



## Title 9, Business Occupations and Professions, Annotated Code of Maryland

§9-101.

- (a) In this title the following words have the meanings indicated.
- (b) “Board” means the State Board of Examiners of Landscape Architects.
- (c) “Design coordination” means the review and coordination of services provided by individuals licensed or certified under Titles 3, 8, 9, 14, and 15 of this article.
- (d) “Landscape architect” means an individual who practices landscape architecture.
- (e) “License” means, unless the context requires otherwise, a license issued by the Board to practice landscape architecture.
- (f) “License fee” means, as applicable, the fee paid in connection with the issuance and renewal of a license or the issuance of a reciprocal license.
- (g) “Licensed landscape architect” means a landscape architect who is licensed by the Board to practice landscape architecture.
- (h) “Permit” means a permit issued by the Board to allow a partnership or corporation to operate a business through which an individual may practice landscape architecture.
- (i) “Permit fee” means, as applicable, the fee paid in connection with the issuance and renewal of a permit.
- (j) (1) “Practice landscape architecture” means:
  - (i) to provide any service or creative work in the analysis or design of land and natural resources that requires training and experience in the application of the biological, physical, mathematical, and social

sciences; and

(ii) to perform design coordination of a project or portion of a project provided that the licensed landscape architect holds a current license issued by the Board and has adequate education and experience in, and understanding of, the project or portion of the project being coordinated.

(2) "Practice landscape architecture" includes:

(i) consultation, research, analysis, assessment, selection, and allocation of land and natural resources;

(ii) development of graphic, written, digital, and other appropriate criteria to govern the planning and design of land development and construction programs, including:

1. preparation, review, and analysis of master plans, site plans, and land development plans;
2. reconnaissance, planning, design, and preparation of construction documents;
3. construction, observation, administration, and project management;
4. preservation, restoration, conservation, reclamation, rehabilitation, and management of land and natural resources;
5. preparation of feasibility and site selection studies, environmental studies, and cost estimate reports; and
6. design and analysis of grading and drainage, irrigation, erosion and sediment control systems, and pedestrian and vehicular circulation systems; and

(iii) in conjunction with site plan preparation, the performance of the following:

1. determining a grade;
2. determining drainage; and
3. preparing and designing stormwater drainage systems provided that the preparation and design:
  - A. are in accordance with design manuals, details, and standards accepted by the State or local authorities; and
  - B. do not require a hydraulic or structural design of system components.

(k) "Responsible charge" means direct control and personal supervision of landscape architecture services that requires initiative, professional skill, and independent judgment.

§9-102.

The purposes of this title are to safeguard public welfare, health, and property and to promote the public good by regulating persons who practice landscape architecture in the State.

§9–103.

This title does not limit the right of a nurseryman, general contractor, or landscape contractor to design, plan, locate, plant, or arrange plantings or other ornamental features.

§9–201.

There is a State Board of Examiners of Landscape Architects in the Department.

§9–202.

(a) (1) The Board consists of 5 members.

(2) Of the 5 members of the Board:

(i) 3 shall be licensed landscape architects; and

(ii) 2 shall be consumer members.

(3) The Governor shall appoint the members with the advice of the Secretary and the advice and consent of the Senate.

(b) Each landscape architect member shall be a licensed landscape architect who has practiced landscape architecture in the State for at least 5 years.

(c) Each consumer member of the Board:

(1) shall be a member of the general public;

(2) may not be a licensee or otherwise be subject to regulation by the Board;

(3) may not be required to meet the qualifications for the professional members of the Board; and

(4) may not, within 1 year before appointment, have had a financial interest in or have received compensation from a person regulated by the Board.

(d) While a member of the Board, a consumer member may not:

(1) have a financial interest in or receive compensation from a person regulated by the Board; or

(2) grade any examination given by or for the Board.

(e) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(f) (1) The term of a member is 3 years and begins on July 1.

