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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF LANDSCAPE ARCHITECTS

TIME: 10:54 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE
2601 North Third Street
One Penn Center, Board Room C
Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

June 16, 2022

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State Board of Landscape Architects
June 16, 2022

BOARD MEMBERS:

David B. Morgan, RLA, Chairman, Professional Member - Absent
Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs - Absent
Dina Klavon, RLA, Secretary, Professional Member
Brett W. Mauser, Office of Attorney General, Bureau of Consumer Protection
Edward J. Rak, Public Member
Richard P. Rauso, RLA, Professional Member
Patrick A. West, Nurseryman, Professional Member

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Senior Board Counsel
C. William Fritz II, Esquire, Board Counsel
Ray Michalowski, Esquire, Senior Board Prosecutor
Carolyn A. DeLaurentis, Deputy Chief Counsel, Prosecution Division
Caroline A. Bailey, Esquire, Board Prosecution Liaison
Terrie Kocher, Board Administrator
Danie Bendesky, Director of Intergovernmental Affairs, Department of State
Marc Farrell, Deputy Director, Office of Policy, Department of State
Andrew LaFratte, MPA, Executive Policy Specialist, Department of State

ALSO PRESENT:

Ted Mowatt, CAE, Vice President, Wanner Associates, on behalf of the Pennsylvania-Delaware Chapter of the American Society of Landscape Architects

1 ***

2 State Board of Landscape Architects

3 June 16, 2022

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 10:00 a.m. the Board entered into Executive
7 Session with C. William Fritz II, Esquire, Board
8 Counsel, for the purpose of conducting quasi-judicial
9 deliberations on matters pending before the Board and
10 to receive the advice of Counsel. The Board returned
11 to open session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Landscape Architects was held on Thursday,
15 June 16, 2022. Dina Klavon, RLA, Secretary,
16 Professional Member, called the meeting to order at
17 10:54 a.m. and informed everyone that Chairman Morgan
18 is on vacation.

19 ***

20 [C. William Fritz II, Esquire, Board Counsel, noted
21 the Board met in Executive Session prior to open
22 session and conducted quasi-judicial deliberations.

23 Mr. Fritz also noted the meeting was being
24 recorded, and those who continued to participate were
25 giving their consent to be recorded.]

1 ***

2 Roll Call

3 [A roll call of Board members was taken by Secretary
4 Klavon.]

5 ***

6 Introduction of Attendees

7 [C. William Fritz II, Esquire, Board Counsel,
8 provided an introduction of those in attendance.]

9 ***

10 Appointment - Prosecution Division Annual Report
11 Presentation

12 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
13 Counsel, Prosecution Division, presented to the Board
14 to provide a summary of the prosecution division's
15 workload during 2021.

16 Ms. DeLaurentis informed the Board that 4 cases
17 were opened and 10 cases closed in 2021 as of January
18 1, 2022. She reported 8 cases remain open for the
19 State Board of Landscape Architects.

20 Ms. DeLaurentis discussed enforcement actions,
21 noting 2 cases resulted in discipline in 2021 with
22 both of those cases resulting in fines. She also
23 reported 3 warning letters in 2021.

24 Ms. DeLaurentis addressed the prosecutorial
25 division numbers as a whole, noting zero COVID

1 complaints against Landscape Architects. She noted
2 one complaint COVID complaint may result in more than
3 one case being opened. She reported 1,223 cases were
4 opened regarding COVID complaints in 2020 and 543 in
5 2021. She stated COVID complaints have significantly
6 decreased but that complaints are still treated as
7 priority and managed.

8 Ms. DeLaurentis reported 18,363 cases were opened
9 in 2021, which was an increase from 2020 at 13,393
10 and believed 2021 to be a record. She thanked the
11 administrative assistants for processing so many
12 files. She reported 15,994 cases were closed in
13 2021, which is an increase from 2020 at 13,274. She
14 noted 15,141 open cases as of January 1, 2022.

15 Ms. DeLaurentis stated the cases do not include
16 charities, corporations, or the Pennsylvania State
17 Athletic Commission. She thanked prosecution,
18 counsel attorneys, and the Board for their combined
19 effort in protecting the health and safety of the
20 public and the integrity of the profession.

21 Mr. Rauso asked how many Landscape Architecture
22 Board actions were related to continuing education
23 violations.

24 Mr. Michalowski stated the vast majority have
25 been fines, and there are not many public complaints

1 for landscape architects. He reported a few lapsed
2 license cases that usually end up in warning letters.
3 He noted most of the discipline cases are for
4 continuing education (CE) and believed both of the
5 fines for 2021 were CE cases.]

