

Transcript of the Testimony of
**LANDSCAPE ARCH EXAMINERS BOARD
MEETING**

Date: February 1, 2012

CREEL COURT REPORTING, INC.
Condensed Transcript and Word Index

1230 Richland Street
Columbia, SC 29201
Phone: (803) 252-3445 / (800) 822-0896
Fax: (803) 799-5668
Email: contact@creelreporting.com

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<p>1 SOUTH CAROLINA DEPARTMENT OF</p> <p>2 LABOR, LICENSING AND REGULATION</p> <p>3 BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS</p> <p>4</p> <p>5</p> <p>6</p> <p>7 BOARD MEETING</p> <p>8</p> <p>9 *****</p> <p>10</p> <p>11</p> <p>12 Wednesday, February 1, 2012</p> <p>13 10:05 a.m. - 11:34 a.m.</p> <p>14</p> <p>15</p> <p>16 The South Carolina Board of Landscape</p> <p>17 Architectural Examiners board meeting was held at the</p> <p>18 Synergy Office Park, Kingstree Building, Room 204,</p> <p>19 110 Centerview Drive, Columbia, South Carolina, on</p> <p>20 the 1st day of February, 2012, before Christine A.</p> <p>21 Cortright, Court Reporter and Notary Public in and</p> <p>22 for the State of South Carolina.</p>	<p>1 BOARD MEMBER REPORTS:</p> <p>2 Mr. Chairman 32</p> <p>3 Ms. Dukes. 37</p> <p>4 Ms. Moorer 47</p> <p>5</p> <p>6 NOTICE OF NEXT MEETING:</p> <p>7 Mr. Chairman 51</p> <p>8</p> <p>9 Certificate 53</p>
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<p>1 APPEARANCES:</p> <p>2 BOARD MEMBERS:</p> <p>3 J. Parks McLeod, Chairman</p> <p>4 Barret D. Anderson</p> <p>5 John A. Tarkany</p> <p>6 Laura G. Dukes</p> <p>7 ADVISING THE BOARD:</p> <p>8 Jamie Saxon, Esquire</p> <p>9</p> <p>10 ALSO PRESENT:</p> <p>11 Jan Simpson, Administrator</p> <p>12 Sherri J. Moorer, Program Assistant</p> <p>13</p> <p>14 INDEX</p> <p>15 PAGE</p> <p>16 CALL TO ORDER AND STATEMENT OF PUBLIC NOTICE:</p> <p>17 Mr. Chairman 4</p> <p>18 MOTION FOR APPROVAL OF MINUTES:</p> <p>19 Motion by Ms. Dukes 5</p> <p>20 Second by Mr. Tarkany 5</p> <p>21 NEW BUSINESS:</p> <p>22 Ms. Moorer 5</p> <p>23</p> <p>24 MOTION TO ALLOW STAFF TO APPROVE APPLICATIONS</p> <p>25 THAT MEET THE LEGAL REQUIREMENTS:</p> <p>Motion by Mr. Tarkany 9</p> <p>Second by Mr. Anderson 9</p> <p>STAFF REPORTS:</p> <p>Administrative Report by Ms. Moorer 10</p> <p>Investigative Report by Ms. Wolfe 18</p> <p>MOTION TO GRANT A FORMAL COMPLAINT:</p> <p>Motion by Mr. Anderson 22</p> <p>Second by Ms. Dukes 22</p> <p>CONTINUATION OF STAFF REPORTS:</p> <p>Administrative Report by Ms. Moorer 23</p>	<p>1 CALL TO ORDER AND STATEMENT OF PUBLIC NOTICE:</p> <p>2 MR. CHAIRMAN: We will call it order the February 1,</p> <p>3 2012 South Carolina Board of Landscape</p> <p>4 Architectural Examiners meeting. Public notice</p> <p>5 of this meeting was properly posted at the</p> <p>6 South Carolina Board of Landscape Architectural</p> <p>7 Examiners office, Synergy Business Park,</p> <p>8 Kingstree Building, and provided to all</p> <p>9 requesting persons, organizations, and news</p> <p>10 media in compliance with Section 30-4-80 of the</p> <p>11 South Carolina Freedom of Information Act.</p> <p>12 We'll introduce the board members. I am Parks</p> <p>13 McLeod from Greenville, South Carolina.</p> <p>14 MR. ANDERSON: Barry Anderson from Clemson</p> <p>15 University.</p> <p>16 MR. TARKANY: John Tarkany from Charleston, South</p> <p>17 Carolina.</p> <p>18 MS. DUKES: I'm Laura Dukes from Newberry, South</p> <p>19 Carolina.</p> <p>20 MR. CHAIRMAN: And others?</p> <p>21 MR. SAXON: I'm James Saxon. You can call me Jamie.</p> <p>22 I'm the board's advice counsel.</p> <p>23 MS. MOORER: I'm Sherry Moorer. I'm the program</p> <p>24 assistant for the board.</p> <p>25 MS. SIMPSON: I'm Jan Simpson, the administrator for</p>

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1 the board.
 2 COURT REPORTER: And I'm Christine Cortright. I'm
 3 the court reporter today for the board.
 4 MOTION FOR APPROVAL OF MINUTES:
 5 MR. CHAIRMAN: Thank you. You should have received
 6 the October 19, 2011 minutes and the November
 7 23rd conference call meeting minutes.
 8 MS. DUKES: I make a motion to approve both sets of
 9 minutes.
 10 MR. CHAIRMAN: We have a motion. Do we have a
 11 second?
 12 MR. TARKANY: I second that.
 13 MR. CHAIRMAN: Any discussion? All in favor?
 14 (Ayes are heard.)
 15 MR. CHAIRMAN: Ayes have it. Thank you. Any
 16 revisions to the agenda?
 17 MS. MOORER: No.
 18 MR. CHAIRMAN: Moving on? Then we will move on to
 19 the application hearing of Darcy Elizabeth
 20 Leslie.
 21 (The application hearing for Darcy Elizabeth Leslie
 22 was heard from 10:07 a.m. until 10:47 a.m.)
 23 NEW BUSINESS:
 24 MR. CHAIRMAN: Okay. New business.
 25 MS. MOORER: I did have one question for you, and I

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1 was going to put it in my administrative
 2 report, but I could cover that under new
 3 business. I don't know if we have discussed
 4 how to handle exam applications, I mean like
 5 this one, that come in because we don't have
 6 parameters set for reviewing them. And we do
 7 have one application also for the March exam.
 8 This one is pretty clear, straightforward;
 9 degree, two-years experience under a
 10 registrant. It's pretty straightforward. We
 11 usually don't call those candidates in for a
 12 hearing when their credentials are clear, but
 13 we don't have a parameter set for that and I
 14 just wanted for us to talk a little bit about
 15 how do we handle these candidates. I believe
 16 that the board did want to review them. They
 17 didn't want that at staff level. But we just
 18 need to figure out a way to get this done.
 19 MR. CHAIRMAN: This is for the ones that do not meet
 20 the letter --
 21 MS. MOORER: These are --
 22 MR. CHAIRMAN: -- exactly?
 23 MS. MOORER: These are for the --
 24 MR. CHAIRMAN: If there's some --
 25 MS. MOORER: -- ones who do meet the letter exactly.

