

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

OFFICE OF COMMERCIAL SERVICES

BOARD OF LANDSCAPE ARCHITECTS

GENERAL RULES

(By authority conferred on the board of landscape architects by section 308 of Act No. 299 of the Public Acts of 1980, as amended, being S339.308 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 339.19001 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 299 of the Public Acts of 1980, as amended, being S339.101 et seq. of the Michigan Compiled Laws, and known as the occupational code.

(b) "State license fee act" means Act No. 152 of the Public Acts of 1979, as amended, being S338.2201 et seq. of the Michigan Compiled Laws.

(2) The terms defined in articles 1 and 22 of the act have the same meanings when used in these rules.

History: 1983 AACS.

R 339.19005 Rescinded.

History: 1983 AACS; 1998-2000 AACS.

R 339.19007 Conduct of public meetings; "chairperson" defined.

Rule 7. (1) For the purpose of this rule, "chairperson" means the person authorized to convene and moderate a meeting of the board or any committee of the board or any other person acting temporarily as convenor or moderator.

(2) Each person present shall be provided a reasonable opportunity to address a public meeting on an agenda item or a topic relevant to the public body which is not on the agenda if the person makes a request to the board's offices or to the department prior to convening the meeting or to the chairperson prior to the conclusion of the meeting.

(3) A group of 5 or more persons may be asked to give advance notice to the chairperson or the department of its intention to attend a meeting so that an effort may be made to provide adequate space. Such advance notice is not required.

(4) The chairperson shall do all of the following:

(a) Conduct the public participation portion of the meeting in an orderly and decorous fashion.

(b) Recognize each person wishing to speak, within the time limits available.

(c) Allow for public comment on each agenda item, and allocate a specific time on the agenda for general public comments.

(d) Exclude a person from the meeting only for a breach of the peace actually committed at the meeting.

(5) The chairperson may do the following:

(a) Limit the number of persons admitted to the meeting room if necessary to comply with public safety laws and regulations.

(b) Temporarily recess and promptly reconvene the meeting in a larger meeting room if more space is necessary.

(c) Impose reasonable limitations on time allotted for public comments.

(d) Inquire as to the interest or interests, if any, represented by a person addressing the meeting.

(e) To preserve the rights of all parties, prohibit a member of the public from addressing the meeting on the subject of an administrative law case pending before a board until a disposition of the case has been voted upon by the board.

History: 1983 AACCS.

R 339.19020 Rescission.

Rule 20. R 285.901.1 to R 285.901.5 of the Michigan Administrative Code, appearing on pages 1357 and 1358 of the 1979 Michigan Administrative Code, are rescinded.

History: 1983 AACCS.

PART 2. REGISTRATION

R 339.19021 Rescinded.

History: 1983 AACCS; 1998-2000.

R 339.19023 Experience.

Rule 23. The experience requirements of the act shall be evidenced by either of the following:

(a) Proof of landscape architect certification by the council of landscape architectural registration boards, since the experience requirements are higher than those of this state.

(b) A combination of the following totaling 7 years:

(i) Possession of a baccalaureate degree from a program accredited by the American society of landscape architects. Such degree shall be supported by a program transcript and shall constitute prima facie evidence of 4 years of credit.

(ii) Possession of a master's degree in landscape architecture from a program accredited by the American society of landscape architects which includes the completion of undergraduate prerequisites. Such degree shall be supported by a transcript and shall constitute prima facie evidence of 5 years of credit.

(iii) University-level courses in the subjects included in a landscape architecture degree program accredited by the American society of landscape architects, even though a degree was not awarded, if a transcript is submitted. Partial credit toward the 7-year experience requirement may be granted by the board for the completion of such courses.

(iv) Professional experience in the actual practice of landscape architecture which is documented by not less than 5 references from persons having knowledge of the applicant's experience. Not less than 3 of the references shall be from registrants who can indicate a knowledge of the applicant's professional expertise. Not less than 2 years of professional experience is required of all applicants, notwithstanding the possession of an advanced degree. References shall not be from a relative or a current board member.

History: 1983 AACCS.

R 339.19025 Examination.

Rule 25. (1) A written examination, as outlined in part 3 of these rules, shall be required of any applicant who has not successfully completed any of the following:

(a) The council of landscape architectural registration boards uniform national examination.

(b) The council of landscape architectural registration boards certification process, which includes either the uniform national examination or the senior examination.

(c) A state licensing examination deemed by the board and the department to be equivalent to the uniform national examination.

(2) An applicant who has taken 1 of the examinations listed in subrule (1) of this rule as being equivalent to the requirements of this state may be required to complete an examination developed by the board and the department on Michigan laws and plant materials.

(3) An applicant may sit for the examination only upon completion of all education and experience requirements.

