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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: 9:30 A.M.

Board Room C
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

August 15, 2019

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State Board of Landscape Architects
August 15, 2019

BOARD MEMBERS:

David B. Morgan, RLA, Chairman, Professional Member
K. Kalonji Johnson, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Dina Klavon, RLA, Secretary, Professional Member
Patrick A. West, Professional Member
Edward J. Rak, Public Member
Richard P. Rauso, RLA, ASLA, Professional Member
Brett W. Mauser, Office of Attorney General, Bureau of
Consumer Protection

BUREAU PERSONNEL:

C. William Fritz II, Esquire, Board Counsel
Robert B. Armour, Esquire, Board Prosecution Liaison
Terrie Kocher, Board Administrator
Marc Farrell, Deputy Policy Director, Department of
State
Carolyn A. DeLaurentis, Deputy Chief Counsel,
Prosecution Division

ALSO PRESENT:

Ted Mowatt, Wanner Associates, on behalf of the
American Society of Landscape Architects

1 ***

2 State Board of Landscape Architects

3 August 15, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Landscape Architects was held on Thursday,
7 August 15, 2019. David B. Morgan, RLA, Chairman,
8 Professional Member, called the meeting to order at
9 9:30 a.m. Roll call was taken.

10 K. Kalonji Johnson, Acting Commissioner, Bureau
11 of Professional and Occupational Affairs, was not
12 present at the commencement of the meeting.

13 ***

14 Landscape Architects Board Vacancies

15 [Chairman Morgan noted two Board vacancies, one public
16 member and one Pennsylvania nurseryman.]

17 ***

18 [Chairman Morgan requested all visitors identify
19 themselves.]

20 ***

21 Appointment - Carolyn A. DeLaurentis, Esquire, Deputy

22 Chief Counsel, Prosecution Division Presentation

23 [Carolyn A. DeLaurentis, Esquire, Deputy Chief

24 Counsel, Prosecution Division, introduced herself and

25 provided a brief summary of her professional

1 background.

2 Ms. DeLaurentis provided information for the
3 Pennsylvania State Board of Landscape Architects for
4 FY 2018-2019, noting that 7 files were opened with 6
5 open cases as of July 1, 2019.

6 Ms. DeLaurentis noted that the Board did not have
7 to impose any public discipline action in the last
8 fiscal year.

9 Ms. DeLaurentis commented that the prosecution
10 division has the ability to immediately temporarily
11 suspend a license if the individual is deemed to be an
12 immediate danger to the health and safety of the
13 public. She commended the investigators and the
14 Bureau of Enforcement and Investigation for working
15 diligently to try to serve individuals the same day.

16 Ms. DeLaurentis noted 69 immediate temporary
17 suspensions in the prosecution division in
18 FY 2018-2019. She noted 11,359 open cases as of July
19 1, 2019. She reviewed the last fiscal year, noting
20 that 14,030 files were opened, which was an increase
21 from 12,604 the prior year.

22 She noted the Pennsylvania Licensing System
23 (PALS) and the Pennsylvania Justice Network (JNET)
24 contributed to the increase because the prosecution
25 division now receives an alert when licensees from all

1 of the Boards and Commissions are arrested, charged,
2 or convicted. She also noted 13,270 closed files the
3 last fiscal year.

4 Ms. DeLaurentis discussed the Office of General
5 Counsel's Mediation Program, which is at no cost to
6 the respondent or the Board. She noted that the case
7 essentially goes before a third party to provide
8 guidance on a resolution. She mentioned that consent
9 agreements will reflect whether the case was the
10 result of mediation.]

11 ***

12 Approval of minutes of the March 28, 2019 meeting

13 CHAIRMAN MORGAN:

14 The next item is approval of the March
15 draft minutes. Any corrections or
16 comments?

17 I need a motion and a second.

18 MR. RAUSO:

19 I'll make the motion to approve the
20 March 28 minutes.

21 MR. WEST:

22 Second.

23 CHAIRMAN MORGAN:

24 A second was made. All in favor? Any
25 opposed?

1 [The motion carried unanimously.]

2

3 Report of Board Counsel

4 [C. William Fritz II, Esquire, Board Counsel, stated
5 that there were not many disciplinary proceedings
6 before the Board, but there was a good deal of
7 movement as far as regulations. He mentioned that the
8 electronic seal regulation package was completed and
9 onto the next step in the regulatory process. He
10 explained that the package was being sent together
11 with the architects licensure and professional
12 engineers' packages as they almost mirror each other
13 as far as the language. He stated the package was
14 currently being reviewed.

15 Mr. Fritz stated that in-house counsel knows all
16 of the stylistic requirements by the Office of General
17 Counsel (OGC) because of the issues and corrections to
18 all three packages.

19 Mr. Fritz addressed the electronic seal
20 regulation that allows licensees to electronically
21 seal their designs, noting that this is permissible
22 but not mandated. He stated the electronic seal
23 regulation was put at the top of the list along with
24 nine others by the Governor. He will inform the Board
25 of the packages movement to the next stage.

