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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
CONDUCTED VIA TELECONFERENCE**

TIME: 9:10 A.M.

June 18, 2020

1 State Board of Landscape Architects
2 June 18, 2020
3
4

5 BOARD MEMBERS:
6

7 David B. Morgan, RLA, Chairman, Professional Member
8 K. Kalonji Johnson, Commissioner, Bureau of
9 Professional and Occupational Affairs
10 Dina Klavon, RLA, Secretary, Professional Member
11 Patrick A. West, Professional Member
12 Edward J. Rak, Public Member
13 Richard P. Rauso, RLA, ASLA, Professional Member
14 Brett W. Mauser, Office of Attorney General, Bureau of
15 Consumer Protection
16
17

18 BUREAU PERSONNEL:
19

20 C. William Fritz II, Esquire, Board Counsel
21 Tiffany A. Raker, Esquire, Board Prosecution Liaison
22 Ray Michalowski, Esquire, Senior Prosecution Liaison
23 Terrie Kocher, Board Administrator
24 Dean F. Picarella, Esquire, Senior Counsel
25 Kimberly Adams, Chief of Fiscal Management, Bureau of
26 Finance and Operations, Department of State
27 Andrew LaFratte, MPA, Policy Office, Department of
28 State
29 Marc Farrell, Deputy Policy Director, Department of
30 State
31 Theodore Stauffer, Executive Assistant, Bureau of
32 Professional and Occupational Affairs
33 Caleb Acker, Intern, Department of State
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1 ***

2 State Board of Landscape Architects

3 June 18, 2020

4 ***

5 The regularly scheduled meeting of the State
6 Board of Landscape Architects was held on Thursday,
7 June 18, 2020. David B. Morgan, RLA, Chairman,
8 Professional Member, called the meeting to order at
9 9:10 a.m. Roll call was taken.

10 ***

11 Appointment - Bureau of Finance and Operations

12 2019-2020

13 Budget Presentation

14 [Kimberly Adams, Chief of Fiscal Management, Bureau of
15 Finance and Operations, Department of State, addressed
16 licensee population from a revenue standpoint. She
17 noted 965 licensees in FY 2015-2016 with an increase
18 in FY 2017-2018 to 969 and again in FY 2019-2020 at
19 985, which was up 20 from FY 2015-2016 with a current
20 licensee count as of this morning at 987 licensees.

21 Ms. Adams reviewed revenue by source. She
22 reviewed categories and actual revenue for FY 2017-
23 2018 and FY 2018-2019, noting the biennial total. She
24 stated 97.2 percent of the revenue was from renewals
25 and applications. She noted the last fee increase in

1 2010 at \$194 biennially.

2 Ms. Adams provided a categorical breakdown of
3 expenses for FY 2017-2018 and FY 2018-2019 with a
4 current budget for FY 2019-2020 and expenses as of
5 June 2, 2020. She noted a recent increase in
6 expenses, noting the current total expenses. She
7 mentioned expenses incur from direct-based charges,
8 timesheet-based charges, and licensee-based charges.
9 She stated the Board was currently under budget.

10 Ms. Adams reviewed revenues and expenses for FY
11 2017-2018 and FY 2018-2019, noting the current budget
12 for this fiscal year. She reviewed the FY 2019-2020
13 biennially revenue and expenses.

14 Ms. Adams reviewed Board member expenses, noting
15 the current budget for FY 2019-2020 and the expenses
16 as of June 2, 2020, which was well within the \$10,000
17 range and adequate to carry forward to the FY 2020-
18 2021 budget. She stated any excess money not used
19 stays in the restricted account for the Board's use.]

20

21 Approval of minutes of the August 15, 2019 meeting

22 CHAIRMAN MORGAN:

23 Has anyone had an opportunity to look at
24 them, has any questions, or would like to
25 make a motion, feel free.

1 MR. RAUSO:

2 I'll make a motion to accept the Board
3 meeting minutes from August.

4 MR. WEST:

5 Second.

6 CHAIRMAN MORGAN:

7 We have a second. Everyone in agreement,
8 please state by saying aye. Anyone
9 opposed?

10 [The motion carried. Chairman Morgan and Commissioner
11 Johnson abstained from voting on the motion.]

12 ***

13 Report of Board Counsel

14 [C. William Fritz II, Esquire, Board Counsel, noted
15 landscape architect examination applications for
16 review during executive session.

17 Mr. Fritz referred to 16A-6121 regarding
18 licensure by endorsement under Act 41. He mentioned
19 prior discussion in the past regarding creating a
20 provisional license for individuals coming from other
21 states that are substantially equivalent to
22 Pennsylvania. He noted the Board had the authority to
23 grant a provisional license good for 12 months with
24 certain stipulations the Board finds relative, which
25 moved to a regular license once that was completed.