History: 1983 AACCS; 1991 AACCS.

R 339.19027 Application; period of validity.

Rule 27. If an applicant has not met the requirements for registration or provided documentation of continuing effort to become registered within 5 years from the date of the original application, the application shall be made inactive. If an applicant seeks to reactivate an inactive application, a current application fee shall be required.

History: 1983 AACCS.

PART 3. EXAMINATIONS

R 339.19031 Rescinded

History: 1983 AACCS; 1998-2000 AACCS.

R 339.19033 Rescinded.

History: 1983 AACCS; 1998-2000 AACCS.

R 339.19035 Rescinded.

History: 1983 AACCS; 1998-2000 AACCS.

R 339.19037 Rescinded.

History: 1983 AACCS; 1998-2000 AACCS.

R 339.19039 Rescinded.

History: 1983 AACCS; 1998-2000 AACCS.

PART 4. STANDARDS OF CONDUCT

R 339.19041 The seal.

Rule 41. (1) The seal shall be used so long as registration is in effect. The design of the seal to be used by registrants is as follows:

Figure for 339.19041



(2) The seal shall be obtained when a person is registered, and an imprint shall be submitted to the department within 30 days of the notice of registration. Any new seal obtained shall have an imprint filed with the department within 30 days of the change.

(3) The seal shall be used only on work which is prepared under the personal supervision of the registrant. Unauthorized use of the seal by any person other than the registrant is prohibited.

(4) All documents submitted to a public authority shall be sealed by the registrant, although all documents should be sealed regardless of their destination.

(5) The use of the seal shall be validated by the signature of the registrant across the seal or adjacent to it.

(6) Where such requirement does not interfere with the efficient processing of renewals, each renewal registration shall bear the imprint of the registrant's seal.

History: 1983 AACCS.

R 339.19045 Representations.

Rule 45. (1) A registrant shall fully disclose personal or financial interests in any project undertaken.

(2) A registrant shall disclose any compensation from any source other than the client for whom a project is undertaken.

(3) A registrant shall not make exaggerated, false, misleading, or deceptive statements in advertising, brochures, or other written or verbal representations to clients or potential clients.

(4) A registrant shall clearly and accurately represent his or her qualifications, the extent of the services offered, and the charges to be made.

(5) A registrant shall not offer or make bribes or unlawful persuasions to those responsible for letting contracts.

(6) A registrant shall not interfere with competitive bidding, including making false representations or misleading statements about bidders, prospective bidders, or competitors.

(7) A registrant shall not make statements on matters of public policy without identifying the registrant as a landscape architect; disclosing the registrant's interest in the project, whether financial or personal; and disclosing the interests represented in the testimony.

(8) A registrant's reports on projects requiring professional expertise shall be objective and disclose all relevant factors, but shall be restricted to the registrant's area of knowledge and judgment.

History: 1983 AACCS.

R 339.19049 Standards of practice.

Rule 49. (1) A registrant shall not accept gratuities from parties other than the employer or client, such as persons seeking subcontracts, specification of certain materials, or other material and financial benefits.

(2) A registrant shall not accept a bribe or material item or service in return for rendering professional judgment or services.

(3) A registrant shall work in the area of his or her own competence only; he or she may accept contracts or assignments where some work is outside the area of competence if the registrant discloses that other qualified parties must be retained to perform that work.

(4) A registrant shall provide services in a manner that will assure the public health, safety, and welfare, and where, in the professional judgment of the registrant, any of these are endangered, the registrant shall notify the client or employer of these circumstances. If the client or employer fails or refuses to follow his or her instructions or recommendations, the registrant shall notify the regulatory responsible governmental department or agency of the problem and the possible danger that will result therefrom.

(5) The seal of a registrant shall not be used on any work not done under the direct, personal supervision of the registrant. The seal shall not be used on work outside the registrant's competence. A registrant shall not permit his or her seal to be used by any other registrant, regardless of the other registrant's qualifications.

(6) When the registrant is a public official or employed by a public authority, the registrant shall not participate in official action on services from a registrant's private practice, including soliciting business from a public authority on which a registrant's firm is represented by another person.

(7) A registrant shall not act to conceal violations of the law, including the act or these rules, nor shall he or she violate the act or these rules or knowingly permit others to do so. Violations of the act or these rules shall be reported to the department; other violations of law shall be reported to the proper jurisdiction.

(8) A registrant shall not conspire or collude to restrain trade through price arrangements with other registrants or firms or engage in price-fixing activities.

(9) A registrant shall not knowingly design a site such that the public health and safety is endangered or property damage results.

(10) A registrant shall not take funds under false pretenses nor abandon a project without cause or release by the employer or client.

History: 1983 AACS.