1 Marc Farrell, Deputy Policy Director, Department
2 of State, commented on his review of the regulations
3 for all of the agencies while at the Governor's Policy
4 Office. He is familiar with the package, noting that
5 it had been seen a couple of times and was further
6 along in the process than envisioned.

7 Mr. Fritz referred to 16A-6111 regarding the
8 proposed General Revisions Annex previously approved
9 by the Board. He is eager for movement on the
10 regulation.

11 Ms. Kocher referred to § 15.11(b) regarding filing
12 procedures. She questioned whether applicants are
13 required to complete a Council of Landscape
14 Architectural Registration Boards (CLARB) Council
15 Record, as she felt the language would lead an
16 applicant to submit to the CLARB Council Record.

17 Ms. Kocher also referred to § 15.11(c), where it
18 reads, "Concurrent with or after submitting the
19 licensure application to the Board, an applicant shall
20 submit an application for examination directly to
21 professional testing organization CLARB." She stated
22 the law reads that the Board requires preapproval and
23 would not be able to go to CLARB concurrently with
24 filing an application to the Board.

25 Mr. Fritz noted the language to read, after

1 submitting an application to the Board.

2 Ms. Kocher suggested indicating that once an
3 individual is approved to take the examination by the
4 Board, the individual would then have to contact CLARB
5 to register, possibly combining § 15.11 (c) and (e) to
6 better clarify the information.

7 Mr. Fritz will redraft the language and bring it
8 back at the next meeting.

9 Mr. Rauso referred to § 15.76 regarding
10 preapproved providers of continuing education courses.
11 He referred to § 15.76(a)(6), questioning whether the
12 Pennsylvania Recreation and Park Society (PRPS) falls
13 under the umbrella of the National Recreation and Park
14 Association and its chapters. He suggested adding
15 PRPS to the list of preapproved providers.

16 Mr. Fritz addressed why some Boards use the
17 language Board-approved providers compared to
18 specifically naming providers on a list. He stated
19 many Boards just use language that says continuing
20 education providers that have been approved by the
21 Board, which could then be listed on the website. He
22 commented that a problem with this would be the Board
23 could get a lot of phone calls from people who do not
24 look on the website.

25 Mr. Fritz referred to § 15.41(a)(1), where it

1 reads, "The variety of projects may include
2 experience." He suggested considering other
3 experience to determine whether it may be
4 substantially equivalent.

5 Ms. Klavon questioned § 15.41(a)(1) and why the
6 Board would accept an applicant without a bachelor's
7 or master's degree in landscape architecture. Mr.
8 Fritz explained that someone who has been a landscape
9 architect for 10-15 years may not have a bachelor's or
10 master's degree, because the other state may not
11 require the same for licensure. He commented that the
12 Board has the ability to review each state
13 individually to determine substantial equivalency to
14 Pennsylvania for consideration of approval.

15 Ms. Kocher referred to the Landscape Architects'
16 Registration Law Section 6(b)(iii), in lieu of
17 graduation from an approved college or school of
18 landscape architecture and the practical experience in
19 addition thereto, an applicant may be admitted to the
20 examination upon presenting evidence of at least eight
21 years of actual practical experience. She explained
22 that this is a method by which someone without a
23 bachelor's or master's degree could come to
24 Pennsylvania.

25 Mr. Fritz stated the Board has the discretion to

1 decide whether the requirements are met or not or to
2 decide to admit individuals.

3 Ms. Kocher questioned whether it would be
4 possible for the Board to conduct a work session
5 outside of the meeting with the intention of
6 discussing each regulation section.

7 Mr. Fritz commented that the Board could schedule
8 a work session as long as the final version of the
9 Board is on the agenda and open to the public in open
10 session. He suggested tabling the matter for now and
11 scheduling a work session after the next Board
12 meeting.]

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14 [K. Kalonji Johnson, Acting Commissioner, Bureau of
15 Professional and Occupational Affairs, entered the
16 meeting at 10:08 a.m.]

17

18 [Ms. Kocher suggested a work session following the
19 meeting in November.

20 Mr. Fritz addressed Act 41, where all Boards are
21 to consider applicants from other states that have
22 licensure requirements substantially equivalent to
23 Pennsylvania to make it easier for individuals to be
24 licensed in the Commonwealth. He noted that the
25 provisional license would provide licensure for

1 individuals from other states whose requirements are
2 substantially equivalent but may be deficient in
3 certain areas to those of Pennsylvania. The applicant
4 would be provided time to fulfill the requirements.

5 Mr. Fritz stated the license will be dropped if
6 individuals do not make up the required deficiency,
7 but a regular license will be granted to those who
8 submit proof of making up the deficiency.