(2) The terms of members are staggered as required by the terms provided for members of the Board on October 1, 1989.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(g) (1) The Governor may remove a member for incompetence or misconduct.

(2) Except as provided in paragraph (3) of this subsection and subject to paragraph (4) of this subsection, a member shall be considered to have resigned if the member did not attend at least two-thirds of the Board meetings held during any consecutive 12-month period while the member was serving on the Board.

(3) The Governor may waive a member's resignation and allow the member to continue serving if the member has been unable to attend meetings for reasons satisfactory to the Governor and the reasons are made public.

(4) In accordance with § 8-501 of the State Government Article, the chairman shall provide notice to the Governor and the Governor shall appoint a successor.

#### §9-203.

(a) From among its members, the Board annually shall elect a chairman and a secretary.

(b) The manner of election of officers shall be as the Board determines.

#### §9-204.

(a) A majority of the authorized membership of the Board is a quorum.

(b) The Board shall meet at least twice a year, at the times and places that the Board determines.

(c) A member of the Board:

(1) may not receive compensation; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(d) The Board may employ a staff in accordance with the State budget.

#### §9-204.1.

At least annually, the chairman of the Board, the chairman of the State Board of Architects, the chairman of the State Board of Certified Interior Designers, the chairman of the State Board for Professional Engineers, and the chairman of the State Board for Professional Land Surveyors shall meet to discuss issues of mutual importance to the design professions.

§9–205.

(a) To enforce this title, the Board may:

(1) conduct investigations and hold hearings on any matter covered by this title, at any time and place in the State;

(2) administer oaths;

(3) examine witnesses; and

(4) receive evidence.

(b) Subject to the State budget, the Board may employ an investigative staff to:

(1) investigate a complaint; and

(2) perform any other related duty, as assigned by the Board.

(c) (1) The Board may issue a subpoena for the attendance of a witness to testify or the production of evidence in connection with:

(i) any disciplinary action under § 9–310 of this title; or

(ii) any proceeding brought for an alleged violation of this title.

(2) A subpoena shall be signed by the Chairman of the Board and sealed with the seal of the Board.

(3) If a person fails to comply with a subpoena issued under this subsection, on petition of the Board, a circuit court may compel compliance with the subpoena.

(d) (1) The Board may sue in the name of the State to enforce any provision of this title by injunction.

(2) In seeking an injunction under this subsection, the Board is not required to:

(i) post bond; or

(ii) allege or prove either that:

1. an adequate remedy at law does not exist; or

2. substantial or irreparable damage would result from the continued violation of the provision.

(3) A member of the Board may not be held personally liable for any action taken under this subsection in good faith and with reasonable grounds.

§9–206.

(a) In addition to any powers set forth elsewhere, the Board may adopt:

(1) any regulation to carry out this title; and

(2) a seal.

(b) In addition to any duties set forth elsewhere, the Board shall keep a record of its proceedings.

(c) (1) With the advice of the established landscape architect associations, the Board shall adopt, by regulation, a code of ethics for practicing landscape architecture.

(2) The Board shall distribute a copy of the code of ethics:

(i) to each applicant for a license; and

(ii) on each renewal of a license, to each licensee.

(3) In addition to complying with the publication requirements of Title 10, Subtitle 1 of the State Government Article, the Board shall distribute a copy of any amendment to the code of ethics to each licensee.

§9–206.1.

(a) In this section, “code official” means a public official responsible for the review of building permit documents or the issuance of building permits.

(b) The Board shall:

(1) keep a list of the names and mailing addresses of all licensees;

(2) provide each code official with a copy of the list annually; and

(3) provide any other person who makes a request with a copy of the list at a reasonable fee set by the Board.

(c) (1) The Board shall provide all licensees and code officials with a periodic newsletter not less than semiannually on the activities of the Board.

(2) The Board shall publish, on the Department website, the newsletter jointly with the State Board for Professional Engineers, the State Board of Architects, the State Board of Certified Interior Designers, and the State Board for Professional Land Surveyors.

