

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

**LCB File No. R142-11**

January 19, 2012

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

AUTHORITY: §§1-8, 21 and 22, NRS 623A.130; §9, NRS 623A.130, 623A.165 and 623A.240; §10, NRS 623A.130 and 623A.170; §§11, 15 and 17, NRS 623A.130, 623A.170 and 623A.190; §§12, 13 and 16, NRS 623A.130 and 623A.190; §14, NRS 623A.130 and 623A.263; §18, NRS 623A.130, 623A.165 and 623A.267; §19, NRS 623A.130 and 623A.267; §20, NRS 623A.130 and 623A.250.

A REGULATION relating to landscape architects; providing that registrants may use certain words or letters in connection with their names; providing requirements for certain persons to apply for the title “Landscape Architect Emeritus”; revising provisions relating to the examinations for a certificate of registration as a landscape architect and a certificate to practice as a landscape architect intern; revising the information that the State Board of Landscape Architecture must provide to persons who submit requests for histories of complaints and disciplinary action taken against landscape architects and landscape architect interns; making various other changes relating to landscape architects; 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, 3 and 4 of this regulation.

**Sec. 2.** *“Council” means the Council of Landscape Architectural Registration Board, or its successor organization.*

**Sec. 3.** *A registrant may use in connection with his or her name the words or letters “Registered Landscape Architect,” “Professional Landscape Architect,” “RLA” or “PLA.”*

**Sec. 4. 1.** *The Board may grant the title of “Landscape Architect Emeritus” to a person upon his or her written request if the person:*

*(a) Is a holder of a certificate of registration that has expired for failure to be renewed;*

*(b) Was in good standing with the Board at the time that his or her certificate of registration expired through failure to be renewed; and*

*(c) Actively engaged in the practice of landscape architecture for more than 25 years.*

*2. A person whose written request is granted pursuant to this section may use the title so granted by the Board only during such time as the person's certificate of registration is expired and not active.*

*3. A person using the title granted by the Board pursuant to this section must not:*

*(a) Be actively engaged in the practice of landscape architecture; or*

*(b) Indicate that he or she is authorized to practice in this State as a landscape architect.*

*4. A person who has been granted the title "Landscape Architect Emeritus" by the Board may return to active practice as a landscape architect:*

*(a) Within 1 year after the expiration of his or her certificate of registration upon application to and with the approval of the Board and upon payment of the annual renewal fee and the delinquency fee as provided in NAC 623A.170.*

*(b) More than 1 year but less than 3 years after the expiration of his or her certificate of registration upon application to and with the approval of the Board and upon payment of the annual renewal fee for each year, or part thereof, for which the certificate of registration was not renewed, the delinquency fee and the reinstatement fee as provided in NAC 623A.170.*

*(c) More than 3 years after the expiration of his or her certificate of registration by applying for and obtaining a new certificate of registration if he or she:*

*(1) Is otherwise eligible;*

*(2) Pays all fees required by NAC 623A170;*

*(3) Passes any examination required by the Board; and*

*(4) Establishes to the satisfaction of the Board that he or she is qualified to practice landscape architecture.*

**Sec. 5.** 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.060, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 6.** NAC 623A.045 is hereby amended to read as follows:

623A.045 “National examination” means the national examination for registration as a landscape architect or a certificate to practice as a landscape architect intern which is created and ~~distributed~~ *administered* by the Council. ~~of Landscape Architectural Registration Boards or its successor organization.~~

**Sec. 7.** NAC 623A.070 is hereby amended to read as follows:

623A.070 As used in NRS 623A.060, the Board interprets:

1. The phrase “consideration and determination of issues of the land relating to erosion, wear and tear” to mean the design or preparation of plans and specifications to address:

- (a) Control of erosion;
- (b) Preservation of native vegetation;
- (c) Repair of any wear and tear on the surface of the earth caused by the activities of either humans or nature;
- (d) Restoration or reintroduction of vegetation into the natural environment; ~~or~~
- (e) Using native vegetation for water quality purposes or for the creation of natural aesthetic values ~~;~~;
- (f) Historic preservation of gardens, land forms and natural environments; or*

*(g) Site design and the use of environmental sciences to promote the health, safety and general welfare of the public.*

2. The phrase “design of landscape irrigation” to mean the design or preparation of plans and specifications for the delivery and distribution of potable and nonpotable water to irrigate plant materials on a project site.

3. The term “grading” to mean the manipulation of the surface contours of the land to:

(a) Control and direct the flow of water.

(b) Create aesthetic values associated with topographic landforms.

