

RULE ADOPTIONS
VOLUME 43, ISSUE 15
ISSUE DATE: AUGUST 1, 2011
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF ARCHITECTS

Adopted New Rules: N.J.A.C. 13:27-8.11, 8.12 and 8.13

Adopted Amendments: N.J.A.C. 13:27-1.1, 1.2, 3.1, 4.8, 7.2, 7.3, 7.4, 7.5, 8.4 through 8.9, 8.11, 8.12, 8.14, 8.16, 8.19, 8.21 and 8.22

Adopted Repeals: N.J.A.C. 13:27-8.3, 8.17 and 8.18

Adopted Repeals and New Rules: N.J.A.C. 13:27-8.1 and 8.2

Adopted Recodification with Amendments: N.J.A.C. 13:27-8.20 as 8.3

Abolishes Duties of the Landscape Architect;

Examination and Evaluation Committee of the New Jersey State Board of Architects and Transfers Duties to the Board; Change in Title from Certified to Licensed; Exceptions and Limitations to the Definition of the Practice of Landscape Architecture; Certificates of Authorization; Renewal and Contract Requirement; Continuing Education Requirements

Proposed: September 20, 2010 at 42 N.J.R. 2208(a).

Adopted: January 19, 2011 by the State Board of Architects, Kishor Y. Joshi, President.

Filed: June 24, 2011 as R.2011 d.197, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3), **with the adopted repeal of N.J.A.C. 13:27-8.16 and the adopted new rule N.J.A.C. 13:27-8.17 not adopted.**

Authority: N.J.S.A. 45:3-3, 45:3A-1 through 3A-3, 3A-8, 3A-10, 3A-15 and 3A-16.

Effective Date: August 1, 2011.

Expiration Date: February 7, 2018.

Summary of Public Comments and Agency Responses follows:

The official comment period ended on November 19, 2010. The Director received comments from the following individuals:

1. Erica Sollberger, RLA, President, New Jersey Chapter, American Society of Landscape Architects, on behalf of their membership;
2. Arthur Russo, Executive Director, Board of Professional Engineers and Land Surveyors, on behalf of the Board;
3. Robert Houseal, AIA, NCARB, on behalf of licensees; and
4. Peter Wasem, on behalf of Licensed Landscape Architects.

1. COMMENT: One commenter is recommending that the rules include a definition of "State Boards" noting that the word "Boards" is used throughout the rule in several locations where references are not made to the three State boards that regulate closely allied professions. As such, the recommendation is that State Boards be defined as "the New Jersey State Board of Architects, State Board of Professional Engineers and Land Surveyors and the State Board of Professional Planners."

RESPONSE: The Board notes that there were two notices of proposal that were prepared separately, but published at the same time at 42 N.J.R. 2202(a) (readopting Chapter 27 with amendments) and 2208(a) (which this notice of adoption is adopting). No change to N.J.A.C. 13:27-3.1 is necessary, as the Board did amend the rule as the commenter requests, and has adopted the same in this notice of adoption.

2. COMMENT: One commenter is requesting that the proposed Licensed Landscape Architect rule, N.J.A.C. 13:27-8.19, Rules of professional conduct, be amended to exclude landscape architects from preparing a land or topographic

survey or locating or showing an existing condition on a site plan or any other plan that will be reviewed by a governing body, except as specifically stated in N.J.A.C. 13:40-7.

RESPONSE: The Board believes that the definition of "Practice of Landscape Architecture" contained in N.J.A.C. 13:27-3.1 fully sets forth the scope of practice for a landscape architect and specifically states that the practice does not include the making of land surveys, or land plats for official recording and other services set forth in N.J.S.A. 45:8-28(e). The Board does not believe that it is necessary to further repeat this exclusion in N.J.A.C. 13:27-8.19, Professional rules of conduct.

3. COMMENT: One commenter indicates that the \$ 500.00 biennial renewal fee in N.J.A.C. 13:27-8.21 imposes an economic hardship on small firms.