(d) The Board shall distribute:

(1) to each applicant for a license and each code official, a copy of the Maryland Landscape Architects Act and the Board’s rules and regulations;

(2) on each renewal of a license, to each licensee, a copy of any amendments to the Maryland Landscape Architects Act and the Board’s rules and regulations that took effect during the 2-year period ending on the date of renewal; and

(3) to each code official, a copy of any amendments to the Maryland Landscape Architects Act and the Board's rules and regulations.

(e) A licensee shall designate the licensee's mailing address at the time of issuance of the license and on each renewal of the license.

#### §9-207.

(a) The Board may set reasonable fees for its services.

(b) The fees charged shall be set so as to produce funds to approximate the cost of maintaining the Board and shall be based on the calculation performed by the Secretary under § 2-106.2 of the Business Regulation Article.

(c) The Board shall publish the fee schedule set by the Board by regulation.

(d) (1) The Board shall pay all fees collected under this title to the Comptroller of the State.

(2) The Comptroller shall distribute the fees to the State Occupational and Professional Licensing Design Boards' Fund established in § 2-106.1 of the Business Regulation Article.

#### §9-207.1.

Any person aggrieved by any final action of the Board may take an appeal as allowed in §§ 10-222 and 10-223 of the State Government Article.

#### §9-208.

The Board exercises its powers, duties, and functions subject to the authority of the Secretary.

#### §9-301.

(a) Except as otherwise provided in this title, an individual shall be licensed by the Board before the individual may practice landscape architecture in the State.

(b) This section does not apply to:

(1) an individual who practices landscape architecture while performing official duties as an employee of the federal government;

(2) an individual while practicing landscape architecture under the supervision of a licensed landscape architect, if the individual does not assume responsible charge of design or supervision; or

(3) an individual while practicing landscape architecture as an employee of a person who is authorized to practice landscape architecture, if the employee does not assume responsible charge of design or supervision.

#### §9-302.

(a) To qualify for a license, an applicant shall be an individual who meets the requirements of this section.

(b) An applicant shall be at least 18 years old.

(c) An applicant shall meet the educational and experience requirements under § 9-303 of this subtitle.

(d) Except as otherwise provided in this subtitle, the applicant shall pass the examination given by the Board under this subtitle.

§9-303.

(a) Before an applicant takes the examination given by the Board, the applicant shall qualify under this section by meeting the educational and experience requirements set forth in subsection (b), (c), (d), or (e) of this section.

(b) An applicant qualifies under this section if the applicant:

(1) has been graduated from a college or school of landscape architecture that holds accredited status from the national Landscape Architectural Accreditation Board; and

(2) has at least 2 years of work experience in landscape architecture that is:

(i) under the responsible charge of a licensed landscape architect or other authorized individual; and

(ii) otherwise satisfactory to the Board.

(c) An applicant qualifies under this section if the applicant:

(1) has been graduated on completion of at least a 4-year curriculum in a design-related discipline from a college or university that is accredited by, or is a constituent unit of an institution accredited by, the Middle States Association of Colleges and Schools or the equivalent regional accrediting association of other regional areas; and

(2) has at least 4 years of work experience in landscape architecture that is:

(i) under the responsible charge of a licensed landscape architect or other authorized individual; and

(ii) otherwise satisfactory to the Board.

(d) An applicant qualifies under this section if the applicant:

(1) has been graduated on completion of at least a 4-year curriculum in a nondesign-related discipline from a college or university that is accredited by, or is a constituent unit of an institution accredited by, the Middle States Association of Colleges and Schools or the equivalent regional accrediting association of other regional areas; and

(2) has at least 6 years of practical work experience in landscape architecture that is:

(i) under the responsible charge of a licensed landscape architect or other authorized individual; and



(ii) otherwise satisfactory to the Board.

(e) (1) An applicant qualifies under this section if the applicant:

(i) is a high school graduate or the equivalent; and

(ii) has at least 8 years of practical work experience in landscape architecture that is:

1. under the responsible charge of a licensed landscape architect or other authorized individual;

and

2. otherwise satisfactory to the Board.