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1 That I get their application, and they've got
 2 the accredited degree, they've got the two
 3 years' experience under the direct supervision
 4 of a landscape architect, and they want to take
 5 the exam. I'd just like to talk about what's
 6 the best and most legally defensible way for
 7 these to be reviewed quickly without having to
 8 wait for a board meeting so we can go ahead and
 9 --
 10 MR. SAXON: Sherri, are you asking -- excuse me for
 11 interrupting, but I want to -- you're asking if
 12 they meet all the criteria can they be approved
 13 at the staff level?
 14 MS. MOORER: If the board would be okay with them
 15 being approved at the staff level, or just how
 16 we want to handle these situations. Because
 17 obviously like the hearing we just had, it was
 18 clear from the application that the board was
 19 going to have to approve that experience, and
 20 you did, so she had to appear before you. But
 21 in this case, this application that I got a
 22 couple of weeks ago, it meets the letter of the
 23 law; the degree, and the experience under the
 24 direct supervision of a landscape architect.
 25 Typically the board has not asked those people

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1 to come in. It's only if there experience
 2 falls under the definition of other qualifying
 3 individuals. So I'd just like some
 4 clarification on --
 5 MR. CHAIRMAN: I don't know why if it meets the
 6 letter of the law that we need to even review
 7 it. It's your job, I mean --
 8 MR. SAXON: But what she's -- Sherri's exactly
 9 right. Y'all have to give them the authority
 10 to do it at the staff level. And it's up to
 11 y'all to give that authority. Because y'all
 12 are the --
 13 MS. MOORER: And that's what I'm asking is --
 14 MR. SAXON: -- ultimate authority --
 15 MR. CHAIRMAN: Is it something we need to make a
 16 motion to vote on?
 17 MR. SAXON: Yes.
 18 MS. MOORER: Well, that's what I'm asking is: Do
 19 you want to make a motion to approve these
 20 applications that meet the letter of the law at
 21 staff level?
 22 MR. CHAIRMAN: Yes.
 23 MS. MOORER: Because we have not done that in the
 24 past. And I just wanted to get something
 25 officially on the record so staff would know.

2 (Pages 5 to 8)

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1 MR. SAXON: And if y'all decide to do that, the
 2 motion would be to allow staff to approve
 3 applications when they meet all of legal
 4 criteria. When it's clear cut, in other words.
 5 MOTION TO ALLOW STAFF TO APPROVE APPLICATIONS
 6 THAT MEET THE LEGAL REQUIREMENTS:
 7 MR. TARKANY: So can I make a motion to allow staff
 8 to make -- to approve applications that meet
 9 all criteria?
 10 MR. ANDERSON: I second that motion.
 11 MR. CHAIRMAN: Discussion? Laura?
 12 MS. DUKES: I thought we had done that. It's fine.
 13 MR. ANDERSON: I did too.
 14 MR. CHAIRMAN: Okay. So we have motion and a
 15 second. Call the vote. All in favor say aye?
 16 (Ayes are heard.)
 17 MR. CHAIRMAN: Ayes have it.
 18 MS. MOORER: Thank you. I just checked and realized
 19 we did not have a motion on this one --
 20 MR. CHAIRMAN: Okay.
 21 MS. MOORER: -- and I wanted to make sure that we
 22 were on the record and that everything was very
 23 clear.
 24 MR. CHAIRMAN: Anything else under new business?
 25 We'll move to staff reports. We don't have

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1 investigations --
 2 MS. SIMPSON: I bet she's coming back. Let me call
 3 her. Can you go ahead to --
 4 MR. CHAIRMAN: We can move on and come back to it.
 5 MS. SIMPSON: Okay. Thank you.
 6 STAFF REPORTS:
 7 ADMINISTRATIVE REPORT BY MS. MOORER:
 8 MS. MOORER: I will go ahead and proceed with my
 9 administrative report. I know that you have a
 10 lot of handouts for this, but I actually --
 11 this is a lot of things for your information.
 12 And the first thing is, the good news, that we
 13 now have regulations. We have new regulations.
 14 MR. CHAIRMAN: They timed out?
 15 MS. MOORER: They timed out last week. They are
 16 going into effect on February 24th. I am going
 17 to prepare something for the website and to
 18 send out to our licensees to notify them of
 19 this, let them know of major changes. I
 20 believe the major issue are the certificate of
 21 authorization new requirements and the
 22 continuing education requirements. And a lot
 23 of people have called and asked about this, but
 24 I'd just like something to out broad based to
 25 make sure that --

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1 MR. CHAIRMAN: When you send it out, on the
 2 certificate of authorization, make sure you --
 3 you're explicit, just like we found out, you
 4 know, if even if you're a sole practitioner, if
 5 it's not under your name, you've got to have
 6 that certificate of authorization.
 7 MS. MOORER: The engineering board has some very
 8 good verbiage to explain that, because their
 9 requirements are the same. And I believe I'm
 10 going to borrow theirs.
 11 MR. CHAIRMAN: We don't need to bring people in
 12 practicing without certificate of
 13 authorizations just because they've
 14 misinterpreted or misread, you know, being a
 15 sole practitioner practicing under, like Laura,
 16 under her company name as opposed to company
 17 name -- personal name.
 18 MS. MOORER: And, actually, I believe we had a grace
 19 period until July 1st of this year that we were
 20 not going to discipline them for that to give
 21 them some time to meet that requirement. And
 22 you actually voted on the parameter to approve
 23 them at the staff level, so they wouldn't get
 24 held up and face any penalties or anything from
 25 a --

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1 MR. CHAIRMAN: So with this going into effect, the
 2 certificate of authorization would now go --
 3 come into play, what did you say? But I mean
 4 it's officially --
 5 MS. MOORER: July 1st of 2012.
 6 MR. CHAIRMAN: But it officially starts in February?
 7 Is that what's -- was that the date?
 8 MS. MOORER: The regulations are official, officially
 9 go into effect on February 24th, but we wrote
 10 into those regulations that the enforcement
 11 date for the certificate of authorization, the
 12 new clause in the law requiring everybody to
 13 get it, is going to be July 1st. And that was
 14 to give people some time to make their
 15 applications and get them through without
 16 having to fear any action from us or if say --
 17 if say somebody filed a complaint, we could
 18 say, well, we're under a grace period right
 19 now, so we're not going to open that case at
 20 this time. Now, if somebody made a complaint,
 21 say on July 2nd, we would have to investigate.
 22 But that was to give us some leeway so they'd
 23 have time to get licensed and not have to fear
 24 an investigation or somebody filing complaints
 25 against them. And we had hoped it would be a

3 (Pages 9 to 12)

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1 little bit longer. We had hoped that these
 2 regulations would pass at the end of last
 3 session, but it didn't happen and --
 4 MR. CHAIRMAN: That time for that grace period has
 5 been cut down substantially now.
 6 MS. MOORER: It's been cut down by six, seven months
 7 so.
 8 MR. CHAIRMAN: How many firms, landscape architects,
 9 does the state license?
 10 MS. SIMPSON: And while she's looking that up, I
 11 will point out that -- and she may have said
 12 this while I was on the phone, but the reason
 13 they aren't effective until February 24th is
 14 that they have to be printed in the State
 15 Register. Even though they've timed out, they
 16 have to be printed. And that's their effective
 17 date is the date of printing.
 18 MR. CHAIRMAN: Okay.
 19 MS. MOORER: We do have 124 firms right now.
 20 MR. CHAIRMAN: Not to overburden you, but once this
 21 goes into effect, are you going to at least
 22 skim through that list and see if there's
 23 anybody that's going to jump out that you see
 24 is sort of a sole practitioner that may need --
 25 MS. MOORER: I feel like we will need to look