RESPONSE: Although the Board appreciates the commenter's concern, the fee is based on anticipated costs, which are determined based on information and expectations of the amount of work involved in reviewing disciplinary matters, processing applications, document preparation and record maintenance. The proposed \$ 500.00 biennial renewal fee is a Certificate of Authorization fee that mirrors the architects' fees in N.J.A.C. 13:27-4.11.

4. COMMENT: One commenter expresses concern with the proposed amendments to N.J.A.C. 13:27-8.13 regarding contract requirements of licensed landscape architects and proposes that a licensed landscape architect should be required to be an officer of a corporation or LLC entity due to the professional ethical responsibilities the profession has evolved into having.

RESPONSE: The Board appreciates the commenter's concern but notes that landscape architects are governed by N.J.S.A. 45:3A-1 and that the proposed rule is consistent with N.J.S.A. 45:3A-16, which sets forth the requirements to obtain a Certificate of Authorization.

5. COMMENT: One commenter raises concerns with N.J.A.C. 13:27-8.15 (recodified from N.J.A.C. 13:27-8.12), regarding the continuing education programs and courses for licensed landscape architects. The commenter claims that requiring course and program providers be LA CES-approved providers only is too restrictive because there are only a limited number of LA CES courses available in New Jersey. The same commenter also suggests that the continuing education language be similar or identical for all closely allied professionals and that they be permitted to receive credits for courses as design professionals.

RESPONSE: The Board agrees with the commenter's first suggestion as to LA CES being the sole authority and provider of continuing education and will reassess the continuing education requirements. Therefore, the Board is not adopting the proposed amendments to recodified N.J.A.C. 13:27-8.15 and 8.16, the proposed repeal of N.J.A.C. 13:27-8.16 and the proposed new rule, N.J.A.C. 13:27-8.17. N.J.A.C. 13:27-8.16 is being recodified as N.J.A.C. 13:27-8.17, and is changed upon adoption, along with the adopted text of recodified N.J.A.C. 13:27-8.15 and 8.16, to include all "standardized" changes from the notice of proposal, changing "Committee" to "Board"; "certificate holder" to "licensee"; and "sponsor" to "provider." A further change is made to recodified N.J.A.C. 13:27-8.15(a)1 and 8.16(c)1 to update the reference to N.J.A.C. 13:27-8.16 to 8.17, as changed upon adoption. The Board will continue to review and approve continuing education courses.

The Board does not agree however with the commenter's second suggestion regarding the same continuing education language for all closely allied professionals. According to statute, all of the professions are to remain separate and are to have their own criteria and courses approved by each board respectively.

[page=1883] **Federal Standards Statement**

A Federal standards analysis is not required because the adopted new rules, repeals and amendments are subject to State statutory requirements and are not subject to any Federal requirements.

Full text of the adopted new rules, recodifications and amendments follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***):

SUBCHAPTER 1. PURPOSE AND SCOPE

13:27-1.1 Purpose

The purpose of this chapter is to regulate the practice of architecture, landscape architecture and interior design in the State of New Jersey pursuant to N.J.S.A. 45:3-1 et seq. and 45:3A-1 et seq.

13:27-1.2 Scope

This chapter shall apply to all applicants seeking licensure as an architect or landscape architect or seeking certification as an interior designer and all licensees practicing architecture or landscape architecture and all certificate holders practicing interior design in the State of New Jersey.

SUBCHAPTER 3. ARCHITECTURAL PRACTICE AND RESPONSIBILITY

13:27-3.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

...

"Boards" means the New Jersey State Board of Architects, State Board of Professional Engineers and Land Surveyors and the State Board of Professional Planners.

"Certificate of Authorization" means a certificate issued by the Board to a general business corporation or a limited liability company to permit the practice of architecture pursuant to N.J.S.A. 45:3-18 or the practice of landscape architecture pursuant to N.J.S.A. 45:3A-16.

"Certificate of Registration" or "license" means official documents attesting to the fact that the individual has met the minimum requirements to practice architecture or landscape architecture in the State of New Jersey. For the purposes of this chapter, the terms "licensed" and "registered" are used interchangeably.

