



S T A T E O F C O N N E C T I C U T
D E P A R T M E N T O F C O N S U M E R P R O T E C T I O N

BOARD OF LANDSCAPE ARCHITECTS

Tel. No. (860) 713-6135

January 31, 2011

State of Connecticut
Department of Consumer Protection
Occupational & Professional Licensing Division
165 Capitol Avenue
Hartford, Connecticut 06106

The Board of Landscape Architects held a regular meeting on December 21, 2010, which was called to order by Chairman Vincent McDermott at 9:42 AM in Room No 121 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Board Members Present:

Vincent C. McDermott	Chairman
Paul E. Courchainé	Board Member
Shavaun Towers	Board Member
Stephen Wing	Board Member

Board Members Not Present:

W. Phillips Barlow	Board Member
Denise E. Cooper	Board Member
Nancy J. Rudek	Board Member

Others Present:

Robert M. Kuzmich	Department of Consumer Protection
Steven J. Schwane	Department of Consumer Protection
Peter R. Huntsman	Attorney General's Office

Note: The administrative functions of the Boards, Commissions, and Councils are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information, contact Richard M. Hurlburt, Director, at (860) 713-6135 or Fax (860)-706-1255.

Agency Website: www.ct.gov/dcp

Division E-Mail: occtrades@ct.gov

1.) Old Business

1A. Minutes of the September 21, 2010 meeting of the Board; for review and approval. *After a thorough review of the minutes, the Board voted unanimously to approve the minutes as submitted. (Couchaine/Towers)*

1B. Update from Mr. Vince McDermott and continuation of discussion of issues pertaining to meeting held with Department of Environmental Protection and Department of Consumer Protection Representatives on September 23, 2009. Mr. Huntsman and Mr. McDermott have spoken on this issue in the recent past. Subsequent to their meeting, the draft regulations storm water permitting had been withdrawn/ tabled and the existing regulations had been renewed with the intent of adapting a new one in the future. Mr. McDermott noted that a new draft will be published within the next month and circulated for review. One of the issues the Board had has been addressed which clarifies the fact the landscape architects have always been allowed to prepare storm water permitting drawings. The other two-part issue that has not been changed is the requirement that applicants applying for permits for this work are required to submit their drawing to local authorities, in lieu of submitting directly to the *Department of Environmental Protection (DEP)*, who may not necessarily have the technical capability of reviewing plans prepared by engineers and landscape architects nor are they necessarily acting under the direction of a licensed design professional. The second part of this issue is that people acting without supervision by a license professional are authorized to do sedimentation and erosion control inspections. These are practices that fall within the jurisdiction of landscape architects and professional engineers in the State of Connecticut.

Mr. Huntsman stated that a profession cannot be delegated by the *DEP* unless they are saying that all these people are working under their direct supervision or there is some statutory exemption allowing this to happen. Mr. McDermott stated that the basic premise is when a licensed professional is submitting plans; they are saying that these plans meet certain standards. Mr. Huntsman agrees that an unlicensed individual or someone not working under the direct supervision of a licensed design professional should not be reviewing these plans period. The question is why does DEP delegate the review and field inspection of this work.

Mr. McDermott advised the Board that he believes they should first see the current draft so the Board can make an accurate assessment on what their objections are. He will also try and get a contact name at the Department of Environmental Protection.

Mr. Huntsman advised that the Board of Engineers and Land Surveyors faced a similar issue where a non-licensed person was directing licensees to change their plans. Their resolution was in the form of a Declaratory Ruling which Mr. Kuzmich will circulate to this Board for their review.

1C. Continuation of discussion concerning the Board's Proposed 2011 Legislative Package. Mr. Schwane advised the Board that nothing has changed essentially from their last meeting. He noted that the Department's Legislative Liaison advised him to tell the Boards that they should not count on their legislation as being a part of the Department of Consumer Protection's Legislative package

1D. Continuation of discussion concerning Public Act 10-48; specifically the inclusion of landscape architects in the formation of joint practice corporations or limited liability companies. Mr. McDermott asked their attorney how they proceed on this issue in terms of the new entity of practice. Discussion focused on the reapplication of existing entities to include landscape architecture on a new application and go before the appropriate Board's for their respective approval.

The professions need to be advised of this change through their private associations and new Department forms need to be developed to accommodate this new form of corporate practice. It appears that the next renewal period will be the first opportunity for the Department to enforce this new corporate entity. The Department may consider a separate mailing to all corporate licensees to inform them of the new provision in the law. The Board will be advised by the Department on how they will handle this change.

