electronic official stamp.....	<del>25.00</del> 50.00
Mailing list, all registrants.....	10.00
Returned check.....	25.00
Copy of the <i>Construction Industry Reference Manual</i> , which is also known as the "Blue Book".....	5.00
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.

(Added to NAC by Bd. of Landscape Arch., eff. 11-1-95; A by R216-03, 6-1-2006; R142-11 & R147-11, 9-14-2012)—(Substituted in revision for NAC 623A.360)

New Section Titles for LARE. Change these in NAC623A.351

1. Section 1: Project and Construction Management
2. Section 2: Inventory and Analysis

Existing Section Titles in NAC623A.351 to be Removed and Replaced

- ~~1. Section A: Legal and Administrative Aspects of Practice; and~~
- ~~2. Section B: Analytical Aspects of Practice~~