1 Mr. Fritz informed the Board that Act 41 went out
2 for public comment at the end of April but received no
3 comments as of yet.

4 Mr. Fritz referred to 16A-6120 regarding schedule
5 of civil penalties. He explained that having Act 48
6 citations available was equivalent of a ticket, where
7 instead of recommending full action, individuals could
8 be levied a civil penalty or citation. He noted the
9 last time the Board worked on Act 48 was in 2014 and
10 asked the Board's permission to continue working on
11 getting this approved.

12 Mr. Fritz explained that even when someone was
13 getting a citation for an alleged violation under this
14 regulation, the Board still has the opportunity to
15 take it to a hearing before a hearing examiner. He
16 also explained that it was quicker than having to wait
17 for a prosecutor to apply an order to show cause,
18 which is a formal action.

19 Mr. Fritz referred to 16A-6112 regarding
20 electronic seals. He noted it to be moving quickly
21 and is hopeful to have that done by the end of the
22 year.

23 Mr. Fritz noted no landscape architect status of
24 cases.

25 Mr. Fritz mentioned prior discussion in November

1 concerning general revisions of the regulations. He
2 noted no need to raise fees.]

3 ***

4 Report of Prosecutorial Division

5 [Tiffany A. Raker, Esquire, Board Prosecution Liaison,
6 noted no agenda items today. She informed the Board
7 that Prosecution has been working from home since
8 March and are continuing to review cases.]

9 ***

10 Report of Board Chairman

11 [David B. Morgan, RLA, Chairman, Professional Member,
12 addressed continuing education credits and questioned
13 whether the Board would want to entertain modifying
14 the 12 in-person hours.

15 Mr. Fritz commented that other Boards had done
16 certain waivers for continuing education (CE)
17 requirements and could move forward and request that
18 for this Board as well.

19 Ms. Kocher commented that the Council of
20 Landscape Architectural Registration Boards (CLARB)
21 Meeting was going to the web. She noted enquires
22 regarding courses and meetings being canceled, along
23 with only a small amount of in-person courses
24 available to licensees.

25 Mr. Rauso informed the Board that the 2020

1 American Society of Landscape Architects (ASLA)
2 Pennsylvania-Delaware Chapter Meeting has been
3 rescheduled for November. He stated licensees have
4 the opportunity in November to receive 12 CEs during
5 that meeting.

6 Mr. Rauso also noted a meeting scheduled in March
7 2021 in State College prior to the expiration of
8 licenses, where individuals will be able to receive 12
9 in-person credits. He mentioned the American Society
10 of Landscape Architects Conference in October was
11 still on track to be held in Miami, where individuals
12 can receive up to 17 CEs.

13 Ms. Klavon noted her concerns and the importance
14 of being prepared if another round of COVID-19 was
15 expected. She suggested modifying the ratio, noting
16 that November may be too far away, and the waiver
17 should be discussed now.

18 Mr. Rauso stated, when the American Society of
19 Landscape Architects rescheduled the meeting to
20 November, people were given the opportunity to get a
21 refund on their registration, where there are about
22 125 registrants right now and about 5 people who
23 decided to get a refund. He also noted the American
24 Society of Landscape Architects Conference was also
25 concerned about COVID-19 and doing everything to make

1 sure everybody was safe.

2 Commissioner Johnson suggested having a
3 discussion regarding adding a potential waiver to some
4 of the existing waivers in case conditions
5 deteriorate.

6 Ms. Klavon suggested a waiver just for this year
7 and allowing individuals to be able to get all of
8 their credits online until COVID-19 was put to rest.

9 Chairman Morgan noted concern regarding
10 registration fees and the impact on ASLA.

11 Mr. Michalowski commented that the majority of
12 cases received from the Board for prosecution are
13 failure to complete CE courses, and the people who
14 fail to complete them are the ones who wait to do them
15 and then do not have enough time to complete them.

16 Ms. Klavon suggested the waiver be all online for
17 2021 and then go back to normal.

18 Ms. Kocher cautioned the Board not to wait beyond
19 the August meeting to make a decision because there
20 are a lot of people who do not want to wait until the
21 last minute to get an in-person course.

22 Commissioner Johnson noted the Board would not be
23 prohibiting folks from getting their CEs in person but
24 giving them the option for all 24 online as opposed to
25 12 and 12.

1 Mr. West recommended not putting it off till
2 November and making a decision today.]

3 ***

4 MS. KLAVON:

5 I'll make a motion.

6 MR. JOHNSON:

7 Second.

8 CHAIRMAN MORGAN:

9 All in favor, please signify by saying
10 aye. Anyone opposed?

11 [The motion carried unanimously.]

12 ***

13 [Ms. Klavon clarified the motion, where the Board was
14 making a motion to allow Pennsylvania Landscape
15 Architects to receive the 24 CEUs online until May
16 2021.]

