



Title 09 MARYLAND DEPARTMENT OF LABOR

Subtitle 28 BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS

Chapter 01 General Regulations

Authority: Business Occupations and Professions Article, §§9-206(a), 9-207(a), and 9-304(2), Annotated Code of Maryland

.01 Definitions.

The definitions set forth in the Business Occupations and Professions Article, §9-101, Annotated Code of Maryland, apply in this chapter unless otherwise noted.

.02 Filing of Applications.

A. An application for admittance to the examination or for registration to practice landscape architecture shall be submitted on the form provided by the Board and will be received at any time during regular business hours at the office of the Board. The application shall be filed with the Board at least 90 days before the date of the examination.

B. The application fee shall accompany the application. Application fees are not refundable.

C. The Board may require an applicant to submit, with the formal application, documentary evidence of experiential or educational qualifications.

.03 Examinations.

A. Scope of the Examination.

(1) The scope of the examinations will be established by the Board.

(2) The examinations shall:

(a) Be designed to determine the qualifications of the applicant to practice landscape architecture;

(b) Cover such technical, professional and practical subjects as relates to the practice of the profession of landscape architecture;

(c) Cover the basic arts and sciences, a knowledge of which is material and necessary to the proper understanding, application, and qualification for practice of the profession of landscape architecture.

B. The minimum passing grade in all subjects of the examination shall be established by the Board.

C. An applicant receiving a passing grade on a subject included in the examination will be given credit for that subject.

D. Applicants may take all or any parts of the original examination or the re-examination.

E. Applicants desiring to retake certain subjects of the examination may be required to appear before the Board and furnish evidence of satisfactory study and preparation before readmittance to the examination.

.04 Qualifications for Examination.

To qualify for the examination, the applicant shall meet the requirements as set out in Business Occupations and Professions Article, §9-305, Annotated Code of Maryland.

.05 Embossing Seals and Rubber Stamp Facsimiles.

A. For the purpose of sealing and signing all final drawings, plans, specifications, reports, and other contract documents, referred to in Business Occupations and Professions Article, §9-501, Annotated Code of Maryland, each licensed landscape architect shall obtain an individual seal to be used on documents prepared by the licensee or under the licensee's supervision. The seal shall imprint the name of the landscape architect and the license number.

B. A rubber stamp facsimile of the seal and the live signature of the landscape architect may be applied to tracings to produce legible reproduction of the drawings or to prints made from the tracings. This provision, however, does not in any manner modify the requirements of Business Occupations and Professions Article, §9-501, Annotated Code of Maryland, in reference to use of the impression seal and signature.

Title 09 MARYLAND DEPARTMENT OF LABOR Subtitle 28 BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS

Chapter 02 Code of Ethics

Authority: Business Occupations and Professions Article, §9-206, Annotated Code of Maryland

.01 Responsibility to the Public.

A licensee shall make every reasonable effort to protect the safety, health, property, and welfare of the public. If the licensee's professional judgment is overruled under circumstances where the safety, health, property, or welfare of the public is endangered, the licensee shall inform the employer or client of the possible

.02 Public Statements, Reports, and Testimony.

A. A licensee may not make statements or reports or give expert testimony on landscape architectural matters connected with public policy if the remarks are inspired or paid for by an interested party, unless the remarks are preceded by:

- (1) Identification;
- (2) Disclosing the identity of the party on whose behalf the remarks are being offered; and
- (3) Revealing the existence of any pecuniary interest in the matter.

B. A licensee may express publicly a professional opinion on a landscape architectural subject only when that opinion is founded upon adequate knowledge of the material facts and a background of technical competence in the subject matter.

C. In any professional report, statement, or testimony, a licensee may not be untruthful, deceptive, or misleading.

D. A licensee may not affix a professional seal other than the licensee's own seal to a professional document.

.03 Competency for Assignments Undertaken or Approved.

A. A licensee may undertake to perform landscape architectural assignments only when qualified to do so by education or experience, or both. If the competence of a licensee to perform an assignment is questioned, the Board either upon request of the licensee, or by its own motion, may require the licensee to submit to a formal or informal inquiry by or on behalf of the Board.

B. A licensee may sign or seal landscape architectural documents only if the:

- (1) Licensee is competent in the subject matter of those documents by virtue of education or experience, or both; or
- (2) Documents were prepared under the licensee's direction as principal by an individual competent in the subject matter of those documents by virtue of education or experience, or both.