9 Acting Commissioner Johnson commented that the
10 period of the provisional license is determined by the
11 Board and nothing in Act 41 supersedes the Board's
12 Practice Act. He stated Act 41 is supposed to provide
13 relief for those licensed in other jurisdictions who
14 have been working and want to come to the
15 Commonwealth. He also mentioned the economic benefit
16 to the Commonwealth.

17 Acting Commissioner Johnson suggested reviewing
18 the requirements in other jurisdictions to determine
19 if they are substantially equivalent and competent.
20 He noted that guidance is available in the Act
21 concerning competency.

22 Acting Commissioner Johnson suggested forming an
23 application subcommittee or qualification subcommittee
24 of one or two Board members to review applications.
25 He noted the Board has 18 months to promulgate

1 regulations. Act 41 will become effective on August
2 29, 2019. He stated the members of the applications
3 subcommittee would have to decide whether the
4 requirements in other states are substantially
5 equivalent, if the applicant is competent, has been
6 practicing actively for five years, and has no
7 convictions or discipline.

8 Mr. Fritz noted that the only difference in how
9 the Board currently reviews applicants is the survey
10 questions on the website, where a person coming from
11 another state filed an application for licensure by
12 endorsement and did not qualify to apply. He stated
13 the current practice is for the applications to be
14 submitted for the committee to review.

15 Mr. Fritz stated the applicants are either going
16 to be acceptable for licensure by endorsement or an
17 Act 41 provisional license provided should they obtain
18 the deficient requirements within a certain period of
19 time.]

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21 Report of Prosecutorial Division - No Report

22

23 Report of Board Chairman

24 [David B. Morgan, RLA, Chairman, Professional Member,
25 mentioned his inability to attend the CLARB Annual

1 Meeting at the end of September. Ms. Kocher noted
2 that Mr. West was willing to attend.

3 Acting Commissioner Johnson noted the new
4 Commonwealth Out-of-State Travel Application (COSTA)
5 portal.

6 Mr. West stated the meeting dates for the CLARB
7 Meeting are September 26 and 27, 2019.]

8 ***

9 Report of Acting Commissioner

10 [K. Kalonji Johnson, Acting Commissioner, Bureau of
11 Professional and Occupational Affairs, again noted the
12 new travel portal requirement. He mentioned that
13 there were no outstanding issues with the Board in
14 terms of applications. He noted near completion of
15 PALS development but that ongoing maintenance will
16 continue throughout next year to improve the system in
17 making it more user-friendly.]

18 ***

19 Report of Board Administrator

20 [Terrie Kocher, Board Administrator, noted the
21 continuing education waiver request for the remaining
22 hours for this renewal period based on health issues.

23 Mr. Rauso mentioned the Board's options to deny,
24 waive the remaining hours, or ask that the hours be
25 obtained while providing an extension.]

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2 MR. WEST:

3

I make a motion to accept the waiver of
continuing education requirements for
Joseph A. Hajnas.

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6 CHAIRMAN MORGAN:

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We have a motion made. Second?

8

MS. KLAVON:

9

I second.

10 CHAIRMAN MORGAN:

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All in favor? Any opposed?

12

[The motion carried unanimously.]

13

14 Miscellaneous

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[Terrie Kocher, Board Administrator, noted that the
next scheduled meeting date is November 21, 2019. She
also noted the meeting dates for 2020.]

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[C. William Fritz II, Esquire, Board Counsel, referred
back to the question regarding the National Recreation
and Park Association and its chapters and whether the
Pennsylvania Recreation and Park Society could be
included in the list.

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Mr. Rauso clarified his request to determine

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whether the PRPS Annual Conference that offers

1 continuing education credits is available to landscape
2 architects.

3 Mr. Fritz stated his interpretation of the
4 regulation would be that Pennsylvania is a chapter of
5 the National Recreation and Park Association. He
6 commented that the language was put into the
7 regulation as chapters for the Board's consideration.]

8 ***

9 Adjournment

10 CHAIRMAN MORGAN:

11 I look for a motion for adjournment.

12 MR. RAK:

13 So moved.

14 MR. JOHNSON:

15 Second.

16 CHAIRMAN MORGAN:

17 Motion was made and seconded. All in
18 favor? Any opposed?

19 [The motion carried unanimously.]

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21 [There being no further business, the State Board of
22 Landscape Architects Meeting adjourned at 10:43 a.m.]

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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.



Amber Garbinski,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF LANDSCAPE ARCHITECTS
REFERENCE INDEX

August 15, 2019

TIME	AGENDA
9:30	Official Call to Order
9:31	Roll Call
9:32	Introduction of Audience Members
9:32	Appointment - Carolyn A. DeLaurentis, Deputy Chief Counsel, Prosecution Division Presentation
9:39	Approval of Minutes
9:40	Report of Board Counsel
10:32	Report of Board Chairman
10:34	Report of Acting Commissioner
10:35	Report of Board Administrator
10:43	Adjournment