17 Mr. Fritz commented that waiver requests seem to
18 be approved relatively quickly and will have something
19 available for Ms. Kocher to send to Board members if
20 it was approved.

21 Mr. Fritz referred to § 15.73 regarding
22 acceptable continuing education hours, noting where it
23 reads, "only a maximum of 1/2" the required hours are
24 allowed to be removed could be waived to read "all of
25 the hours just for this biennial period. He will also

1 add, "May achieve all of their 24 hours of CE via
2 satellite, Zoom webinars, electronic presentations, or
3 correspondence courses."]

4 ***

5 Report of Board Administrator

6 [Terrie Kocher, Board Administrator, referred to the
7 Council of Landscape Architectural Registration Boards
8 Uniform Application Survey. She explained that CLARB
9 was trying to go to a uniform licensure application
10 and is asking individual Boards whether it is possible
11 in their state.

12 Ms. Kocher commented that she does not believe it
13 is going to work for the Board because applications go
14 through the Pennsylvania Licensing System (PALS). She
15 will discuss the matter further with Mr. Fritz and
16 send it out to the members for review.]

17 ***

18 Report of Commissioner

19 [K. Kalonji Johnson, Commissioner, Bureau of
20 Professional and Occupational Affairs, thanked Board
21 members for their patience and flexibility while
22 transitioning to the web platform. He acknowledged
23 Mr. Fritz, Ms. Kocher, and Mr. Farrell keeping up with
24 the applications and questions being generated. He
25 also thanked stakeholders and licensees and hopes the

1 bureau and department will be able to accommodate
2 those able to get back to practicing. He also thanked
3 Ray Stafford, Lisa Lopez, and Ted Stauffer.

4 Mr. Fritz congratulated Commissioner Johnson on
5 his role as Commissioner of the Bureau of Professional
6 and Occupational Affairs.

7 Chairman Morgan also noted his appreciation of
8 everyone.]

9 ***

10 Miscellaneous

11 [David B. Morgan, RLA, Chairman, Professional Member,
12 noted the remaining 2020 Board meetings of August 20
13 and November 19.]

14 ***

15 For the Board's Information

16 [Terrie Kocher, Board Administrator, noted 2021
17 meeting dates for the Board's review.

18 Mr. West questioned whether the Board would need
19 to vote for officers due to cancelation of the
20 November 2019 meeting.]

21 ***

22 MR. WEST:

23 I make a motion to have the chairman and
24 secretary be reelected.

25 MR. RAUSO:

1 I'll second that

2 CHAIRMAN MORGAN:

3 All in favor? Any opposed?

4 [The motion carried unanimously. Ms. Klavon is the
5 secretary. Mr. David Morgan is the chairman.]

6 ***

7 [David B. Morgan, RLA, Chairman, Professional Member,
8 questioned whether anyone had any issues with being
9 reappointed.]

10 Commissioner Johnson thanked the legislature for
11 making appointments possible.]

12 ***

13 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
14 10:38 a.m. the Board entered into Executive Session
15 with C. William Fritz II, Esquire, Board Counsel, for
16 the purpose of conducting quasi-judicial deliberations
17 on matters pending before the Board and to receive the
18 advice of Counsel. The Board returned to open session
19 at 12:05 p.m.]

20 ***

21 MOTIONS

22 MR. FRITZ:

23 The Board met in executive session and
24 conducted quasi-judicial deliberations in
25 the following matters:

1 Motion.

2 CHAIRMAN MORGAN:

3 We have a motion by Ed. Second?

4 MS. KLAVON:

5 Second.

6 CHAIRMAN MORGAN:

7 Dina seconded the motion. We are
8 officially adjourned.

9 [The motion carried unanimously.]

10 ***

11 [The State Board of Landscape Architects Meeting
12 adjourned at 12:11 p.m.]

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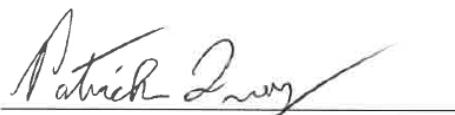
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CERTIFICATE

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



Patrick Troy,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF LANDSCAPE ARCHITECTS
REFERENCE INDEX

June 18, 2020

TIME	AGENDA
9:10	Official Call to Order
9:11	Roll Call
9:14	Appointment - Kimberly Adams, Chief of Fiscal Management, Bureau of Finance and Operations Annual Budget Presentation
9:24	Approval of Minutes
9:26	Report of Board Counsel
9:44	Report of Prosecutorial Division
9:45	Report of Board Chairman
10:22	Report of Board Administrator
10:26	Report of Commissioner
10:32	Miscellaneous
10:33	For the Board's Information
10:38	Executive Session
12:05	Return to Open Session
12:08	Motions
12:11	Adjournment