

PROPOSED REGULATION OF THE STATE
BOARD OF LANDSCAPE ARCHITECTURE

LCB File No. R082-18

June 22, 2018

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

AUTHORITY: §1, NRS 623A.130 and 623A.240; §§2-5, NRS 623A.130.

A REGULATION relating to landscape architects; increasing certain fees charged by the State Board of Landscape Architecture; revising provisions relating to the examination for a certificate to practice as a landscape architect intern; revising provisions concerning complaints filed against persons who hold a certificate of registration as a landscape architect or a certificate to practice as a landscape architect intern; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Landscape Architecture to adopt regulations for the administration of the provisions of law governing landscape architects. (NRS 623A.130)

Existing law requires the Board to set certain fees and authorizes the Board to charge and collect fees for any other services it provides. (NRS 623A.240) **Section 1** of this regulation increases certain fees charged by the Board.

Existing regulations provide that the examination for a certificate to practice as a landscape architect intern consists of two specific sections of a national examination. (NAC 623A.045, 623A.351) **Section 2** of this regulation revises the required sections of the national examination.

Existing law provides that any person who becomes aware that grounds for initiating disciplinary action against a person who holds a certificate of registration as a landscape architect or a certificate to practice as a landscape architect intern might exist is authorized to file a complaint with the Executive Director of the Board. (NRS 623A.290) Existing regulations require the President of the Board or a member of the Board designated by the President to review any such complaint to determine whether it is complete and, if so, provide a copy to the respondent (NAC 623A.507, 623A.509) **Sections 3 and 4** of this regulation require the Executive Director, instead of the President or a member of the Board designated by the President, to review any such complaint and provide a copy to the respondent. Existing regulations also provide that if a respondent fails to submit a written response to a complaint within 20 days after receiving a copy of the complaint, the respondent is deemed to have admitted the allegations in the complaint. (NAC 623A.509) **Section 4** removes this provision.

Existing regulations further authorize the President or a member of the Board designated by the President, the Executive Director and the legal counsel for the Board to determine parameters within which a complaint may be settled with a respondent. (NAC 623A.515)

Section 5 of this regulation removes the involvement of the President or a member of the Board designated by the President in making such a determination.

Section 1. NAC 623A.170 is hereby amended to read as follows:

623A.170 1. The Board will charge and collect the following fees:

| | |
|------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| Application fee for a certificate of registration pursuant to the provisions of NAC 623A.220 or 623A.226..... | [\$175.00] <i>\$200.00</i> |
| Application fee for a certificate of registration pursuant to the provisions of NAC 623A.222..... | [\$100.00] <i>200.00</i> |
| Application fee for a certificate to practice as a landscape architect intern | [\$50.00] <i>100.00</i> |
| Examination fee for the Nevada specific examination for an applicant for a certificate of registration..... | [\$75.00] <i>100.00</i> |
| Fee for the review of a Nevada specific examination, if requested pursuant to NAC 623A.250..... | [\$50.00] <i>75.00</i> |
| Certificate of registration | 25.00 |
| Certificate of eligibility | 300.00 |
| 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 eligibility | 125.00 |
| Annual renewal fee for a certificate to practice as a landscape architect | 100.00 |
| intern..... | 125.00 |
| | 25.00 |
| Delinquency fee for a certificate to practice as a landscape architect intern | 50.00 |
| | 150.00 |
| Reinstatement fee for a certificate to practice as a landscape architect intern | 300.00 |
| Change of address fee | 10.00 |
| Fee for a duplicate certificate of eligibility | 30.00 |
| | 25.00 |
| Fee for an official stamp..... | 50.00 |
| | 25.00 |
| Fee for an electronic official stamp..... | 50.00 |
| Mailing list, all registrants..... | 10.00 |
| Returned check..... | 25.00 |
| Copy of the Construction Industry Reference Manual, 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.

Sec. 2. NAC 623A.351 is hereby amended to read as follows:

623A.351 The examination for a certificate to practice as a landscape architect intern consists of the following sections of the national examination:

1. Section ~~{A: Legal and Administrative Aspects of Practice;}~~ *1: Project and Construction Management;* and

2. Section ~~{B: Analytical Aspects of Practice.}~~ *2: Inventory and Analysis.*

Sec. 3. NAC 623A.507 is hereby amended to read as follows:

623A.507 1. Upon the receipt of a complaint, the ~~{designated member of the Board}~~ *Executive Director* 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 of the Board}~~ *Executive Director* determines that the complaint does not meet the requirements of subsection 1, the ~~{designated member of the Board}~~ *Executive Director* 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}~~ *Executive Director* has determined to be missing from the complaint.

Sec. 4. NAC 623A.509 is hereby amended to read as follows:

623A.509 1. Once the ~~{designated member of the Board}~~ *Executive Director* has determined pursuant to NAC 623A.507 that a complaint is complete, the ~~{designated member of the Board}~~ *Executive Director* shall provide a copy of the complaint to the respondent.

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.}~~

Sec. 5. NAC 623A.515 is hereby amended to read as follows:

623A.515 1. After the formal disciplinary complaint and the notice of hearing have been 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.

4. The legal counsel for the Board shall submit the proposed stipulated agreement to the Board for the approval of the Board at the next public meeting of the Board. If the Board approves the proposed stipulated agreement, the stipulated agreement is effective and the complaint against the respondent must be dismissed.