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1 through the list to make sure that the proper
 2 people are notified and --
 3 MR. CHAIRMAN: And Sherri, I can help you --
 4 MS. MOORER: There's probably a way that we could do
 5 that. But I feel like it would be necessary
 6 for us to look through our licensees so we can
 7 make sure that we specifically contact anybody
 8 who looks like they fall under that change, and
 9 they'll have an opportunity. Because I
 10 understand how it is. Sometimes things like
 11 that go into effect and you look at it and you
 12 think, oh, we'll I've got until July 1st, I'll
 13 take care of that. And then the next thing you
 14 know it's October and you haven't done it yet,
 15 so.
 16 MS. SIMPSON: We could do mail-out, we could do e-
 17 blast, we could do whatever, you -- you know,
 18 two of each, whatever, to make every effort.
 19 MR. CHAIRMAN: I think it just goes -- it goes down
 20 to what we didn't realize, I think, when this
 21 think went into effect, that the way it's
 22 written that a sole practitioner not practicing
 23 under their name is subject to getting a
 24 certificate of authorization. So I think
 25 Laura, not speaking on her behalf, but I think

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1 she probably would have gone, I'm a sole
 2 practitioner, I don't need to get this, I'm not
 3 going to worry too much about it. In reality
 4 she does have to get it.
 5 MS. DUKES: If I hadn't been on the board, I
 6 wouldn't have been aware of it.
 7 MR. CHAIRMAN: Yeah.
 8 MS. DUKES: And my little note says apply after
 9 March 31st, so.
 10 MR. CHAIRMAN: Of this year?
 11 MS. MOORER: Yeah.
 12 MR. TARKANY: Just to be clear that if you're an LLC
 13 or a corporate, a sub-S corporation, you are
 14 required to have a certificate of
 15 authorization.
 16 MS. MOORER: The only exemption is if it's in your
 17 name as you are licensed, so it would be -- the
 18 only exemption would be if you were practicing
 19 as John Doe, Landscape Architect.
 20 MS. DUKES: No, because "Landscape Architect," I
 21 mean, the only way you can practice is if
 22 you're practicing as John Doe. You add
 23 anything, LLC, or you add Parks McLeod,
 24 Landscape Architect, that's not your name the
 25 way -- that's the way we had discussed it.

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1 MR. TARKANY: Well, I'm John Tarkany Associates,
 2 Inc.
 3 MS. MOORER: I believe you can the LA after your
 4 name to designate that you're licensed, but
 5 that's the only designation.
 6 MS. SIMPSON: I think the descriptor is what they're
 7 licensed as. So for example in the
 8 architecture world and the engineering world,
 9 it's John Doe, Architect; John Doe, P.E.; or
 10 Surveyor, for that matter. But if they are
 11 John Doe Group, or John Doe Architects, which
 12 indicates more than one, then that name needs
 13 to be licensed as a firm. But if it's Laura
 14 Dukes, Landscape Architect, and you are not
 15 incorporated in any way, you don't have to have
 16 a firm license.
 17 MR. SAXON: But an individual can be an LLC or a PA
 18 and that kind of thing.
 19 MS. SIMPSON: But if they are incorporated in any
 20 manner, they have to have the COA.
 21 MR. SAXON: Even if it's just one person?
 22 MS. SIMPSON: Uh-huh (affirmative response).
 23 MR. SAXON: All right.
 24 MS. DUKES: Yeah. So even if you did Parks McLeod,
 25 LLC.

4 (Pages 13 to 16)

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1 MS. SIMPSON: Yeah, that requires a license.
 2 MR. CHAIRMAN: So virtually everybody is going to
 3 fall -- virtually everybody that's a sole
 4 practitioner is going -- if they've got any
 5 sense of any incorporation behind their name,
 6 they're going to wind up having a certificate
 7 of authorization.
 8 MR. TARKANY: (Inaudible.)
 9 MS. MOORER: And I believe that might have been the
 10 logic behind changing the laws. I know before
 11 the law was changed I got a lot of static from
 12 local jurisdictions, counties, cities saying we
 13 asked for their certificate of authorization
 14 and they say they're not required to have one,
 15 but we require the seal on here to accept it,
 16 so now we're at an impasse where you don't
 17 require it, we do, what are we going to do.
 18 MS. DUKES: So it'll be 400 bucks we've got to come
 19 up with?
 20 MS. SIMPSON: It's \$400 every two years.
 21 MR. CHAIRMAN: Okay. Anything else, Sherri, under
 22 yours?
 23 MS. MOORER: I see that Sharon Wolfe is here. If
 24 you'd like to go ahead and give your report,
 25 and then I can continue mine after.

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1 INVESTIGATIVE REPORT BY MS. WOLFE:
 2 MS. WOLFE: Well, this will be pretty quick. We
 3 have one active investigation. It's been over
 4 71 days, that's ongoing. We closed one last
 5 year. And then we have one that you guys will
 6 vote on today as far as the report.
 7 MR. CHAIRMAN: Okay. Thank you.
 8 MS. SIMPSON: So because this is a -- you are
 9 recommending that they approve case 2011-2 for
 10 formal complaint; is that correct?
 11 MS. WOLFE: That's correct.
 12 MS. SIMPSON: This -- this case has gone before the
 13 IRC, and this is the IRC's recommendation to
 14 the board on how to handle this instance --
 15 this complaint.
 16 MR. CHAIRMAN: So is this all we have? This is --
 17 MS. SIMPSON: To know any more than this would be --
 18 MR. SAXON: To taint you.
 19 MR. CHAIRMAN: Right.
 20 MS. SIMPSON: The possibility of tainting you.
 21 MR. CHAIRMAN: And our vote today is to?
 22 MS. SIMPSON: It's to issue a formal complaint.
 23 That kicks off a process. If you liked to just
 24 --
 25 MS. WOLFE: Right. That litigation summary will be

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1 written up. That would be sent down to the
 2 legal department. They would draft --
 3 MR. SAXON: They'll draft a formal complaint --
 4 MS. WOLFE: Yeah. They'll draft a formal complaint
 5 --
 6 MR. SAXON: -- and then move to a hearing, and then
 7 none of us is tainted, so we can --
 8 MS. WOLFE: Yeah.
 9 MR. SAXON: -- hear the case.
 10 MR. CHAIRMAN: All right. So the two landscape
 11 architects that sit on your committee, their
 12 work is done?
 13 MS. WOLFE: Yes.
 14 MR. CHAIRMAN: They're obviously -- they feel that
 15 there's enough justification to move this thing
 16 forward?
 17 MS. WOLFE: That's right.
 18 MS. SIMPSON: We had a very thorough presentation of
 19 the investigation that went into this with
 20 photos and details, and the two IRC members
 21 were both there, and this was unanimously the
 22 vote of the board.
 23 MR. SAXON: It's a very thorough process.
 24 MS. SIMPSON: Yeah. Oh, yes. Now, I can't remember
 25 about this one. Was there an opportunity for