C. When using the seal, a licensee shall affix the licensee's signature immediately adjacent to the impression of the seal.

.04 Conflicts of Interest.

A. A licensee shall make every effort to avoid conflicts of interest with the employer or client. Whenever conflicts of interest appear unavoidable, however, the licensee shall disclose promptly and fully all the circumstances to the employer or client.

B. A licensee shall inform promptly an employer or client of any business association, interests, or circumstances which may influence the judgment or the quality of services rendered to the employer or client.

C. A licensee may not accept compensation, financial or other, from more than one party for services on a project or for services pertaining to a project unless full disclosure is made by the licensee to all interested parties.

D. A licensee may not solicit or accept financial or other valuable consideration from a material supplier or equipment supplier for specifying the supplier's projects, except when the licensee is a previously announced employee or agent of the supplier.

E. Except for gifts of only token value, a licensee may not solicit or accept gratuities, directly or indirectly, from any contractor, architect, engineer, or other party dealing with the licensee's employer or client in connection with work for which the licensee is responsible.

.05 Improper Solicitation of Professional Employment.

A. Except for gifts of only token value and the usual commissions paid to licensed employment agencies, a licensee may not compensate, give anything of value, or offer to compensate or give anything of value:

(1) To a person or organization to recommend or secure employment as a landscape architect; or

(2) As a reward for having made a recommendation resulting in his employment as a landscape architect.

B. When competing for professional employment, a licensee may not falsify or permit misrepresentation of the licensee's qualifications or those of the licensee's associates.

.06 Knowledge of Improper Conduct by Others.

Except to the extent the rules of privilege recognized in this State apply, when questioned by a member or authorized representative of the Board concerning an alleged violation of another person or organization, a licensee may not conceal or refuse to divulge any information or make false or misleading statements about the matter.

Effective date: April 24, 1995 (22:8 Md. R. 596)

Regulation .07 adopted effective February 25, 2019 (46:4 Md. R. 191)

**Title 09 MARYLAND DEPARTMENT OF LABOR
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Chapter 03 Fees

Authority: Business Regulation Article, §§2-106, 2-106.1 and 2-106.2; Business Occupations and Professions Article, §§9-101, 9-206, 9-207, 9-305.1, 9-306, 9-309, 9-313, 9-314, 9-405, 9-406, and 9-408; Annotated Code of Maryland

.01 Purpose.

This chapter is intended to carry out the provisions of Business Regulation Article, §§2-106.1 and 2-106.2, Annotated Code of Maryland, and Business Occupations and Professions Article, Title 9, Annotated Code of Maryland. In particular, it is intended to set various fees in order to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the State Board of Architects, the State Board of Certified Interior Designers, the State Board of Examiners of Landscape Architects, the State Board for Professional Engineers, and the State Board for Professional Land Surveyors.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the State Board of Examiners of Landscape Architects.

(2) "Design boards" means collectively the:

- (a) State Board of Architects;
- (b) State Board of Certified Interior Designers;
- (c) Board;
- (d) State Board for Professional Engineers; and
- (e) State Board for Professional Land Surveyors.

(3) "License fee" means the fee paid by an applicant or licensee, as applicable, in connection with the issuance and renewal of a license and the issuance of a reciprocal license.

(4) "Permit fee" means the fee paid in connection with the issuance and renewal of a permit.

(5) "Secretary" means the Secretary of Labor.

.03 Fees and Costs.

A. The Secretary and the design boards have agreed to average their direct and indirect costs, based on the calculation of costs performed by the Secretary in consultation with the design boards. Based on these calculations, the Board sets the following fees:

- (1) License fee — \$76.50;
- (2) Permit fee — \$100;
- (3) Nonrefundable initial application fee payable in connection with:
 - (a) An application for permit — \$35;
 - (b) An application for license by reciprocity — \$50;
- (4) Reinstatement fee — \$100.

B. An applicant shall be approved by the Board to take any section of the licensing examination.

C. An applicant for the licensing examination shall pay the following examination fees directly to the Council of Landscape Architectural Registration Boards (CLARB) as these fees are established by CLARB:

- (1) Section 1:Project and Construction Administration — \$325;
- (2) Section 2:Inventory and Analysis — \$325;
- (3) Section 3:Design — \$500;
- (4) Section 4:Grading, Drainage, and Construction Documentation — \$500.

