

STATE OF CONNECTICUT

BOARD OF LANDSCAPE ARCHITECTS

TEL. NO. (860) 713-6135

-MINUTES-

MARCH 22, 2011

The Board of Landscape Architects held a regular meeting on March 22, 2011, which was called to order by Chairman Vincent McDermott at 9:30 AM in Room No 121 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Board Members Present:

Vincent C. McDermott	Chairman
W. Phillips Barlow	Board Member
Paul E. Courchaine	Board Member
Nancy J. Rudek	Board Member
Shavaun Towers	Board Member

Board Members Not Present:

Stephen Wing	Board Member
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Vacancy: One (Public 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 December 21, 2010 meeting of the Board; for review and approval. *After a thorough review of the minutes, the Board voted to approve the minutes as submitted. It is noted that both Ms. Rudek and Mr. Barlow abstained from the vote. (Courchaine/Towers)*

1B. 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. McDermott distributed a copy of the a Draft issued by the Department of Environmental Protection concerning General Permits for the Discharge of Storm water and Dewatering Wastewater form Construction Activities. Mr. McDermott gain again emphasized his concern over their (DEP's) definition of the term "qualified inspector" for which he read aloud their definition as it exists in print. Mr. McDermott stated that most of their certifications required are fine but an individual first must be either a licensed landscape architect or professional engineer in the State of Connecticut with no substitute for this by anything else to engage in any of the activities defined in their draft. Individuals who are licensed as such may work under these individuals because that is how these professions typically operate but these individuals are under someone who is licensed by the Department of Consumer Protection. Mr. McDermott's position is that the DEP does not have the authority to create these new regulations.

It was noted that the Professional Engineer's Board has not commented on this draft to date. Mr. McDermott noted that DEP is proposing to transfer the responsibility of review to local conservation districts but the criterion for the reviewer is vague, at best. This discussion was held almost two years ago with Officials from the DEP who at that time said the State can essentially do what they want on this particular point because they are exempt from the licensing laws and that they are delegating their authority. Mr. Huntsman stated that in some respects the State can sometimes do as they wish but in this particular case he believes that he can make a case with his environmental group and discuss this issue with them. He will speak with his supervisor and then their AAG on Environmental issues and e-mail Mr. McDermott with an update form his discussions.

The Board agrees that this issue should be pursued and Mr. Huntsman agrees that this issue raises unethical and unprofessional situations in that unqualified individuals are in charge of license professionals which **simply cannot be done.**

1C. 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. Ms. Ryan is scheduled to appear before the Board today. Mr. McDermott noted that the Board's concern is the nature of the work done by her at a past employer and is this work landscape architecture and not geotechnical engineering as the firm is known for. Ms. Ryan gave the Board examples of her work. She noted that the firm's former name was Bay State Environmental Consultants known for land development and site design.

Mr. McDermott apologized for not recognizing the firm and the work that they do because of their recent name change. In light of this, the Board has no issues with the nature of her work because of their familiarity with the company's work under their former name. John Walker is the landscape architect under which she gained most of her experience. ***The Board voted, unanimously, to approve her application and recommend her to the Commissioner for licensing as a landscape architect in Connecticut. (Towers/Barlow)***

1D. 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 was sent to the following individuals whose continuing education documentation requires further action.

1.) Jeri Barrett; License No. 506; deficient by ***3 ¼ contact hours.*** ***The Board approved his additional submission, dated February 24, 2011, pertaining to our State's Continuing Education Audit.***

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. ***Upon their review, the Board determined that he is deficient by 6 contact hours in fulfilling the continuing education requisite. Although he documented the required amount, portions of the submittal were determined to be not consistent with subject matter relating to public health, safety, and welfare. The Board requires submission of the documentation for the remaining contact hours no later than June 1, 2011.***

- 3.) Mark A. Klopfer; License No.1075; deficient by **11 ½ contact hours**. *The Board acknowledged the licensee's written request to let his license go "inactive".*
- 4.) Luke J. McCoy; License No. 1027; deficient by **7 contact hours**. *Upon their review of his last submission, the Board determined that he is still deficient by 6 contact hours in fulfilling the continuing education requisite. Although he documented the required amount, portions of the submittal were determined to be not consistent with subject matter relating to public health, safety, and welfare. The Board requires submission of the documentation for the remaining contact hours no later than June 1, 2011.*
- 5.) Matthew J. Popp; License No. 630; deficient by **6 ½ contact hours**. *Upon their review, the Board determined that he is deficient by 6 ½ contact hours in fulfilling the continuing education requisite. Although he documented the required amount, portions of the submittal were determined to be not consistent with subject matter relating to public health, safety, and welfare. The Board requires submission of the documentation for the remaining contact hours no later than June 1, 2011.*
- 6.) Peter Rothschild; License No. 473; deficient by **7 ½ contact hours**. *The Board of Landscape Architects approved his additional submission, dated January 10, 2011, pertaining to our State's Continuing Education Audit.*
- 7.) Alan N. Saucier; License No. 561; deficient by **7 ½ contact hours**. *Upon their review, the Board determined he remains deficient by 7 ½ contact hours in fulfilling the continuing education requisite. Although he documented the required amount or more, a portion of the submittal may have been determined to be not consistent with subject matter relating to public health, safety, and welfare. In addition, the Board advised him that self-directed study/research must be pre-approved by them pursuant to Section Sec. 20-368-15a. of the Regulations. The Board requires submission of the documentation for the remaining contact hours no later than June 1, 2011.*
- 8.) Cecilia M. Searle; License No. 414; deficient by **1 ½ contact hours**. *It was noted that to date, nothing has been receive by the Department regarding her CEU submission. Therefore, the matter was turned over to the Department Enforcement for action.*
- 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. *The Board approved her additional submission, dated February 16, 2011, pertaining to our State's Continuing Education Audit.*