1E. Update from Mr. Stephen Wing regarding his meeting with a local government group concerning standards for filing of maps and other land records. Mr. Wing gave the Board a letter from LeAnn R. Power, Public Records Administrator regarding the recording of land records instruments containing graphical representations. The letter explains that in recent times, her office has received inquires regarding the recording of land record instruments that include graphical representations such as sketches or drawings. Questions and concerns have centered on whether such instruments should be accepted for recording. Essentially, her letter concluded that while the statutes and regulations specify requirements for recording instruments and filing maps, they do not prohibit the use of graphical representations within instruments. Provided that the instruments meet existing statutory requirements for recording, there is no basis for refusing to record an instrument that contains graphical representations.

2.) New Business

2A. Update from the Department's Legal Staff regarding the status of pending Audits being conducted by the Department for the continuing education period from August 1, 2008 through July 31, 2010. The Board reviewed and reconciled all the Continuing Education submissions and concluded that the majority are in compliance. However, there are several submissions that they found not to be in compliance as submitted. Appropriate correspondence from the Department will be sent to the individuals whose continuing education documentation requires further action. These licensees are listed below.

- 1.) Jeri Barrett; License No. 506; deficient by **3 ¼ contact hours.**
- 2.) Edward C. Cape; License. No. 174; the Board requested a comprehensive summary of the continuing education activities he is claiming for the *Connecticut Urban Forest Council Seminars* for 2007 through 2010. The summary should clearly indicate the title of each activity, the date(s) he attended the event, the contact hours associated, and a detailed description of the same. The Board was unable to determine this information from the package initially submitted.
- 3.) Mark A. Klopfer; License No.1075; deficient by **11 ½ contact hours.**
- 4.) Luke J. McCoy; License No. 1027; deficient by **7 contact hours.**
- 5.) Matthew J. Popp; License No. 630; deficient by **6 ½ contact hours.**
- 6.) Peter Rothschild; License No. 473; deficient by **7 ½ contact hours.**
- 7.) Alan N. Saucier; License No. 561; deficient by **7 ½ contact hours.**
- 8.) Cecilia M. Searle; License No. 414; deficient by **1 ½ contact hours.**
- 9.) Lynn E. Wolff; License No. 978; the Board requested a comprehensive summary of the continuing education activities she is claiming for this audit period. The summary should clearly indicate the title of each activity, the date(s) she attended the event, the contact hours associated, and a detailed description of the same. The Board was unable to determine this information from the package submitted.

In addition, the following individuals who have not submitted any correspondence will be referred to the Legal Department for further action:

- 1.) Elizabeth Handfry License No. 1065
- 2.) David Hefferson License No. 1190

- 3.) David Miller License No. 1033
- 4.) Patricia O'Donnell License No. 501
- 5.) Bret Poi License No. 1020

2B. Application of Mr. Anthony P. Nester for licensing by waiver examination; Mr. Nester is applying with a *CLARB Council Record (No. 20511)*. Mr. Nester **does not** have a formal education in landscape architecture. After significant discussion, the Board concluded, pursuant to *Section 20-368-8a, Licensure Standards*, of the Regulation concerning Landscape Architecture, that in lieu of holding a professional degree in landscape architecture, the applicant has met the required eight years of diversified experience in landscape architecture under the direct supervision of a licensed landscape architect. ***Upon a thorough review, the Board voted, unanimously, to approve Mr. Nester's application. (Wing/Towers)***

2C. Application of Mr. Carl E. Carlson for licensing by written examination; Mr. Carlson is applying with a *CLARB Council Record (No. 30276)* and has passed the *Landscape Architect Registration Examination* with the Council of Landscape Architectural Registration Boards. ***Upon a thorough review, the Board voted, unanimously, to approve Mr. Carlson's application. (Courchaine/Wing)***

2D. Application of Mr. Ian P. Dann for licensing by written examination; Mr. Dann is applying with a *CLARB Council Record (No. 38492)* and has passed the *Landscape Architect Registration Examination* with the Council of Landscape Architectural Registration Boards. ***Upon a thorough review, the Board voted, unanimously, to approve Mr. Dann's application. (Courchaine/Wing)***

2E. Application of Ms. Jill E. Desimini for licensing by written examination; Ms. Desimini is applying with a *CLARB Council Record (No. 36988)* and has passed the *Landscape Architect Registration Examination* with the Council of Landscape Architectural Registration Boards. ***Upon a thorough review, the Board voted, unanimously, to approve Ms. Desimini's application. (Courchaine/Wing)***