"Closely allied professional" means, and is limited to, licensed architects, professional engineers, land surveyors, professional planners, licensed landscape architects and persons that provide space planning services, interior design services or the substantial equivalent thereof.

...

"Continuing education" means professional development activities whose purpose is academic and professional instruction in order to advance the professional knowledge and skill of an architect or landscape architect.

...

"Landscape Architect Continuing Education System" or "(LA CES)" means a collaboration of the American Society of Landscape Architects, Canadian Society of Landscape Architects, Council of Educators in Landscape Architecture, Council of Landscape Architectural Registration Boards (CLARB), Landscape Architectural Accreditation Board and the Landscape Architecture Foundation, which establishes, maintains and enforces standards for evaluating professional development and continuing education programs for landscape architects.

"Licensed landscape architect" or "landscape architect" means an individual who, by reason of his or her knowledge of natural, physical, mathematical and social sciences, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture and is licensed by the Board as a landscape architect.

...

"Limited liability company" or "(LLC)" means a business entity organized in compliance with the Limited Liability Company Act, N.J.S.A. 42:2B-1 et seq., to engage in and carry on any lawful business, purpose or activity which combines the attributes of both corporation and partnership, and provides the limited liability generally associated with a corporation and the Federal tax treatment of a partnership.

...

"Practice of landscape architecture" means any service in which the principles and methodology of landscape architecture are applied in consultation, evaluation, planning and design, including the preparation and filing of sketches, drawings, plans and specifications for review and approval by governmental agencies, and responsible administration of contracts to the extent that the primary purpose of the contractual services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings and approaches or environment for structures or other improvements, the grading of land and water forms, natural drainage and determination of related impacts, assessments and problems of land disturbance, including erosion and sedimentation, blight or other hazards. This practice includes the proposed location and arrangement of those tangible objects and features as are incidental and necessary for any government approval and as may be prescribed by State or local authorities, but does not include the design of structures or facilities ordinarily included in the practice of engineering or architecture and does not include the making of land surveys, or land plats for official approval or recording or other services as set forth in N.J.S.A. 45:8-28(e).

...

"Responsible charge" means the rendering of regular and effective supervision by a competent licensed architect or a competent licensed landscape architect to those individuals performing services that directly and materially affect the quality and competence of architectural services or landscape architectural services, as appropriate, rendered by the licensee.

SUBCHAPTER 4. LICENSING REQUIREMENTS; BIENNIAL RENEWAL; CERTIFICATES OF AUTHORIZATION

13:27-4.8 Issuance of certificates of authorization

(a)-(c) (No change.)

(d) The LLC or corporation that has been issued a certificate of authority and its licensees who are in responsible charge of the architectural activities and decisions of the LLC or corporation have a continuing duty to inform the Board within 30 days of any change in the information that was provided to the Board as required pursuant to (b) above, including a copy of each annual report filed with the Division of Revenue.

(e) (No change.)

SUBCHAPTER 7. PERMISSIBLE DIVISION OF RESPONSIBILITY IN SUBMISSION OF SITE PLANS AND MAJOR SUBDIVISION PLATS

13:27-7.2 Depiction of existing conditions on a site plan

(a) (No change.)

(b) Vegetation, general flood plain determination or general location of utilities, buildings or structures: By an architect, planner, engineer, land surveyor, landscape architect or other person acceptable to the reviewing governmental body.

13:27-7.3 Preparation of site plan

(a) (No change.)

(b) The locations of drives; parking layout; pedestrian circulation; and means of ingress and egress: By an architect, planner, engineer or landscape architect.

(c)-(h) (No change.)

(i) Landscaping, signs, lighting, screening or other information not specified above: By an architect, planner, engineer, landscape architect or other person acceptable to the reviewing governmental body.

(j) The general layout of a conceptual site plan for a multiple building project, showing the development elements including their relationship to the site and immediate environs: By an architect, planner, engineer or landscape architect.

[page=1884] 13:27-7.4 Preparation of a major subdivision plan

(a) The general location of facilities, site improvements and lot layouts: By an architect, engineer, land surveyor, planner or landscape architect.