6

7 Approval of minutes of the November 18, 2021 meeting
8 [The Board tabled the minutes till the next meeting
9 because a quorum was not present.]

10

11 Report of Board Prosecution

12 [Caroline A. Bailey, Esquire, Board Prosecutor, had
13 nothing to present from prosecution but offered to
14 answer any questions.]

15

16 Report of Board Counsel

17 [C. William Fritz II, Esquire, Board Counsel,
18 referred to the proposed annex and preamble for 16A-
19 6121 regarding Act 41. He explained that the annex
20 is proposed language for the regulations and the
21 Board would see and vote on any changes or final
22 language as it moves forward. He also mentioned that
23 the preamble is an explanation of why the Board was
24 doing what it was doing.

25

Mr. Fritz stated Act 41 is a relatively new act

1 that allows a different avenue for licensees who are
2 licensed in another state to apply for licensure in
3 Pennsylvania. He explained that an applicant is able
4 to apply for an Act 41 provisional license if their
5 license is in good standing in another state and if
6 the requirements in the state are substantially
7 equivalent to Pennsylvania. He noted that some
8 licensees may be required to take continuing
9 education.

10 Mr. Fritz further explained that a provisional
11 license is good for a maximum of 12 months with an
12 additional extension permitted under certain
13 situations requested by the licensee and approved by
14 the Board. He mentioned that any required continuing
15 education could be completed within 12 months and
16 would flip to a full license if completed earlier.]

17 MR. FRITZ:

18 If everyone has had a chance to review
19 that, the Board would entertain a motion
20 to approve the Act 41 Proposed Annex and
21 Preamble as written.

22 I need someone to make a motion and
23 a second.

24 SECRETARY KLAVON:

25 Do I have a motion?

1 MR. RAUSO:

2 I'll make a motion to accept the Act 41
3 Annex as written.

4 MR. WEST:

5 I'll second that.

6 SECRETARY KLAVON:

7 Dina Klavon, yea; Brett Mauser, aye;
8 Edward Rak, aye; Rich Rauso, aye;
9 Patrick West, aye.

10 [The motion carried unanimously.]

11 ***

12 Report of Board Counsel

13 [C. William Fritz II, Esquire, Board Counsel,
14 reported being in the final stages of the digital
15 seals and signatures regulations. He mentioned that
16 it may be published and ready to go by the end of
17 summer.]

18 ***

19 Report of Acting Commissioner - No Report

20 ***

21 Report of Board Chairman - No Report

22 ***

23 Report of Board Administrator

24 [Terrie Kocher, Board Administrator, noted the Annual
25 Council of Landscape Architectural Registration

1 Boards (CLARB) Meeting is September 21-23, 2022, in
2 Omaha, NE, and will be held in person and virtually.

3 No Board members wished to attend the meeting, but
4 Mr. Fritz suggested getting in touch with
5 Chairman Morgan to see if he would like to attend to
6 get the paperwork started and then have an official
7 vote of approval at the next Board meeting.

8 Mr. Fritz commented that all out-of-state travel
9 is voted on early to allow time for it to go through
10 the approval process.]

11 ***

12 Adjournment

13 SECRETARY KLAVON:

14 We need a motion to adjourn.

15 MR. MAUSER:

16 I so move to close the meeting.

17 SECRETARY KLAVON:

18 Do we have a second?

19 MR. RAK:

20 Second.

21 SECRETARY KLAVON:

22 Thank you.

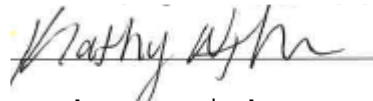
23 ***

24 [There being no further business, the State Board of
25 Landscape Architects Meeting adjourned at 11:17 a.m.]

1 ***

2
3 CERTIFICATE

4
5 I hereby certify that the foregoing summary
6 minutes of the State Board of Landscape Architects
7 meeting, was reduced to writing by me or under my
8 supervision, and that the minutes accurately
9 summarize the substance of the State Board of
10 Landscape Architects meeting.

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14 Kathryn Witherow,

15 Minute Clerk

16 Sargent's Court Reporting
17 Service, Inc.

STATE BOARD OF LANDSCAPE ARCHITECTS
REFERENCE INDEX

June 16, 2022

TIME	AGENDA
10:00	Executive Session
10:30	Return to Open Session
10:54	Official Call to Order
10:54	Roll Call
10:54	Introduction of Attendees
10:56	Appointment - Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel, Prosecution Division, Annual Report Presentation
11:03	Report of Prosecution
11:03	Report of Board Counsel
11:15	Report of Board Administrator
11:17	Adjournment