(2) The Board may count each full year of study at a college or school of landscape architecture that meets the criteria set forth in subsection (b) of this section as one of the years of the work experience required under this subsection.

#### §9-304.

An applicant for a license shall:

(1) submit to the Board an application on the form that the Board provides; and

(2) pay to the Board or the Board's designee:

(i) a nonrefundable application fee set by the Board; and

(ii) an examination fee set by the Board in an amount not to exceed the cost of the required examination.

#### §9-305.

(a) Except as otherwise provided in § 9-305.1 of this subtitle, an applicant who otherwise qualifies for a license is entitled to be examined as provided in this section.

(b) The Board shall give written examinations to qualified applicants at least once a year at the time and place that the Board determines.

(c) The Board shall give each qualified applicant notice of the time and place of examination.

(d) (1) The Board shall determine, by regulation, the subjects, scope, and form of and the passing score for examinations given under this title.

(2) The Board shall structure the examination to test the competency of an applicant to plan, design, and supervise the installation of landscape projects.

(3) The Board may supplement a written examination given under this section with an oral examination.

#### §9-305.1.

(a) The Board may use a testing service to administer the examinations given under this title.

(b) If the Board uses a testing service under this subsection, the testing service, subject to the requirements set by the Board, may:

(1) set the time and place of examinations;

(2) give qualified applicants notice of the time and place of examinations; and

(3) furnish any other information that the Board may require the testing service to provide.

§9–306.

(a) Subject to the provisions of this section, the Board may waive any requirement of this subtitle for an applicant who is licensed to practice landscape architecture in another state.

(b) The Board may grant a waiver under this section only if the applicant:

(1) pays to the Board:

(i) the nonrefundable application fee set by the Board; and

(ii) the license fee set by the Board; and

(2) provides adequate evidence that, at the time the applicant was licensed in the other state, the applicant was required to pass an examination and meet qualifications that were substantially equivalent to the examination and qualifications in this State.

(c) The Board may grant a waiver under this section only if the state in which the applicant is licensed waives the examination and qualifications of licensees of this State to a similar extent as this State waives the examination and qualification requirements for individuals licensed in that state.

§9–307.

(a) If an applicant qualifies for a license under this subtitle, the Board shall send the applicant a notice that states that:

(1) the applicant has qualified for a license; and

(2) on receipt of the license fee set by the Board, the Board will issue a license to the applicant.

(b) On payment of the license fee, the Board shall issue a license to each applicant who meets the requirements of this subtitle.

§9–308.

(a) While a license is in effect, it authorizes the licensee to practice landscape architecture.

(b) A licensed landscape architect is not authorized to practice architecture, engineering, or land surveying.

§9–309.

(a) Unless a license is renewed for a 2–year term as provided in this section, the license expires on the first June 30 that comes:

- (1) after the effective date of the license; and
- (2) in an even–numbered year.

(b) (1) At least 1 month before a license expires, the Board shall mail or electronically transmit to the licensee:

- (i) a renewal application form; and
- (ii) a notice that states:
  1. the date on which the current license expires; and
  2. the amount of the license fee.

(2) If an electronic transmission under paragraph (1) of this subsection is returned to the Board as undeliverable, the Board shall mail to the licensee, at the last known address of the licensee, the materials required under paragraph (1) of this subsection within 10 business days of the date the Board received the notice that the electronic transmission was undeliverable.