(b)-(c) (No change.)

13:27-7.5 Effect of local ordinances

(a) (No change.)

(b) No municipal or county ordinance, policy or action purporting to define the scope of professional activity of architects, engineers, land surveyors, planners or landscape architects in the preparation of site plans or major subdivisions shall reduce or expand the scope of professional practice recognized by the Boards.

SUBCHAPTER 8. LICENSED LANDSCAPE ARCHITECTS

13:27-8.1 Duties of the Executive Director

The Executive Director shall keep a record of all applicants for licensure as a landscape architect, showing for each the date of application, name, age, education and other qualifications, place of practice and address of record, whether or not an examination was required, and whether the applicant was rejected or a license granted, and the date of that action.

13:27-8.2 Exceptions; limitations

(a) The practice of landscape architecture shall not prohibit the preparation of landscaping plans for sites where government review or approvals are not required or do not require the signature and seal of a landscape architect.

(b) Nothing in N.J.S.A. 45:3A-1 et seq., or this subchapter shall be construed to prevent or limit the practice of architecture, engineering, land surveying or professional planning by one licensed to practice that profession in this State, but no architect, engineer, surveyor or professional planner shall use the designation "landscape architect" unless licensed as a landscape architect in this State.

(c) In accordance with N.J.S.A. 45:3A-3, no municipal or county ordinance, policy or action purporting to define, or having the effect of defining, the scope of professional activity of architects, engineers, land surveyors, planners or licensed landscape architects in the preparation of landscape design plans shall reduce or expand the scope of professional practice recognized by the respective boards that regulate these professions.

13:27-8.3 Use of title; nomenclature for non-licensed persons

(a) A person who is not a licensed landscape architect as defined in N.J.S.A. 45:3A-2 shall not use or advertise or offer services to the public utilizing the following titles or description of services:

TITLES

Landscape Architect

Licensed Landscape Architect

Registered Landscape Architect

Professional Landscape Architect

DESCRIPTIONS OF SERVICES

Landscape Architecture

Landscape Architectural Design

Landscape Architectural Construction

Landscape Architectural Planting Design

Landscape Architectural Service

(b) (No change.)

13:27-8.4 Curricula approved by the Board

(a) Any educational program accredited by the Landscape Architectural Accreditation Board shall be deemed an approved program.

(b) For any academic program not accredited by the Landscape Architectural Accreditation Board, an applicant shall provide to the Board:

1. A certified transcript of his or her courses; and

2. A true and accurate course description for each of the landscape architecture courses for which the candidate is seeking credit toward licensure.

(c) The Board shall, in its consideration of the academic program, compare the degree to the standards promulgated by the Landscape Architecture Accreditation Board. Thereafter, the Board may, in its discretion, require the candidate to appear before the Board for a personal interview and to present representative samples of his or her landscape architecture work.

13:27-8.5 Application for initial licensure

(a) An applicant for initial licensure as a landscape architect shall:

1. Hold a bachelor's degree or higher in landscape architecture from a college or university having a landscape architecture curriculum accredited by the Landscape Architectural Accreditation Board or other academic program approved by the Board pursuant to N.J.A.C. 13:27-8.4. The applicant shall arrange for the college or university to send an official transcript directly to the Board;

2. (No change.)

3. Be of good moral character demonstrated by furnishing five references, two from individuals who have known the applicant for at least five years and three from professionally trained design professionals, such as licensed landscape architects, architects, professional engineers or professional planners, who have first hand experience of the applicant's work. No individual providing a reference shall be related to the applicant;

4. Successfully complete, within five years of application for licensure, the Landscape Architect Registration Examination (LARE); and

5. Complete and return to the Board an application for initial licensure with payment of the initial licensure fee as set forth in N.J.A.C. 13:27-8.21.