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1 a consent agreement?
 2 MS. MOORER: Yes.
 3 MR. SAXON: Let's --
 4 MS. SIMPSON: Oh, wait. Oh, wait. I mean, is that
 5 a possibility?
 6 MS. WOLFE: A formal complaint.
 7 MS. SIMPSON: Okay. A formal complaint can mean a
 8 couple of different things.
 9 MR. SAXON: Right.
 10 MS. WOLFE: Right.
 11 MS. SIMPSON: But to move forward with it, we have
 12 to have your vote to pursue this with a formal
 13 complaint.
 14 MR. SAXON: And by moving forward, as Jan has
 15 alluded to, can mean, it could -- it could
 16 result in a consent agreement, a memorandum of
 17 agreement, or it comes to you for a full de
 18 novo hearing.
 19 MR. CHAIRMAN: Okay.
 20 MR. SAXON: But those are the options.
 21 MS. DUKES: So when you say statute violation, what
 22 does that entail?
 23 MR. SAXON: It means that the IRC has found that
 24 there was some -- one of your statutes or more
 25 was violated. That's all we can know at this

5 (Pages 17 to 20)

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1 point, so that if it comes to you, you can be
 2 fair and objective. At this point they're just
 3 allegations. The person, like everybody else,
 4 is innocent until proven guilty. And the
 5 prosecutor will present a case. The
 6 respondent, if it gets to that point, will
 7 present a case, and --
 8 MR. CHAIRMAN: So the motion that we need if we were
 9 to agree to move forward is --
 10 MR. SAXON: That a formal complaint will be issued.
 11 See, an initial complaint is when Jan or Sherri
 12 as staff members could do it, a member of the
 13 public could file a complaint, an initial
 14 complaint against somebody. That's just the
 15 initial complaint coming into LLR. After
 16 investigation and the IRC and that sort of
 17 thing, the prosecutor, one of the state's
 18 attorneys, different from us as advice counsel,
 19 will prepare a formal complaint that puts in
 20 what they allege, what statutes or regs they
 21 allege were violated, and then how they are
 22 going to argue that, that sort of thing. There
 23 might be exhibits. And then the other side
 24 gets to present his or her case.
 25 MOTION TO GRANT A FORMAL COMPLAINT:

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1 MR. ANDERSON: So my motion is to grant a formal
 2 complaint.
 3 MR. SAXON: Let it go forward to a formal complaint.
 4 MR. CHAIRMAN: Is that a motion?
 5 MR. ANDERSON: Yes. I move that we move forward
 6 with the formal complaint process.
 7 MR. CHAIRMAN: We have a motion. Is there a second?
 8 MS. DUKES: Second.
 9 MR. CHAIRMAN: Seconded by Laura. Any additional
 10 questions, comments? All to vote all in favor,
 11 say aye.
 12 (Ayes are heard.)
 13 MR. CHAIRMAN: Ayes have it.
 14 MR. SAXON: And just as your attorney I want to make
 15 clear it doesn't mean this person's guilty
 16 necessarily.
 17 MR. CHAIRMAN: Right.
 18 MR. SAXON: It just means --
 19 MR. ANDERSON: Moving forward.
 20 MS. WOLFE: Further investigation.
 21 MR. SAXON: It's moving forward, and the ultimate
 22 decision will be the board's.
 23 MR. CHAIRMAN: All right.
 24 MR. SAXON: All right. Sharon?
 25 MS. WOLFE: That's correct.

Page 23

1 MR. SAXON: We're on the same page?
 2 MS. WOLFE: We are on the same page.
 3 MR. CHAIRMAN: Is that all we have from you, Sharon?
 4 MS. WOLFE: Yes.
 5 MR. CHAIRMAN: Thank you.
 6 MS. WOLFE: Thank you.
 7 CONTINUATION OF STAFF REPORTS:
 8 ADMINISTRATIVE REPORT BY MS. MOORER:
 9 MS. MOORER: Okay. I will continue with my report
 10 on the new regulations have passed. They go
 11 into effect on February 24th. And I'll prepare
 12 something to go on the website and to go out to
 13 the licensees informing them of this and the
 14 changes from old to new so they'll know. We
 15 also have in the State House, the repeal of our
 16 old regulations. This is just a formality. We
 17 have to repeal the old ones to prevent any
 18 confusion. You don't want two copies out
 19 there. That was published in the State
 20 Register, and it looks like it is on its way.
 21 We did not have a hearing. You saw that the
 22 hearing was cancelled.
 23 MR. SAXON: That was our phone conference, correct?
 24 MS. MOORER: That was what the telephone conference
 25 was about was to approve that to go through.

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1 We had no comments, we had no requests for
 2 hearings, so now it will go through the
 3 legislative review process to be repealed. The
 4 final part of my legislation portion of the
 5 report is we do have one bill in the State
 6 House that was proposed by Senator Bryant at
 7 the end of last session to add our
 8 reinstatement fee to the law. There's been an
 9 effort by the legislature to put fees in law
 10 instead of regulation, and I believe what
 11 happened is when they reviewed our new
 12 regulations, they saw that reinstatement fee.
 13 And for clarity, they wanted that in the law as
 14 well, just so there would be a full list of
 15 fees in the law for everything that we charge
 16 for. I do not see -- it's been referred to the
 17 LCI committee, but I have not seen -- the
 18 subcommittee has not met. They have not taken
 19 it up yet. So we are just waiting to hear on
 20 that. And then the next portion of my report
 21 is the CLARB regional meeting. It is going to
 22 be held in Coral Gables, Florida on February
 23 24th and 25th, I believe. Yes, 24th and 25th.
 24 MR. SAXON: Next month?
 25 MS. MOORER: This month.

6 (Pages 21 to 24)

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1 MR. SAXON: Yeah, that's right.
 2 MS. MOORER: It's February. John Tarkany is funded
 3 because of his office with the region. Barry
 4 Anderson is going. I have been approved to
 5 attend this meeting. Because John Tarkany is
 6 funded by CLARB, we have one more slot open, so
 7 Mr. McLeod, Ms. Dukes, if either one of you
 8 want to go, we've got the slot open.
 9 MR. CHAIRMAN: I don't think I'm going to be able
 10 to. I've got -- I'm out of the country already
 11 a couple days, so.
 12 MS. MOORER: Oh, okay.
 13 MR. CHAIRMAN: That's going to kill me.
 14 MS. MOORER: I wanted to offer you the opportunity
 15 since we had the opening because the department
 16 allows two board members. And since one is
 17 funded, John Tarkany doesn't count since CLARB
 18 is funded.
 19 MR. CHAIRMAN: What are the dates on that?
 20 MS. MOORER: Well, he doesn't count as being a
 21 funded delegate by LLR because CLARB is funding
 22 him, so that means that one more can go and be
 23 funded for that.
 24 MR. CHAIRMAN: I'd like to make a motion to call for
 25 a five minute break. Do I have a second?