(c) Before a license expires, the licensee periodically may renew it for an additional 2–year term, if the licensee:

- (1) otherwise is entitled to be licensed;
  - (2) pays to the Board the license fee set by the Board; and
  - (3) submits to the Board a renewal application on the form that the Board provides.
- (d) The Board shall renew the license of each licensee who meets the requirements of this section.
- (e) The Secretary may determine that licenses issued under this subtitle shall expire on a staggered basis.
- (f) The Board shall adopt regulations:

(1) to require a licensee to demonstrate continuing professional competency by completing at least 24 hours of professional development activities as a condition of renewal of a license under this section; and

(2) in accordance with the following:

(i) the continuing professional competency requirement does not apply to the first renewal of a license;

(ii) if a license expires on or before September 30, 2015, a licensee is not required to fulfill the

continuing professional competency requirement;

(iii) if a license expires between October 1, 2015, and September 30, 2016, a licensee is required to fulfill 50% of the continuing professional competency requirement as provided in regulations adopted by the Board under this subsection; and

(iv) if a license expires on or after October 1, 2016, a licensee is required to fulfill the full continuing professional competency requirement as provided in regulations adopted by the Board under this subsection.

#### §9-310.

(a) (1) Subject to the hearing provisions of § 9-312 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if:

(i) the applicant or licensee fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

(ii) the applicant or licensee fraudulently or deceptively uses a license;

(iii) under the laws of the United States or of any state, the applicant or licensee is convicted of:

1. a felony; or

2. a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to practice landscape architecture;

(iv) the applicant or licensee is guilty of gross negligence, incompetence, or misconduct while practicing landscape architecture;

(v) the applicant or licensee has had a license to practice landscape architecture in another state revoked or suspended by the other state for a cause that would justify revocation or suspension under this title, except for the failure to pay a license fee;

(vi) the applicant or licensee violates any regulation adopted by the Board; or

(vii) the applicant or licensee violates any provision of this title.

(2) (i) Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this subsection, the Board may impose a penalty not exceeding \$5,000 for each violation.

(ii) To determine the amount of the penalty imposed under this subsection, the Board shall consider:

1. the seriousness of the violation;

2. the harm caused by the violation;

3. the good faith of the licensee; and

4. any history of previous violations by the licensee.

(3) The Board shall pay any penalty collected under this subsection into the General Fund of the State.

(b) The Board shall consider the following facts in the granting, denial, renewal, suspension, or revocation of a license or the reprimand of a licensee when an applicant or licensee is convicted of a felony or misdemeanor described in subsection (a)(1)(iii) of this section:

(1) the nature of the crime;

(2) the relationship of the crime to the activities authorized by the license;

(3) with respect to a felony, the relevance of the conviction to the fitness and qualification of the applicant or licensee to practice landscape architecture;

(4) the length of time since the conviction; and

(5) the behavior and activities of the applicant or licensee before and after the conviction.

§9-311.

(a) Subject to the provisions of this section, the Board shall commence proceedings under § 9-310 of this subtitle on a complaint made to the Board by a member or any other person.

(b) (1) A complaint shall:

(i) be in writing;

(ii) state specifically the facts on which the complaint is based; and

(iii) be submitted to the Secretary of the Board.

(2) If the complaint is made by any person other than a member of the Board, the complaint shall be made under oath by the person who submits the complaint.

(c) If the Board finds that a complaint alleges facts that are adequate grounds for action under § 9-310 of this subtitle, the Board shall act on the complaint as provided under § 9-312 of this subtitle. If the Board does not make that finding, it shall dismiss the complaint.

§9-312.

(a) (1) Except as otherwise provided in § 10-226 of the State Government Article, before the Board takes any final action under § 9-310 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

(2) A hearing shall be set within a reasonable time, not exceeding 6 months, after the Board brings charges against a licensee.

(b) The Board shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) The Board may administer oaths in connection with any proceeding under this section.

(d) At least 30 days before the hearing, the hearing notice and a copy of the complaint shall be:

- (1) served personally on the individual; or
- (2) mailed to the last known address of the individual.

(e) The individual may be represented at the hearing by counsel.

(f) If, after due notice, the individual against whom the action is contemplated fails or refuses to appear, nevertheless the Board may hear and determine the matter.

#### §9–313.

(a) Subject to any regulation that the Board adopts, the Board may reinstate a license that has been revoked.