(c) Establish elevations and degrees of inclination on slopes for:

(1) Setting and locating buildings, structures, facilities and other improvements; or

(2) Locating corridors for the movement of vehicles and pedestrians.

**Sec. 8.** NAC 623A.160 is hereby amended to read as follows:

623A.160 1. A person may file a written request with the Board for the history of complaints and disciplinary action taken against a certificate holder and the status of the certificate held by the certificate holder.

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 certificate holder within the past ~~{3}~~ 5 years;

(b) The disposition of any complaint filed against the certificate holder within the past ~~{3}~~ 5 years;

(c) The number of disciplinary actions taken against the certificate holder within the past ~~{3}~~ 5 years;

(d) If a disciplinary action has been taken against a certificate holder within the past ~~3~~ 5 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 the certificate holder.

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 certificate holder in selecting a certificate holder.

**Sec. 9.** 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
Application fee for a certificate of registration pursuant to the provisions of NAC 623A.222.....	100.00
Application fee for a certificate to practice as a landscape architect intern.....	50.00
<del>Examination fee for the national examination for an applicant for a certificate of registration.....</del>	<del>100.00,</del>
	<del>plus any additional costs of the examination not included in this section]</del>
Examination fee for the Nevada specific examination for an applicant for a	

certificate of registration.....	75.00
<del>Fee for the review of a national examination, if requested pursuant to NAC</del>	
<del>623A.250 .....</del>	<del>50.00,</del>
	<del>plus the costs charged by Council</del>
	<del>of Landscape Architectural Registration Boards]</del>
Fee for the review of a Nevada specific examination, if requested pursuant to	
NAC 623A.250.....	50.00
Certificate of registration .....	25.00
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 to practice as a landscape architect intern ..	100.00
Delinquency fee for a certificate to practice as a landscape architect intern .....	25.00
Reinstatement fee for a certificate to practice as a landscape architect intern .....	150.00
Change of address fee .....	10.00
Fee for an official stamp.....	25.00
Fee for an electronic official stamp.....	25.00
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.

**Sec. 10.** NAC 623A.210 is hereby amended to read as follows:

623A.210 1. Application for a certificate of registration must be made on a form prescribed by the Board. ~~[and accompanied by the nonrefund application fee.~~

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

~~—(a) An applicant for a certificate of registration 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) An applicant for a certificate of registration 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.]~~

*2. An applicant for a certificate of registration must:*

*(a) Include with his or her application form the nonrefundable application fee; and*

*(b) Arrange for his or her scores on the national examination to be sent directly from the Council to the Board.*

3. Except as otherwise provided in subsection 4, an applicant for a certificate of registration must provide the following information on the application form:

(a) The name, business and residence addresses, business and residence telephone numbers and, if applicable, 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) 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 or her registration in each state.
- (h) A list of professional organizations of which the applicant is a member.
- (i) The names and addresses of two registered landscape architects and two licensed professionals from a related design profession who have direct knowledge of the professional abilities of the applicant.
- (j) A complete record of 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.
- (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 Architectural Registration Boards,~~ the applicant may submit a copy of the certification of the Council ~~of Landscape Architectural 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. 11.** NAC 623A.228 is hereby amended to read as follows:

623A.228 1. ~~The examination for a certificate of registration consists of the national examination and the Nevada specific examination.~~

~~2.]~~ The Board will prepare the Nevada specific examination. The Nevada specific examination will test, without limitation, the applicant's knowledge of local environmental conditions, plants, soils, water management, and local laws and regulations relating to landscape architecture. The Board may seek the assistance of independent, qualified persons to prepare questions for the Nevada specific examination.

~~3.]~~ 2. Further information regarding the ~~national examination or the~~ Nevada specific examination may be obtained from the Board.

**Sec. 12.** NAC 623A.240 is hereby amended to read as follows:

623A.240 1. The *Nevada specific* 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 conduct the *Nevada specific* examination, score the *Nevada specific* examination and provide verification of the scoring.

2. The *Nevada specific* examination for a certificate of registration will be graded anonymously. An applicant who takes the *Nevada specific* examination will be assigned a

random identification number, and his or her identity will not be revealed until after the final grading on the *Nevada specific* examination has been completed.

3. An applicant shall not:

(a) Take notes or speak with other examinees during the *Nevada specific* examination; or

(b) Engage in any other activity that would result in the disclosure of the contents of the *Nevada specific* examination or interfere with the orderly administration of the *Nevada specific* examination.

**Sec. 13.** NAC 623A.250 is hereby amended to read as follows:

623A.250 1. An applicant will be notified *by the Board* as to his or her passage or failure of each section of the *Nevada specific* examination for a certificate of registration.