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1 MR. DUKES: Second.
 2 MR. CHAIRMAN: All in favor or discussion? All in
 3 favor?
 4 (Ayes are heard.)
 5 (A short break was taken.)
 6 MR. CHAIRMAN: Do you have anything else?
 7 MS. MOORER: I just wanted to mention that for --
 8 for the people who will attend this meeting, I
 9 know that there has been an issue in the past
 10 that the LLR can only reimburse you at the
 11 maximum GSA rate. And the place where this is
 12 being held goes a little bit over that rate.
 13 Our accounting staff actually found a Hyatt
 14 Regency in Coral Gables four blocks away from
 15 the meeting site that offers a GSA rate, and
 16 LLR will fully reimburse you for your lodging
 17 if you use this hotel. In fact, this is how I
 18 got my approval. I am actually staying here.
 19 It's a four-star hotel. It is very nice. So
 20 if you want to go and you need full
 21 reimbursement of your lodging, I have the
 22 information here, and I will also be glad to
 23 forward it to you. They actually go a little
 24 bit under the GSA rate on some of their rooms.
 25 And they offer -- what they do is, when I

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1 booked, they put up a note that said you may be
 2 eligible for an upgrade depending on our
 3 availability. If we can upgrade you and still
 4 keep you at this rate, we'll keep that option
 5 open. I don't look for that to happen, but
 6 it's just nice to know that if they have
 7 something available still within the rate,
 8 we'll be able to take advantage of that. But
 9 it looks like a very nice hotel, so if getting
 10 reimbursement is an issue for the hotel, our
 11 people did find another option.
 12 MS. SIMPSON: And just to remind you, for the meals
 13 you will get reimbursed at the state rate, not
 14 -- except for John, because you're all covered
 15 by CLARB. But when you're traveling as a
 16 representative of the board under LLR, the
 17 meals are a set amount of money for
 18 reimbursement. So if you pay \$25.00 for a meal
 19 at dinner, I think the reimbursement is \$17.00
 20 for dinner or \$19.00.
 21 MS. MOORER: It depends on the state, actually. I
 22 believe that they do --
 23 MS. SIMPSON: It depends on whether you're in-state
 24 and out-of-state.
 25 MS. MOORER: -- in-state, out-of-state.

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1 MS. SIMPSON: Well, this is out-of-state, and I
 2 think that's \$19.
 3 MS. MOORER: -- and which meal it is --
 4 MS. SIMPSON: Right. Well, I'm saying dinner.
 5 MS. MOORER: It varies.
 6 MR. SAXON: It's not a lot.
 7 MS. SIMPSON: No, it's not.
 8 MS. MOORER: It's not a lot.
 9 MS. SIMPSON: So you may end up paying out of your
 10 pocket for some of that.
 11 MR. SAXON: Which you can then put on your taxes.
 12 MS. SIMPSON: But the LLR full reimbursement for
 13 registration, airplane fare, and in this case
 14 if you stay at a GSA rate hotel, full
 15 reimbursement. So it's the GSA rate plus taxes
 16 and fees.
 17 MS. MOORER: And actually, we will pay for the
 18 registration up front because I have to go on
 19 the website. CLARB requires that somebody with
 20 the board has to give permission for the board
 21 staff to attend the meeting. So I am actually
 22 going to have to go on there. I'll probably do
 23 it this afternoon and do the registration. And
 24 what I normally do is I ask them to invoice us
 25 and then we -- we have our procurement section

7 (Pages 25 to 28)

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1 pay for that. I have already talked to our
 2 procurement person and told her these invoices
 3 are coming so be ready. But she did ask that
 4 I go ahead and do that as soon as possible to
 5 guarantee that they'll get paid before the
 6 meeting starts. Because the state sometimes
 7 can be a little bit slow. Which is why I asked
 8 at today's meeting if anybody other than Barry
 9 Anderson is interested in taking that second
 10 open slot so I'll know who to register when I
 11 go in. Mr. Tarkany, you're -- you're already
 12 taken care of. CLARB told me that they had you
 13 all set up, and I didn't need to do anything.
 14 MR. TARKANY: Right. I do have a couple things just
 15 to tell you about just real quick that they
 16 want me to mention to the board. They want all
 17 the boards -- a little message came back
 18 wherein they, Jan, is they're trying to
 19 encourage Council Record holders, all board
 20 members to be Council Record holders. They're
 21 trying to establish that as a standard. I
 22 promised I'd mention it. So you all can decide
 23 what you want to do, but they wanted that to be
 24 like a formal request, for the board members to
 25 be a -- it's another \$200 to have that. But it

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1 allows you to get reciprocity quickly in other
 2 states. They would like us -- so I -- I'm
 3 going to go back with a clear conscious and say
 4 I mentioned it.
 5 MR. SAXON: That may be something for a future
 6 agenda for discussion, and try to --
 7 MS. MOORER: We can put that on the May 2nd agenda
 8 if we want to talk about it anymore. Is that
 9 something that they plan to discuss in Florida?
 10 MR. TARKANY: Yes. And they discussed it the last
 11 two meetings, and I haven't been to a --
 12 MR. CHAIRMAN: Is it a one time fee, or do you have
 13 to pay a maintenance fee on that?
 14 MR. TARKANY: It's pretty much a one time fee.
 15 MS. SIMPSON: Annual.
 16 MR. CHAIRMAN: Annual?
 17 MR. TARKANY: Well, it is annual.
 18 MS. SIMPSON: As well as transcripts, you've got to
 19 pay --
 20 MR. TARKANY: Well, the applications -- the
 21 application part's what I'm talking about. I'm
 22 just saying it's another fee, and I know how
 23 things are right now. The other thing that
 24 they wanted us to mention is, and this can be
 25 a future agenda item maybe, but how to promote

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1 the concept of welfare into -- spreading the
 2 word amongst the profession because they spent
 3 a lot of time developing that definition. It's
 4 health, safety and welfare and what welfare
 5 means. And they went through an in depth study
 6 with respect to landscape architecture. So
 7 that -- they want us to try to be like able to
 8 get out, get the word out, and explain what
 9 that means, what it is. It's going to be
 10 worked into the test for license. And so
 11 schools, professionals, everybody should
 12 understand what that part of our -- because
 13 what -- that's a very important part of our --
 14 health, safety, and welfare.
 15 MS. MOORER: I believe we could put something in our
 16 newsletter. We've got something on our website
 17 that links back to their report. I believe
 18 that we could address that in the next
 19 newsletter to get the word out to our
 20 licensees, and that might be one step in the
 21 right direction. We could certainly discuss it
 22 more at the May 2nd meeting as well to figure
 23 out other ways to promote it.
 24 MS. SIMPSON: And that plays into the continuing
 25 education that they will do.