(b) A license may be reinstated under this section only on:

- (1) the affirmative vote of a majority of the members of the Board then serving; and
- (2) payment to the Board of a reinstatement fee set by the Board.

#### §9–314.

(a) The Board shall reinstate the license of an individual who, for any reason, has failed to renew the license, if the individual:

- (1) applies to the Board for reinstatement within 2 years after the license expires;
- (2) meets the renewal requirements of § 9–309 of this subtitle; and
- (3) pays to the Board a reinstatement fee set by the Board.

(b) (1) If an individual has failed to renew a license for any reason and then applies to the Board for reinstatement more than 2 years after the license has expired, the Board may:

(i) require the individual to reapply for a license in the same manner that an applicant applies for an original license under this subtitle; or

(ii) subject to paragraph (2) of this subsection, reinstate the license.

(2) The Board may reinstate a license under paragraph (1)(ii) of this subsection, if the individual:

- (i) meets the renewal requirements of § 9–309 of this subtitle;
- (ii) if required by the Board, states reasons why reinstatement should be granted; and
- (iii) pays to the Board a reinstatement fee set by the Board.

(c) The Board may waive a reinstatement fee for a licensee who provides evidence satisfactory to the Board that the licensee did not practice landscape architecture during the time the license lapsed.

§9–401.

In this subtitle, “person in responsible charge” means a licensee who is appointed under § 9–404(b) of this subtitle.

§9–402.

(a) (1) Subject to the provisions of this subtitle, a licensed landscape architect may practice landscape architecture for others through:

- (i) a corporation as an officer, employee, or agent of the corporation;
- (ii) a partnership as a partner, an employee, or an agent of the partnership; or
- (iii) a limited liability company as a member, an employee, or an agent of the limited liability company.

(2) Subject to the provisions of this subtitle, a corporation, partnership, or limited liability company may provide landscape architectural services through a licensed landscape architect.

(b) A licensed landscape architect who practices landscape architecture through a corporation, partnership, or limited liability company under this subtitle is subject to all of the provisions of this title that relate to practicing landscape architecture.

(c) (1) A corporation, partnership, or limited liability company that provides landscape architectural services to others under this subtitle is not, by its compliance with this subtitle, relieved of any responsibility that the corporation, partnership, or limited liability company may have for an act or omission of its officer, partner, member, employee, or agent.

(2) An individual who practices landscape architecture through a corporation, partnership, or limited liability company is not, by reason of the individual’s employment or other relationship with the corporation, partnership, or limited liability company, relieved of any individual responsibility that the individual may have regarding that practice.

§9–403.

(a) Except as provided in subsection (b) of this section, a corporation, partnership, or limited liability company shall hold a permit issued by the Board before the corporation, partnership, or limited liability company may operate a business through which landscape architecture is practiced.

(b) A corporation, partnership, or limited liability company may provide landscape architectural services for itself or for an affiliated corporation, partnership, or limited liability company without a permit issued by the

Board.

§9-404.

(a) To qualify for a permit, a corporation, partnership, or limited liability company shall meet the requirements of this section.

(b) (1) A corporation, partnership, or limited liability company shall appoint at least one person in responsible charge of the landscape architectural services performed or offered to be performed through the corporation, partnership, or limited liability company.

(2) A person in responsible charge shall be:

(i) in direct control of landscape architectural services performed or offered to be performed through the corporation, partnership, or limited liability company;

(ii) in a position to act on behalf of, and be responsible for, the corporation, partnership, or limited liability company in matters related to the practice of landscape architecture; and

(iii) a licensed landscape architect in good standing.

(3) A licensee may not be designated as a person in responsible charge for more than one corporation, partnership, or limited liability company that provides or offers to provide landscape architectural services without the prior approval of the Board.

§9-405.

(a) An applicant for a permit shall:

(1) submit to the Board an application on the form that the Board provides; and

(2) pay to the Board the nonrefundable application fee set by the Board.