**Title 09 MARYLAND DEPARTMENT OF LABOR
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Chapter 04 Continuing Professional Competency Requirements

Authority: Business Occupations and Professions Article §9-309, Annotated Code of Maryland

.01 Purpose.

The State legislature has determined that, in order to safeguard the health, safety, and welfare of Maryland citizens, licensed landscape architects must comply with the continuing professional competency requirements as a prerequisite to the renewal of a license.

.02 Definitions.

A. In this chapter, the following terms have the meaning indicated.

B. Terms Defined.

- (1) "ASLA" means the American Society of Landscape Architects.

(2) "Board" means the State Board of Examiners of Landscape Architects.

(3) "CLARB" means the Council of Landscape Architecture Registration Boards.

(4) "College credit hour" means the credit for a course described in Regulation .04 of this chapter, offered by a university, college, or community college.

(5) "LACES" means Landscape Architecture Continuing Education System.

(6) "Professional development hour (PDH)" means one continuous instructional hour spent attending and completing the professional development activity. One PDH means a minimum of 50 minutes of face-to-face or distance learning instruction per 60-minute hour and is equivalent to a comparable single educational unit that may be utilized by ASLA, LACES, or CLARB.

(7) "Qualifying activities" means professional development activities which satisfy the following requirements:

(a) Meet the criteria set forth in Regulation .04; and

(b) Are approved and accepted for credit by:

(i) Any chapter of the ASLA;

(ii) LACES;

(iii) CLARB; or

(iv) The Board.

.03 Requirements.

A. A licensee shall complete, as a condition of a license renewal in each individual 2-year-renewal cycle, a minimum of 24 PDHs earned upon completion of one or more qualifying activity.

B. A licensee will not be eligible to earn PDHs for a professional development activity that has not been previously approved for credit by ASLA, LACES, CLARB, or the Board.

.04 Qualifying Activities.

A. In order for an activity to be considered a qualifying activity, the activity shall meet the following criteria:

(1) Maintain and enhance professional competency of licensed landscape architects;

(2) Foster improvement, advancement, and extension of professional skills and knowledge related to the practice of landscape architecture;

(3) Offer learning experiences relevant to current landscape architectural practices as they relate to the public health, safety, and welfare; and

(4) Be presented, led or taught at a professional level by well-qualified professionals in the learning environment conducive to learning and appropriate for accomplishing learning objectives described in these regulations.

B. Qualifying activities may fall into one or more of the following categories:

(1) Research, analysis, assessment, conservation, preservation, and enhancement of land use;

(2) Selection and allocation of cultural, historic, and natural resources;

(3) Laws and regulations applicable to the practice of landscape architecture in Maryland;

(4) Standards of practice or care;

(5) Professional ethics as applicable to the practice of landscape architecture; or

(6) Similar topics aimed to maintain, improve, or expand the skills and knowledge relevant to the practice of landscape architecture.

.05 Nonqualifying Activities.

Activities that do not meet the criteria set forth in Regulation .04 shall be considered to be nonqualifying activities, including, but not limited to, the following:

A. Regular employment as a licensed landscape architect or teacher or serving as an expert witness;

B. Repetitive attendance of the same programs without substantial modifications or updates;

C. Time management techniques and strategies;

D. Attending committee meetings or general business meetings of any organizations; and

E. Other activities that, in the Board's opinion, are not directly related to the practice of landscape architecture.

.06 Sources of Credit and Determination of Units.

A. A licensee may earn the PDHs by any of the following methods:

(1) Attending and successfully completing qualifying activities in which the teaching methodology consists primarily of systematic presentation of subjects related to the practice of landscape architecture;

(2) Subject to limitations set forth in this regulation, teaching, lecturing on, or instructing on the subjects related to landscape architecture in the environment described in §A(1) of this regulation; or

(3) Other appropriate methods that may from time to time be approved by the Board.

B. A licensee may earn the applicable number of PDHs in accordance with the following conversion schedule:

(1) 1 college credit hour — 5 PDHs

(2) 1 contact hour of professional development work, or professional or technical presentations made at meetings, conventions, or conferences — 1 PDH;

(3) Subject to exclusions set forth in this regulation, teaching, lecturing on, or instructing on landscape architecture and related subject matters, subject to the following limitations:

(a) For the first time presentation, a presenter may claim credit for the activity that is equivalent to two times the number of PDHs awarded by the Board for the activity; and

(b) Unless the presentation had been substantially modified and updated for the subsequent presentations or is being presented to a different group of recipients, a presenter may claim only the same number of PDH as awarded by the Board to the recipients of the qualifying activity.