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1 MR. TARKANY: Right. It pieces back together. And
 2 just something that isn't being talked about
 3 very much, but should be.
 4 MS. SIMPSON: Well, it's -- it's wonderful that a
 5 definition has been developed --
 6 MR. TARKANY: Right.
 7 MS. SIMPSON: -- because it's very subjective in
 8 many other professions.
 9 MR. TARKANY: Uh-huh (affirmative response). Okay.
 10 Those are just the two --
 11 MR. CHAIRMAN: Jan, did you have anything for the --
 12 MS. SIMPSON: No, I don't. Thank you.
 13 MR. CHAIRMAN: Any other staff reports?
 14 MS. SIMPSON: Oh, I do have one thing, sorry. Y'all
 15 rescheduled your meeting to today to
 16 accommodate my schedule, and I appreciate that
 17 very much. I'm sorry that was necessary.
 18 MR. CHAIRMAN: No problem.
 19 MS. SIMPSON: But thank you for doing that.
 20 BOARD MEMBER REPORTS:
 21 REPORT BY THE CHAIRMAN:
 22 MR. CHAIRMAN: Board member reports. I guess we'll
 23 hit on that briefly. I would comment that the
 24 recent newsletter that went out, there was a
 25 link to tie you back in to the new legislation

8 (Pages 29 to 32)

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1 on there. It was -- I couldn't -- it wouldn't
 2 open it.
 3 MS. MOORER: I believe they've made changes to their
 4 website. That was probably -- they moved it
 5 around. We probably need to check on those
 6 links.
 7 MS. SIMPSON: Okay.
 8 MR. CHAIRMAN: And the another thing that I thought
 9 was interesting, I was -- I applied for
 10 reciprocity in Alabama, and you have to take a
 11 -- you have to take a take-home test on their
 12 law and registration before they will give you
 13 licensure. Which I thought was -- and you had
 14 -- you can't skim through it. You've got to
 15 read the material and answer it. And it's all
 16 the -- all the paperwork on it. So it was
 17 interesting to do. I hope I passed it.
 18 MS. SIMPSON: I think that's a great idea. It does
 19 not fly very well with a lot of boards and a
 20 lot of board staffs, but I mean, if you -- if
 21 anybody messes up and tries to say to a board
 22 in another state, "Well, gee, I just didn't
 23 realize that because I didn't have to do that
 24 in my state," you've passed a test saying you
 25 knew the laws.

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1 MR. CHAIRMAN: Well, what is -- if this board were
 2 so inclined to do that, what's involved? Does
 3 that require a whole level to get that done, or
 4 is that something that can be done within this
 5 board?
 6 MS. SIMPSON: I don't know that we have statutory
 7 authority for it, but if that could be part of
 8 the regulation or part of the requirements,
 9 then you would come up with, I would say a
 10 minimum kind of test on the --
 11 MR. SAXON: Sherri and I can look into that --
 12 MS. SIMPSON: Okay.
 13 MR. SAXON: -- and see if there's something we can
 14 fit it into that already exists.
 15 MS. SIMPSON: Take-home.
 16 MR. SAXON: I guess part of interpretation or
 17 something. We can't have policy anymore, but
 18 we can interpret.
 19 MS. SIMPSON: Right.
 20 MR. SAXON: And so Sherri and I will be glad to have
 21 a look at that.
 22 MS. SIMPSON: Uh-huh (affirmative response).
 23 MR. SAXON: Seems there's something already in --
 24 MS. SIMPSON: Uh-huh (affirmative response).
 25 MR. SAXON: -- the statutes and regs that allow

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1 that.
 2 MS. SIMPSON: And that would also help with the
 3 change over to firms being licensed. I mean,
 4 that's -- I mean, it can be just a minimum kind
 5 of test, basic stuff.
 6 MR. CHAIRMAN: I meant, this test, it was nothing
 7 involved, but you did have to read the
 8 information and it was -- it dealt with
 9 questions of how many years do you have to have
 10 under a licensed landscape architect or under
 11 an allied profession to be approved, and does
 12 that the discretion of the board and --
 13 MS. SIMPSON: Seal information.
 14 MR. CHAIRMAN: -- it's at the discretion of the
 15 board, and, you know.
 16 MS. SIMPSON: Yeah.
 17 MR. CHAIRMAN: I mean, I've got -- I made a copy of
 18 it. But it's probably 25 questions, and they
 19 give you a deadline to turn it back in.
 20 MS. MOORER: Previously --
 21 MS. SIMPSON: And that might be something Sherri
 22 could research it among the MBEs and the board
 23 executives.
 24 MS. MOORER: Previously our renewals had actually
 25 required that they sign a statement when they

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1 renew saying that they have recently reviewed
 2 the law and regulations in our state and knew
 3 and understood them.
 4 MR. SAXON: I'll add to that by saying that most of
 5 the boards I serve have that, have to include
 6 that.
 7 MR. CHAIRMAN: So do we presently have that on ours?
 8 MS. DUKES: You have to sign saying you --
 9 MR. CHAIRMAN: Yeah. Do we have that statement?
 10 MS. DUKES: I think it's on there.
 11 MS. MOORER: I believe there might be something on
 12 there --
 13 MR. CHAIRMAN: If not, this --
 14 MS. MOORER: -- that says if you proceed with the
 15 process, you're attesting that you know and
 16 understand the law and regulations in the state
 17 and you'll comply with them. But I understand
 18 what you're saying, because I have heard of
 19 other states doing this or requiring it either
 20 for as a part of their continuing education or
 21 to get licensed, so.
 22 MR. CHAIRMAN: Well, this is all under getting
 23 reciprocity --
 24 MS. MOORER: That might be something good to
 25 discuss. We can just find out what other

9 (Pages 33 to 36)

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1 states are doing because I think it would be a
 2 good idea, especially with all the changes that
 3 we've had lately, to make sure everybody knows
 4 what's going on now.
 5 REPORT BY MS. DUKES:
 6 MS. DUKES: I'm going to change the subject a little
 7 bit. I am involved in the exam writing
 8 committee, and the prototype committee that has
 9 been developing the prototype for the computer
 10 exam is completed their task. And we met last
 11 month to begin the actual writing, and we'll
 12 meet again in June. And I was pleasantly
 13 flabbergasted and pleased by the amount of work
 14 that that group has done. And I think
 15 everybody to -- I know we kind of had some
 16 apprehension about how the computer exam was
 17 going to be able to adequately test our skills.
 18 I think everybody would be pleasantly
 19 surprised. I mean, we've had some people
 20 develop software, and there's some base map
 21 elements where you drop and drag, you know. So
 22 it's a little bit of a manipulation. We create
 23 target zones that that item has to be over
 24 here, and it's, you know, great in that it has
 25 to be in that, and that element has to be in

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1 that target zone. If it's not, it fails. So
 2 there's some interesting -- it's going to be --
 3 it's going to be again some hard work, but the
 4 first day I was really shocked at how much work
 5 had been done. Some of them will be in
 6 multiple choice questions, some of them will be
 7 in multiple response questions. You know, look
 8 at this site plan, look at that site plan and,
 9 you know, what's wrong. You know, or where's
 10 Waldo kind of type thing. So I was pleased.
 11 MS. SIMPSON: Will there be any items that are check
 12 all that apply?
 13 MS. DUKES: Yeah.
 14 MS. SIMPSON: That kind --
 15 MS. DUKES: Yeah.
 16 MS. SIMPSON: That are called CATA.
 17 MS. DUKES: Yeah.
 18 MS. SIMPSON: Okay. And anything in an essay
 19 format, or not?
 20 MS. DUKES: Don't have anything written yet. In
 21 fact, we discussed -- because that is one of
 22 our KSAs is communicative skills.
 23 MS. SIMPSON: Uh-huh (affirmative response).
 24 MS. DUKES: And we went through on -- on some ideas
 25 of how to test that and did not develop

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1 anything in January.
 2 MS. SIMPSON: Interesting.
 3 MS. DUKES: It's going to be a lot of work for them,
 4 but it will be good.
 5 MR. TARKANY: Piggy-backing onto the test subject,
 6 there's a discussion about allowing candidates
 7 to take the first section immediately following
 8 school graduation, and that's because they
 9 found out there's a higher success rate closer
 10 to school and allowing people to enter the
 11 testing process earlier, so that was a positive
 12 thing. That was thrown out there, and the
 13 question was how does it affect how we groom
 14 candidates to take the test. And they found
 15 that there's a strong feeling that would be a
 16 good idea to do it, but it may not be allowed
 17 in some states.
 18 MR. ANDERSON: And they basically conducted research
 19 that reinforces the rate --
 20 MR. TARKANY: Right, right.
 21 MR. ANDERSON: -- of the success rate.
 22 MR. SAXON: It's almost common sensical, isn't it?
 23 MR. CHAIRMAN: Yes.
 24 MS. MOORER: How does the board feel about allowing
 25 people to take the exam while in school?