The following individuals who have not submitted any correspondence were referred to the Legal Department for further action:

- 1.) Elizabeth Handfry; License No. 1065; *the Department will notify her in writing that to date, they have received nothing regarding her CEU submission. Further, to avoid legal action. She needs to notify the Department of her intentions.*
- 2.) David Hefferson; License No. 1190; *it was noted by the Board that Mr. Hefferson is exempt from this audit since his initial license date is September 21, 2010.*
- 3.) David Miller; License No. 1033; *the Board of Landscape Architects, at their meeting held this on March 22, 2011, approved his additional submission, dated March 10, 2011, pertaining to our State's Continuing Education Audit.*
- 4.) Patricia O'Donnell; License No. 501; *the Board conditionally approved her submission, dated February 28, 2011, pertaining to our State's Continuing Education Audit pending receipt of proof of attendance for a minimum of twenty four (24) Continuing Education Units CEU's.*
- 5.) Bret Poi; License No. 1020; Mr. Schwane noted that he received a letter from Mr. Poi stating that that the letter he received from Mr. Kuzmich was fictitious and that he obtained a copy of a letter that was sent to his previous employer. Mr. Poi did not respond in any way to the CEU issue and complains of the Department customer service. Mr. Schwane will try to contact him one more time and then if no response is received, legal action will be taken against him.

2.) New Business

2A. Application of Ms. Janice K. Parker for licensing by written examination; Ms. Parker is applying with a *CLARB Council Record (No. 36128)* 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. Parker's application. (Towers/Courchaine)*

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

NAME	METHOD OF LICENSURE	DEPT. APPR'D DATE
Woltz, Thomas L.	Waiver of Exam; CLARB Council Record No. 21701; Virginia	January 10, 2011
Kolwicz, Stephen J.	Waiver of Exam; CLARB Council Record No. 6218; Ohio	February 9, 2011
Vergason, Edwin M.	Waiver of Exam; CLARB Council Record No. 31668; Maryland	February 9, 2011

2C. Report from Trade Practice Division regarding complaints pertaining to Landscape Architecture; Mr. Richard Maloney, Director of the Trade Practices Division, is scheduled to speak with the Board today. Mr. Maloney explained that the Department has one investigator and detailed the process by which the Department processes complaints. He noted that there are no currently no open complaints. Mr. McDermott noted that it would be helpful to be updated on the progress of complaints because the public often comes to the Board asking on the status of their complaints. Mr. Maloney offered to give the Board copies of the closed complaints for their information. Mr. McDermott would be satisfied with a simple list of current complaints which gives the respondent, complainant, and the status of the complaint. The Board does not need a great deal of detail to serve their purposes.

Mr. Maloney advised the Board that his investigator will provide Mr. Kuzmich with a periodic complaint report that will be on the agenda for their quarterly meetings.

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

1. Mr. Schwane addressed the Board concerning a case he has involving a landscape architect firm that may have been offering engineering services and advised the Board on the Department's progress in this matter.

The other case involves an old matter concerning an out-state-company that was part in New Jersey and part in Massachusetts and the question was whether they were doing landscape architecture in Connecticut. Mr. Schwane will contact Mr. McDermott on this matter.

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

1. Mr. McDermott attended CLARB's Spring Meeting. The focus of the meeting was on the new L.A.R.E. The results can back from the new updated survey and based upon this the method of exam delivery is being explored including locations where the examination will be administered. Examination content will remain essentially the same. The examination testing method will be a hybrid model and the development process will be lengthy.

2. Mr. McDermott gave the Board a draft from CLARB which attempts to define well-being and the landscape architect's role in creating the same.

3. The Connecticut Chapter of the ASLA has submitted legislature concerning corporate licensing for landscape architecture firms that appears to be well on its way.

4. Mr. McDermott discussed the new Joint Practice addressing the inclusion of landscape architects. It was determined that Department should be the first party in starting the process to make this change.

The meeting adjourned at 11:07 AM. The next regular meeting of the Board is scheduled for Tuesday, June 7, 2011, 9:30 AM, Room 121, State Office Building, 165 Capitol Avenue, Hartford, Connecticut. (McDermott/Barlow)

Respectfully submitted,

Robert M. Kuzmich, R.A.
Board Administrator