2. An applicant who receives a failing grade on the Nevada specific examination may submit a request to the Board to review his or her examination. After receiving a request from an applicant for a review of the Nevada specific examination, the Executive Director shall provide information to the applicant on how the applicant may pursue such a review.

3. An applicant who receives a failing grade 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 the results on the *Nevada specific* 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 or her examination. After receiving a request from an applicant for a review of the 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 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 of Landscape Architectural Registration Boards for the purposes of pursuing such an appeal.]~~ *For a period of 5 years after an applicant first sits for the Nevada specific examination, he or she may retake any section of the Nevada specific examination on which he or she failed to achieve a passing score without submitting a new application for a certificate of registration.*

*5. If an applicant does not achieve a passing score on the Nevada specific examination within the 5-year period pursuant to subsection 4, the applicant must submit a new application for a certificate of registration and achieve a passing score on the Nevada specific examination before he or she will be issued a certificate of registration.*

**Sec. 14.** NAC 623A.341 is hereby amended to read as follows:

623A.341 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. An applicant for a certificate to practice as a landscape architect intern must:

(a) Provide the following information on an application form submitted to the Board:

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

(2) The state of residence of the applicant.

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

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

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

(6) 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.

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

(8) The names and addresses of ~~two~~ *three* personal references who have direct knowledge of the applicant.

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

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

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

(b) Arrange for certified transcripts to be sent directly to the Board from each college, university or other educational institution that the applicant attended.

*(c) Arrange for his or her scores on the national examination to be sent directly from the Council to the Board.*

**Sec. 15.** 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:

~~[(a)]~~ 1. Section A: Legal and Administrative Aspects of Practice; and

~~[(b)]~~ 2. Section B: Analytical Aspects of Practice.

~~[2.—Further information regarding the national examination may be obtained from the Board.]~~

**Sec. 16.** NAC 623A.355 is hereby amended to read as follows:

623A.355 ~~[1.—The examination for a certificate to practice as a landscape architect intern will be conducted at the times and locations specified by the Council of Landscape Architectural Registration Boards.~~

~~—2.]~~ 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 *national* examination ~~[.]~~ *that is required pursuant to NAC 623A.351.*

**Sec. 17.** NAC 623A.370 is hereby amended to read as follows:

623A.370 ~~[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. 18.** NAC 623A.380 is hereby amended to read as follows:

623A.380 The Board will issue a certificate to practice as a landscape architect intern to an applicant entitling him or her 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]~~ *scores* on the *sections of the national* examination *required pursuant to NAC 623A.351* for a certificate to practice as a landscape architect intern; and
3. The applicant has timely submitted all of the required fees.

**Sec. 19.** NAC 623A.385 is hereby amended to read as follows:

623A.385 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 to practice as a landscape architect intern 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 *prorated* fee for renewal and the fee for delinquent renewal of the certificate as provided in NAC 623A.170.

4. To renew an expired certificate to practice as a landscape architect intern 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 *prorated* fee for renewal, the fee for delinquent renewal and the fee for reinstatement as provided in NAC 623A.170. 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 to practice as a landscape architect intern pursuant to the provisions of subsection 2 or 3 or the reinstatement of a certificate to practice as a landscape architect intern 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 Executive Director.

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

**Sec. 20.** 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 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.440 by the registrant who provided the direct supervision for the work performed.

~~[4.]~~ 2. All advertisements and other similar materials used by the group practice must contain the name of the registrant and his or her certificate number.

**Sec. 21.** NAC 623A.480 is hereby amended to read as follows:

623A.480 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]~~ *Shall* 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 or her 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.

**Sec. 22.** NAC 623A.230, 623A.361 and 623A.365 are hereby repealed.

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**TEXT OF REPEALED SECTIONS**

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**623A.230 Examinations: Times and locations; failure to take as scheduled; reexamination; failure to complete within 5 years.** (NRS 623A.130, 623A.190)

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. The national 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 or she 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. If an applicant submits an application for a certificate of registration, pays the fee for the application as provided in NAC 623A.170, 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, the applicant may retake any section of the national examination or the Nevada specific examination on which he or she has failed to achieve a 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 or she has achieved the passing score 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 a passing score on all of the sections of the national examination and the Nevada specific examination before he or she will be issued a certificate of registration.

**623A.361 Examination: Administration and conduct.** (NRS 623A.130, 623A.190) The examination for a certificate to practice as a landscape architect intern will be administered and conducted as determined by the Board.

**623A.365 Examination: Notification of results; appeal.** (NRS 623A.130, 623A.190)

1. An applicant will be notified as to his or her 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.