13:27-8.6 Application for licensure as a landscape architect without LARE examination

(a) An individual may apply for licensure as a landscape architect in New Jersey if he or she meets the requirements of N.J.S.A. 45:3A-1 et seq., and:

1. Holds a license or certificate to practice landscape architecture in good standing issued upon examination by any state, district, territory or possession in the United States, provided the applicant's qualifications meet the requirements enforced in this State at the time the license or certificate was issued;

2. Has passed the Council of Landscape Architectural Registration Boards (CLARB) Uniform National Examination (UNE) or LARE or holds a current CLARB certification. Applicants holding CLARB certification shall arrange for CLARB to send the certificate to the Board;

3. Submits a completed application form; and

4. Meets the requirements for initial licensure pursuant to N.J.A.C. 13:27-8.5(a)1 through 3 and 5.

13:27-8.7 Biennial license renewal; license suspension; reinstatement of suspended license; inactive status

(a) All licenses issued by the Board shall be issued for a biennial license period. A licensee who seeks renewal of the license shall submit a completed renewal application, a statement that the licensee has successfully completed the continuing education requirement pursuant to N.J.A.C. 13:27-8.14 and the renewal fee as set forth in N.J.A.C. 13:27-8.21 prior to the expiration date of the license.

(b) The Board shall send a notice of renewal to each licensee at the address registered with the Board at least 60 days prior to the expiration date of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the licensee for any unlicensed practice during the period following the license expiration, not to exceed the number of days short of 60 before the notice of renewal was issued.

(c) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a statement that the licensee has successfully completed the continuing education requirement pursuant to N.J.A.C. 13:27-8.14, a renewal fee and a late fee, as set forth in N.J.A.C. 13:27-8.21. During this 30-day period, the license shall be valid, and the licensee shall not be deemed to be engaged in unauthorized practice.

(d) A license that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who holds himself or herself [page=1885] out as a landscape architect with a suspended license shall be in violation of N.J.A.C. 13:27-8.3.

(e) A licensee whose license has been automatically suspended for five years or less for failure to renew pursuant to (d) above may be reinstated by the Board upon completion of the following:

1. (No change.)

2. Submission of proof of completion of the continuing education credits required for each biennial registration period for which the license was suspended; and

3. Submission of an affidavit of employment listing each job held during the period of suspended licensure, which includes the name, address and telephone number of each employer.

(f) In addition to fulfilling the requirements set forth in (e) above, a licensee whose license has been automatically suspended for more than five years who wishes to return to practice shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while suspended may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

(g) Renewal applications shall provide the license holder with the option of either active or inactive status. A licensee electing inactive status shall pay the inactive license fee set forth in N.J.A.C. 13:27-8.21 and shall not hold himself or herself out as a landscape architect.

(h) A licensee who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the biennial license fee and reinstatement fee pursuant to N.J.A.C. 13:27-8.21;

2. Submission of proof of completion of the continuing education credits required for each biennial license period for which the license was on inactive status; and

3. Submission of an affidavit of employment listing each job held during the period the license was on inactive status, which includes the name, address and telephone number of each employer.

(i) In addition to fulfilling the requirements set forth in (h) above, a licensee whose license has been on inactive status for more than five years who wishes to return to active status shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while on inactive status may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

13:27-8.8 Display of license; replacement and duplicate licenses

(a) A licensed landscape architect shall conspicuously display at each place of business or employment the original license or a duplicate license issued by the Board showing the current biennial licensure period.

(b) Each license number and license containing such license number issued by the Board to a licensed landscape architect shall remain the property of the State of New Jersey. If the Board suspends, fails to renew or revokes a license, the licensee shall immediately return all licenses to the Board and shall remove the license number from all advertising and anything else on which the license number is displayed or otherwise communicated.

(c) The Board shall issue a replacement license to a licensed landscape architect upon payment of the replacement license fee as set forth in N.J.A.C. 13:27-8.21 and receipt by the Board of an affidavit or certified statement attesting that the original was either lost, destroyed, mutilated or is otherwise no longer in the custody of and cannot be recovered by the licensee.

(d) The Board shall issue a duplicate license to a licensed landscape architect upon payment of the duplicate license fee as set forth in N.J.A.C. 13:27-8.21 and receipt by the Board of an affidavit or certified statement that the licensed landscape architect has multiple places of business in which the licensee must display a license. A licensed landscape

architect may not possess more licenses than the number of places of business utilized by the licensed landscape architect.