(b) In addition to any other information required on an application form, the form shall require the following:

(1) the name and address of at least one person in responsible charge of the landscape architectural services performed or offered to be performed through the corporation, partnership, or limited liability company; and

(2) evidence acceptable to the Board that a person in responsible charge is an employee, an owner, a director, an officer, a member, or a partner, as applicable, of the entity seeking a permit.

§9-406.

The Board shall issue a permit to each applicant who meets the requirements of this subtitle and pays to the Board a permit fee set by the Board.

§9-407.

(a) Subject to subsection (b) of this section and while a permit is in effect, it authorizes the holder to:



(1) operate a business through which a licensed landscape architect practices landscape architecture; and

(2) represent to the public that the business provides the services of a licensed landscape architect.

(b) A permit authorizes the holder to provide a service that constitutes practicing landscape architecture only if the service is performed by an individual who is licensed or otherwise authorized to practice landscape architecture under this title.

§9–408.

(a) Unless a permit is renewed for a 2–year term as provided in this section, the permit expires on the first June 30 that comes:

(1) after the effective date of the permit; and

(2) in an even–numbered year.

(b) (1) At least 1 month before a permit expires, the Board shall mail or electronically transmit to the permit holder:

(i) a renewal application form; and

(ii) a notice that states:

1. the date on which the current permit expires; and

2. the amount of the permit fee.

(2) If an electronic transmission under paragraph (1) of this subsection is returned to the Board as undeliverable, the Board shall mail to the permit holder, at the last known address of the permit holder, the materials required under paragraph (1) of this subsection within 10 business days of the date the Board received the notice that the electronic transmission was undeliverable.

(c) Before a permit expires, the permit holder periodically may renew it for an additional 2–year term, if the holder:

(1) otherwise is entitled to a permit;

(2) pays to the Board the permit fee set by the Board; and

(3) submits to the Board a renewal application on the form that the Board provides.

(d) The renewal application form shall require the same information required on the original application form under § 9–405(b) of this subtitle.

(e) The Board shall renew the permit of each permit holder that meets the requirements of this section.

§9-409.

Within 1 month after the effective date of the change or occurrence, a permit holder shall notify the Board in writing if there has been a change in:

- (1) the identity of the person in responsible charge of landscape architectural services performed or offered to be performed through the corporation, partnership, or limited liability company; or
- (2) the name of the corporation, partnership, or limited liability company.

§9-410.

(a) Subject to the hearing provisions of § 9-411 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a permit to any applicant, reprimand a permit holder, or suspend or revoke a permit if:

- (1) the applicant or permit holder fraudulently or deceptively obtains or attempts to obtain a permit; or
- (2) the permit holder fraudulently or deceptively uses a permit.

(b) (1) In addition to a sanction imposed under subsection (a) of this section, the Board may impose a penalty not exceeding \$5,000 for:

- (i) each violation for which a denial, reprimand, suspension, or revocation was imposed under subsection (a) of this section; and
  - (ii) each failure to meet or continue to meet the qualifications or requirements set forth in this subtitle.
- (2) To determine the amount of the penalty imposed under this subsection, the Board shall consider:
- (i) the seriousness of the violation;
  - (ii) the harm caused by the violation;
  - (iii) the good faith of the permit holder or the applicant; and
  - (iv) any history of previous violations by the permit holder or the applicant.

(c) The Board shall pay any penalty collected under subsection (b) of this section into the General Fund of the State.

§9-411.

(a) Except as otherwise provided in § 10-226 of the State Government Article, before the Board takes any final action under § 9-410 of this subtitle, it shall give the person against whom the action is contemplated an opportunity for a hearing before the Board.

(b) The Board shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) At least 30 days before the hearing, the hearing notice and a copy of the complaint shall be:

(1) served personally on the applicant or on a person in responsible charge of landscape architecture practiced through the entity holding the permit or a person designated as a resident agent to receive process on behalf of the entity; or

(2) mailed to the last known business address of the applicant or the entity holding the permit.

(d) If, after due notice, the person against whom the action is contemplated fails or refuses to appear, the Board may hear and determine the matter.