2F. Application of Mr. Jeffrey W. Kuffel for licensing by written examination; Mr. Kuffel is applying with a *CLARB Council Record (No. 7455)* and has passed the *Landscape Architect Registration Examination* with the Council of Landscape Architectural Registration Boards. ***Upon a thorough review, the Board voted, unanimously, to approve Mr. Kuffel's application. (Courchaine/Wing)***

2G. Application of Mr. Shane D. Lougee for licensing by written examination; Mr. Lougee is applying with a *CLARB Council Record (No. 31900)* and has passed the *Landscape Architect Registration Examination* with the Council of Landscape Architectural Registration Boards. ***Upon a thorough review, the Board voted, unanimously, to approve Mr. Lougee's application. (Courchaine/Wing)***

2H. Application of Ms. Hilary A. Oat-Judge for licensing by written examination; Ms. Oat-Judge is applying with a CLARB Council Record (No. 32749) and has passed the Landscape Architect Registration Examination with the Council of Landscape Architectural Registration Boards. ***Upon a thorough review, the Board voted, unanimously, to conditionally approve Ms. Oat-Judge's application subject to receipt of her passing examination scores from the Council of Landscape Architectural Registration Boards (CLARB). (Wing/Towers)***

2I. Application of Mr. Joseph E. Pajonas for licensing by written examination; Mr. Pajonas is applying with a CLARB Council Record (No. 33161) and has passed the Landscape Architect Registration Examination with the Council of Landscape Architectural Registration Boards. Upon initial review of this application, the Board questioned whether or not the degree the applicant holds is LAAB accredited. However, after the Board's discussion with the CLARB, they (CLARB) confirmed that the degree is LAAB accredited. CLARB will change the applicant's Council Record accordingly. ***As such, the Board voted, unanimously, to approve Mr. Pajonas's application. (Towers/Courchaine)***

2J. Application of Ms. Anja T. Ryan for licensing by written examination; Ms. Ryan is applying with a CLARB Council Record (No. 35438) and has passed the Landscape Architect Registration Examination with the Council of Landscape Architectural Registration Boards. Upon a detailed review of her records, the Board was unable to determine if the work experience she acquired under and an engineer/land surveyor supervisor as well as that accrued under "related" work and "other" supervisors qualifies as experience which includes sufficient elements of landscape architecture included in the Landscape Architect Registration Examination pursuant to Section. 20-368-8a of the Regulation for the Practice of Landscape Architecture.

As such, the Board postponed further action on her application for licensing as a Landscape Architect in Connecticut in accordance with the requirements of the General Statutes of Connecticut, Chapter 396, Section 20-370 and requested that she attend their next regular meeting scheduled for March 22, 2011 to discuss her work experience in detail.

2K. Application of Ms. Stephanie L. Wilson for licensing by written examination; Ms. Wilson is applying with a CLARB Council Record (No. 32770) and has passed the Landscape Architect Registration Examination with the Council of Landscape Architectural Registration Boards. ***Upon a thorough review, the Board voted, unanimously, to approve Ms. Wilson's application. (Courchaine/Wing)***

2L. Updated list of applications processed for licenses subsequent to the September 21, 2010 meeting of the Board. The Board acknowledged this information.

NAME	METHOD OF LICENSURE	DEPT. APPR'D DATE
Spector, Jayne O.	Waiver of Exam; CLARB Council Record No. 38122; Pennsylvania	November 16, 2010
McHugh, Eileen L.	Waiver of Exam; CLARB Council Record No. 38839; Massachusetts	November 16, 2010

2M. Report from Trade Practice Division regarding complaints pertaining to Landscape Architecture between June 16, 2010 and December 2, 2010. Mr. McDermott expressed his frustration regarding the lack of information and detail the Board is receiving regarding pending complaints. The Board requested that Mr. Richard Maloney, the Director of the Department's Trade Practices Division attend their next regular meeting to discuss this issue.

2N. Update from the Department's Legal Staff regarding any Board issues or otherwise.

No items discussed.

2O. The Department has set the following dates for the Board of Landscape Architects for the Calendar Year 2011:

- | | |
|-------------------|------------------------|
| 1.) March 8, 2011 | 3.) September 13, 2011 |
| 2.) June 7, 2011 | 4.) December 13, 2011 |

Location: State Office Building Time: 9:30 AM
165 Capitol Avenue
Hartford, Connecticut 06106

2P. Any correspondence and/or business received in the interim.

No items discussed.

The meeting adjourned at 11:55 AM. The next regular meeting of the Board is scheduled for Tuesday, March 22, 2011, 9:30 AM, Room 121, State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Respectfully submitted,

Robert M. Kuzmich, R.A.

Board Administrator