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1 Because I believe this is something that we've
 2 touched on --
 3 MS. DUKES: We discussed this in depth, either the
 4 last meeting or the previous meeting. And my
 5 opinion is still the same; that concur with how
 6 we are currently -- if y'all want to discuss it
 7 further, but we've -- that was about an hour
 8 discussion.
 9 MS. MOORER: I would like to say we had discussed
 10 proposing some language and changing our law to
 11 add some language that required people to meet
 12 the requirement sequentially. And that
 13 language has been drafted. It is not in the
 14 State House yet. So just for the record, would
 15 you like to make any formal motion in open
 16 session to proceed with that? Because I kind
 17 of informally talked with our legislative
 18 representative about it, and it hasn't gone in
 19 yet. But he said if we were interested in
 20 proceeding, he would be glad to talk to me
 21 about that. Would y'all like for me to proceed
 22 with it, or let's --
 23 MS. DUKES: Is that not what you amended on? I
 24 thought that's what that telephone conference
 25 was about.

10 (Pages 37 to 40)

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1 MR. TARKANY: The conference was about filling out
2 the --
3 MS. MOORER: The conference was actually about
4 repealing the old regulations.
5 MR. CHAIRMAN: The one that you missed? Yeah, that
6 was just about getting the old regs out, which
7 was what we discussed earlier.
8 MS. DUKES: There was something -- it had something
9 that said, changed some verbiage.
10 MR. ANDERSON: Oh, I know what you're talking about.
11 There was some conflicting language in --
12 MS. DUKES: And I thought that's what was in --
13 MR. ANDERSON: -- the, yeah, the requirements, and
14 what happens first, second, and third. It was
15 kind of --
16 MS. DUKES: Yeah, so that is not in this reg. That
17 means going back --
18 MS. MOORER: Going back to the statute, but the
19 statute's already being opened up to the fees.
20 So if this is something that the board feels
21 strongly, they don't -- they want people to
22 meet the requirements sequentially, you want
23 them to get the education and then the
24 experience --
25 MR. CHAIRMAN: The only way I would consider it, I

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1 think, is if we could quantify it to the point
2 that it is that one section of exam, and it is
3 clearly stated. And if that section of the
4 exam, if it ever changes or is modified from
5 what it is today, that you -- that that's null
6 and void. That would be my -- if there's some
7 evidence showing that there's a higher pass
8 rate --
9 MS. DUKES: Well, my opinion of the exam is this is
10 an exam that we've developed to test
11 professional -- I mean, people to be licensed
12 as a professional. If we're allowing students
13 to take the exam or right after school, to me
14 they should be tested by the school and the
15 facility teaching them that, not by our exam.
16 You know, each school in your accreditation
17 program is tested by a whole other set of
18 programs. So, I mean, I firmly believe that
19 we've come up with a -- with an exam, and if in
20 our state it's the two-year requirement that we
21 want the apprenticeship, then the exam should
22 come after that apprenticeship.
23 MR. CHAIRMAN: What does that first section entail,
24 John?
25 MR. TARKANY: I believe it's professional practice.

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1 MS. DUKES: Which they've worked a whole bunch of
2 stuff into that one. I don't think, you know
3 --
4 MR. CHAIRMAN: Well, let's -- can we get more
5 information on what the first section, and
6 let's discuss it next time?
7 MS. MOORER: I tell you what, before we proceed with
8 the -- with the proposed change in the
9 verbiage, why don't we just table that for
10 right now. And I can let Grant know we don't
11 want to move forward with this yet because we
12 are further researching some issues that could
13 potentially affect it.
14 MR. CHAIRMAN: I think it would be interesting if it
15 could be found out at this meeting what
16 percentage of states are allowing this.
17 MS. MOORER: Well, we can talk about it more on --
18 at the May 2nd meeting. But for the time being
19 --
20 MR. TARKANY: They're going to -- they're going to
21 start a -- a -- they're going to do a test --
22 a test to see -- a trial run.
23 MR. ANDERSON: Is this -- we want to promote more
24 professionals and less unlicensed people
25 practicing. Is this the motivation for

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1 breaking apart those testing is to --
2 MR. TARKANY: To get people into the test process
3 sooner, and whether they're going to be more
4 successful is in that first section, and that
5 they think there's a gap after graduation where
6 they may not be able to pass it. Also it gives
7 them a chance to get experience with CLARB and
8 test earlier. And they just feel like -- and
9 they do that in that section. So it just seems
10 like there's some common sense stuff. They may
11 make things way more complicated, but it's a
12 common sense thing.
13 MR. ANDERSON: So the premise is we're losing people
14 after they graduate --
15 MR. TARKANY: Right.
16 MR. ANDERSON: -- that are prospects to become
17 professionals.
18 MR. TARKANY: That's a part of it. Yeah. You were
19 -- you were at the meeting?
20 MR. ANDERSON: Yeah. Yeah, I'm just -- I'm having
21 trouble recalling those fundamental details of
22 why. I hear a lot about why we're, you know --
23 MS. SIMPSON: But they did have -- they had data on
24 how the pass rate went up on certain sections
25 that were more clearly aligned with what you

11 (Pages 41 to 44)

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1 had learned in school.
 2 MR. TARKANY: Right.
 3 MS. SIMPSON: So it does make sense to test that
 4 before everybody forgets it, if that's
 5 something they don't use on an everyday basis,
 6 and I don't know if that's true or not.
 7 Engineers do that with the fundamentals of exam
 8 -- fundamentals of an engineering exam, and
 9 that can be taken senior year in college. They
 10 can't take the P.E. exam until they've passed
 11 the F.E. So it's similar to that, because it's
 12 testing on what they are learning in school.
 13 MR. SAXON: Well, and lawyers take the bar exam
 14 immediately after graduating law school, that
 15 summer, if they're smart. You don't have to --
 16 MS. SIMPSON: Right.
 17 MR. SAXON: -- but it's good.
 18 MS. SIMPSON: But it's fresh.
 19 MR. CHAIRMAN: Well, I would think it would be
 20 something we'd want to look into, but I don't
 21 know that we'd want to be the --
 22 MS. SIMPSON: Right.
 23 MR. CHAIRMAN: -- the lead setter on this, sort of -
 24 - and there's no rush to get it done
 25 MS. SIMPSON: No. And they -- and I'm sure they