C. The final determination of value, sources, and number of credits is within the discretion of the Board.

.07 Approval Process.

A. Entities or individuals, including, but not limited to, professional firms conducting in-house presentations, may submit a specific professional development activity for review and approval by the Board.

B. During the application process, the Board or the Board's designee will evaluate the suitability of the activity and the qualifications of presenter.

C. The presenter shall submit adequate information to enable the Board or the Board's designee to evaluate the professional development activity. At a minimum, the Board requires the following information to be submitted with each application for approval:

(1) The types and descriptions of proposed or existing programs intended to be offered;

(2) The number of PDHs to be awarded for each activity; and

(3) The identity and qualifications of the instructors.

D. The Board may require presenters to document the offered activities for audit

E. The Board may suspend or revoke its approval of an activity if, in the judgment of the Board, the intent of Business Occupations and Professions Article, §9-309, Annotated Code of Maryland, is no longer served or a presenter materially changed the content of the activity without the prior written approval of the Board.

.08 Record Keeping.

A. Responsibility to Maintain Records.

(1) The responsibility of maintaining records to be used to support the continuing professional competency credit claim is the responsibility of each licensee.

(2) A licensee shall maintain the records for a period of at least 4 years from the date of completion of the qualifying activity.

B. Documentation referred to in §A(2) of this regulation, includes, but is not limited to, the following:

(1) Certificates of participation;

(2) Transcripts; or

(3) Any other appropriate evidence acceptable to the Board.

C. The Board may request ASLA, LACES, CLARB, and any presenters approved by the Board to electronically transmit to the Board records of attendance, completion of a qualifying activity by an individual licensee, and any other pertinent information requested by the Board.

.09 Reporting Requirements for License Renewal.

A. A licensee shall attest to the satisfactory completion of the CPC requirements set forth in this chapter before the licensee's license expiration date.

B. The Board at its discretion may audit licensees to ascertain compliance with CPC requirements.

C. Licensees who are audited shall provide within 30 days of receipt of electronic notice of audit from the Board any additional documentation required by the Board to complete the audit.

.10 Extenuating Circumstances/Exceptions.

A. Exemptions. Notwithstanding other requirements set forth in this chapter, a licensee may renew a license for the next full term without complying with the CPC requirements if:

(1) A licensee has been granted an initial license and is renewing a license for the next full term; or

(2) A licensee qualifies under the criteria set forth in Title 2.5, Business Regulation Article, Annotated Code of Maryland.

B. Compliance Exception Request.

(1) If a licensee is unable to comply with all or part of CPC requirements due to physical disability, illness, or other extenuating circumstances, the licensee may request the Board or the Board's administrative designee to grant a one-time exception from compliance, provided that

the request is filed with the Board or the Board's administrative designee prior to the licensee's license expiration date.

(2) If the request is based on physical disability or illness, the licensee must provide the Board or the Board's administrative designee with a written documentation acceptable to the Board supporting the basis for the request.

(3) The request must be accompanied by a detailed proposal acceptable to the Board indicating a licensee's intended plan of compliance with the CPC requirements within no later than 6 months after the license expiration date. Failure to provide the acceptable plan of compliance within the time period specified in this regulation may result in the Board's administrative dismissal of the request.

.11 Failure to Meet the CPC Requirements.

In the event a licensee fails to comply with the CPC requirements set forth in this chapter, the Board, subject to the hearing provisions of Business Occupations and Professions Article, §9–312, Annotated Code of Maryland, may take any and all available disciplinary actions under Business Occupations and Professions Article, §9–310, Annotated Code of Maryland.

.12 Reinstatement of License.

A licensee who wishes to reinstate a license shall fulfill past due CPC requirements for the immediately preceding CPC reporting periods up to 48 PDHs and pay all applicable fees.

.13 CPC Units Earned in Other States.

The Board will accept CPC units earned for activities completed in other jurisdictions, provided that:

- A. The activity has been approved by a licensing board in another jurisdiction; and
- B. The licensee otherwise fulfills all other applicable license renewal requirements in the State of Maryland.

Effective date: February 12, 2018 (45:3 Md. R. 156)