§9-412.

(a) (1) For the limited purpose set forth in paragraph (2) of this subsection, a permit shall remain in effect and does not expire by operation of law while the permit holder is under investigation by the Board or awaiting a hearing or disposition on charges subject to disciplinary action under this subtitle.

(2) An extension of a permit term under this subsection is effective only for the purpose of retaining the jurisdiction of the Board over the permit holder during the course of disciplinary proceedings and does not prevent the permit from expiring for any other purpose.

(b) Unless the Board agrees to accept the surrender, a permit holder may not surrender a permit while the holder is under investigation or awaiting a hearing or disposition on charges subject to disciplinary action under this subtitle.

§9-413.

A corporation, partnership, or limited liability company whose permit has been suspended or revoked under § 9-410 of this subtitle may not offer or provide landscape architectural services until the suspension is lifted or the permit is reinstated.

§9-414.

(a) Subject to the provisions of this section, the Board may reinstate:

(1) a permit that has been revoked; or

(2) before fulfillment of the conditions of the suspension, a permit that has been suspended.

(b) A permit may be reinstated under this section only if:

(1) the corporation, partnership, or limited liability company whose permit has been revoked or suspended submits a written request to the Board; and

(2) the corporation, partnership, or limited liability company pays to the Board a reinstatement fee set by the Board.

(c) The Board, by an affirmative vote of a majority of its members then serving, shall vote on the request for reinstatement or lifting of the suspension within 60 days of receipt of the written request.

§9-415.

The Board may reinstate the permit of a corporation, partnership, or limited liability company that has failed to renew the permit for any reason if the corporation, partnership, or limited liability company:

- (1) otherwise is entitled to a permit; and
- (2) pays to the Board a reinstatement fee set by the Board.

§9-416.

After the Board reinstates a permit, the permit holder shall continue to comply with all applicable requirements set forth in this subtitle.

§9-501.

Before a licensed landscape architect issues to a client or submits to a public authority any final drawing, plan, specification, report, or other document, the licensed landscape architect who prepared or approved the document shall sign, seal, and date the document.

§9-601.

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice landscape architecture in the State unless licensed by the Board.

§9-602.

Except for a licensed landscape architect who operates a business as a sole practitioner, a person may not operate a business through which landscape architecture is practiced unless:

- (1) the business is a corporation, partnership, or limited liability company; and
- (2) the corporation, partnership, or limited liability company holds a permit issued by the Board.

§9-603.

Unless authorized under this title to practice landscape architecture, a person may not represent to the public, by use of a title, including "landscape architect" or "licensed landscape architect", by description of services, methods, or procedures, or otherwise, that the person is authorized to practice landscape architecture in the State.

§9-604.

(a) Subject to subsection (b) of this section and unless a person holds a permit issued by the Board, the person may not represent to the public, by the use of a title, including "landscape architects", "licensed landscape architects", or "registered landscape architects", by the use of the term "landscape architecture", by

description of services, methods, or procedures, or otherwise, that the person holds a permit or otherwise is authorized to operate a business through which landscape architecture is practiced in the State.

(b) Subsection (a) of this section does not apply to a licensed landscape architect who operates the business as a sole practitioner.

§9–604.1.

A person may not give false information to the Board in an attempt to obtain a license.

§9–605.

(a) A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$3,000 or imprisonment not exceeding 1 year or both.

(b) (1) The Board may impose on a person who violates any provision of this title a penalty not exceeding \$5,000 for each violation.

(2) In setting the amount of the penalty, the Board shall consider:

- (i) the seriousness of the violation;
- (ii) the harm caused by the violation;
- (iii) the good faith of the violator;
- (iv) any history of previous violations by the violator; and
- (v) any other relevant factors.

(3) The Board shall pay any penalty collected under this subsection into the General Fund of the State.

§9–701.

This title may be cited as the “Maryland Landscape Architects Act”.

§9–702.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no effect after July 1, 2034.