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1 would not graduate -- I mean, they would not be
 2 licensed until they passed both divisions of --
 3 MR. TARKANY: Right.
 4 MR. CHAIRMAN: Which we could set up that they
 5 wouldn't take it until they had the two years
 6 that qualified.
 7 MR. TARKANY: Yeah. They would still need the two
 8 years for the other parts.
 9 MS. MOORER: I think the -- I say the best way to
 10 proceed would be I'll let Grant Gillespie know
 11 we -- we don't want to move forward with these
 12 changes. Because our law as it reads right now
 13 will allow for that possibility and leave it
 14 open without restricting us. So what I'm going
 15 to do is tell him we don't want to move forward
 16 with that at this point in time. Let's do a
 17 little more research on this issue, and see
 18 what other states are doing and how it's
 19 working out. And another issue is, we're in
 20 the second year of a two-year legislative
 21 cycle, so there's not a very good --
 22 MS. SIMPSON: Not a good chance.
 23 MS. MOORER: -- possibility of getting anything
 24 through this session. Let's wait and then if
 25 we decide down the road that we want to change

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1 --
 2 MR. SAXON: I think it's not ripe yet.
 3 MS. MOORER: -- it. We'll do some more research and
 4 find out what other states are doing. And then
 5 if we decide that we want to amend our statute
 6 to restrict it, we can at that point in time.
 7 Because the way that it reads right now, it's
 8 open to interpretation. And I think --
 9 MS. SIMPSON: Which is good.
 10 MS. MOORER: -- we should leave it that way. Let's
 11 just leave it that way, and let's get the
 12 repeal of these old regulations and these fees
 13 that they want to update. And let's just get
 14 all of that through, and then we can -- we can
 15 see how this plays out and get some more
 16 information.
 17 MR. CHAIRMAN: All right. Any further board member
 18 reports?
 19 REPORT BY MS. MOORER:
 20 MS. MOORER: I put your program statistics in your
 21 meeting packets. We have 801 people in the
 22 system. Of those, 50 are exam candidates, 124
 23 are firms, and 627 are individual landscape
 24 architects. I provided a list of people who
 25 were issued at staff level since the last

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1 meeting. It's a good number of people. It's
 2 definitely saving some time and speeding up the
 3 process. I e-mailed you last week, we got a
 4 report from finance, just a general report for
 5 each one of you about how much money you have
 6 been reimbursed for your service on council
 7 this year. That's for your records, for your
 8 statement of economic interest and for your
 9 taxes.
 10 MR. CHAIRMAN: Which the deadline for that is?
 11 MS. MOORER: The statement of economic interest is
 12 April 15th.
 13 MS. SIMPSON: And they will fine you by the day for
 14 not submitting on time. And actually, I think
 15 this year they're actually saying you can
 16 submit by the 17th, because the 15th is on a
 17 Sunday, I think, or a Monday, or -- I wouldn't
 18 go with that. I'd go with the 15th.
 19 MR. CHAIRMAN: On the renewal application, does any
 20 of the other data pull back up from the past,
 21 or is it all fresh and new each year? We did
 22 this last year.
 23 MS. SIMPSON: I'm sorry, I'm not following you.
 24 MS. MOORER: I think it's new each year.
 25 MR. CHAIRMAN: Is it new? Have you done it?

12 (Pages 45 to 48)

<p style="text-align: right;">Page 49</p> <p>1 MS. SIMPSON: No, you have to do it annually. 2 MR. CHAIRMAN: But nothing carries over from history 3 as how it was done the year prior. 4 MR. ANDERSON: No, it's brand new. 5 MR. TARKANY: You have -- you have to fill out the 6 whole thing again. 7 MR. ANDERSON: So we've got to got back if we've 8 gone through it already, like John and I have? 9 MS. SIMPSON: Just recently this -- in this calendar 10 year? 11 MR. ANDERSON: Uh-huh (affirmative response). Yeah. 12 MS. MOORER: No. You shouldn't have to go back. 13 You can just keep the -- 14 MR. ANDERSON: We didn't have this information 15 though. 16 MS. MOORER: This is just -- this is just FYI, I 17 think. 18 MR. ANDERSON: Is this -- are we being required to 19 enter this information onto that website? 20 MS. MOORER: I don't believe so. 21 MR. CHAIRMAN: Can't you amend it? Isn't there an 22 amend tab? 23 MR. ANDERSON: Yeah. You can continue to add. 24 MS. DUKES: Yeah, because I think when we discussed 25 it last year, I didn't put in my reimbursement</p>	<p style="text-align: right;">Page 51</p> <p>1 MS. SIMPSON: I know it, I would. And get them 2 either to give it to you in writing, or get the 3 name of the person you talked to or whatever. 4 MR. TARKANY: I didn't talk to anybody, it's online. 5 MS. SIMPSON: I know, but if you call them to 6 determine if they've received it -- 7 MR. TARKANY: I'll probably, yeah. 8 MS. SIMPSON: Ask them for an e-mail. 9 MR. TARKANY: Yeah. 10 MS. SIMPSON: A confirmation. 11 MR. ANDERSON: It's kind of difficult to understand. 12 MR. CHAIRMAN: The whole thing was laborious through 13 and through from what I recall. 14 MR. ANDERSON: I'm a little slow on those things, 15 but -- 16 MS. MOORER: The last thing are your board finances 17 since the last meeting for October, November, 18 and December. The January reports will 19 probably be ready in a few weeks. Our final 20 balance as of December 31st was \$240,181.45. 21 And that is all that I have in the way of 22 reports, what's going on, what's happening with 23 the board, everything in progress right now. 24 NOTICE OF NEXT MEETING: 25 MR. CHAIRMAN: Any other reports from any of the</p>
<p style="text-align: right;">Page 50</p> <p>1 expenses. But didn't we realize that you kind 2 of needed to put in that information that they 3 pay you reimbursement for this? 4 MR. CHAIRMAN: I've got to go back up to this 5 website -- back up and look at it again. 6 MS. DUKES: I think that's what we decided last 7 year, that I -- 8 MR. ANDERSON: I didn't have this information to 9 enter, so. 10 MS. MOORER: We both tried to see in here, and we 11 can't because we're not board members. You've 12 got to have a profile set up. 13 MR. TARKANY: Is there any way to get a 14 confirmation? Because I don't feel like I did 15 it. I hit it -- I put it in, but I never got 16 anything saying -- 17 MR. ANDERSON: I always feel like I hope I did it 18 right, and I hope I don't get fined. 19 MR. CHAIRMAN: And you have no documentation showing 20 it was sent. 21 MR. TARKANY: No documentation or anything like that 22 they received it and then I'm good to go. So 23 I'm just hoping that it went through. Is there 24 any way to verify it? 25 MR. SAXON: As your lawyer, I would say call them.</p>	<p style="text-align: right;">Page 52</p> <p>1 board members? And we'll move to public 2 comments. Any public comments? There are 3 none. Executive session, I don't require -- 4 believe is needed. Our next meeting for the 5 South Carolina Board of Landscape Architecture 6 will be held May 2nd, 2012, 10:00 a.m., Synergy 7 Business Park, Kingstree Building, 110 8 Centerview Drive, Room 108, Columbia, South 9 Carolina. That concludes. I entertain a 10 motion to adjourn. So moved? All in favor? 11 (Ayes are heard.) 12 MR. CHAIRMAN: Ayes have it. Thank you. 13 MS. SIMPSON: Thank you. 14 (There being nothing further, the meeting was 15 adjourned at 11:34 a.m.)</p>

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