13:27-8.9 Seal and signature

(a) Every licensed landscape architect shall have a seal established and issued by the Board, which shall contain the name of the landscape architect, his or her license number and the legend "Licensed Landscape Architect." If the Board suspends, fails to renew or revokes a license, the licensee shall immediately return the seal press containing such seal to the Board.

(b) All working drawings and specifications prepared by the licensed landscape architect or under his or her supervision shall be signed on the original with the personal signature of the licensed landscape architect. Thereafter, all copies of such drawings and specifications shall be sealed prior to submission to the client or filing with a public agency.

(c) A licensed landscape architect shall provide the following information in a title block, which shall be placed on all construction contract drawings prepared under his or her direction. The information shall appear legibly on the construction contract drawings and shall be clearly reproducible.

1. The full name of the licensed landscape architect as it appears on the license issued by the Board;
2. The signature of the licensed landscape architect;
3. The license number and title: New Jersey Licensed Landscape Architect;
4. The date when signed; and
5. If applicable, the certificate of authorization number as required under N.J.S.A. 45:3A-16 and N.J.A.C. 13:27-8.11.

(d) Other information may appear with or within the title block provided that the required information is distinct and the name of the licensed landscape architect is readily discernible from the other information on the document.

13:27-8.11 Issuance of certificates of authorization

(a) Upon review and approval by the Board of a completed application, the Board shall issue a certificate of authorization to an LLC or a corporation, other than a professional service corporation established pursuant to the "Professional Service Corporation Act," P.L. 1969, c. 232 (N.J.S.A. 14A:17-1 et seq.), if the LLC or corporation meets the following requirements:

1. At least one of the LLC's or corporation's officers or full-time employees is a licensed landscape architect in this State who shall be in responsible charge of the professional services rendered by the LLC or corporation; or
2. The LLC or corporation has entered into a written contract with a New Jersey licensed landscape architect pursuant to N.J.A.C. 13:27-8.13.

(b) In applying for a certificate of authorization, an applicant shall submit to the Board:

1. A completed application form approved by the Board, which shall include, at a minimum, the following:
 - i. The name and address of the LLC or corporation and its satellite offices;
 - ii. The names, addresses, license numbers and signatures of all officers, board members, directors, principals and any licensees who shall be in responsible charge of the practice of landscape architecture through the LLC or corporation;

iii. The names, addresses, license numbers and amount and percentage of ownership interest of the LLC or corporation of persons who are licensees of the Board or who are closely allied professionals;

iv. The names, addresses and amount and percentage of ownership interest of the LLC or corporation of persons who are not licensees of the Board nor closely allied professionals; and

v. The name and address of the LLC's or corporation's registered agent for service of process in New Jersey;

2. A certified copy of the Certificate of Formation or Incorporation for an LLC or corporation created in this State or, for an LLC or corporation created outside New Jersey, a certified copy of a Certificate of Authorization issued by the Division of Revenue in the New Jersey Department of the Treasury and a certified copy of the Certificate of Formation or Incorporation, or its equivalent, issued by the home state;

3. A copy of the most current annual report filed with the Division of Revenue in the New Jersey Department of the Treasury;

[page=1886] 4. If appropriate, a copy of the signed contract entered into pursuant to N.J.A.C. 13:27-8.13; and

5. The application fee and certificate fee as set forth in N.J.A.C. 13:27-8.21.

(c) The certificate of authorization shall designate all New Jersey licensees who are in responsible charge of the landscape architectural activities and decisions of the LLC or corporation. All final drawings, papers and documents involving the practice of landscape architecture, when issued by the LLC or corporation or filed for public record, shall be signed and sealed by the New Jersey licensee who is in responsible charge of the work.

(d) The LLC or corporation that has been issued a certificate of authorization and its licensees who are in responsible charge of the landscape architectural activities and decisions of the LLC or corporation have a continuing duty to inform the Board within 30 days of any change in the information that was provided to the Board as required pursuant to (b) above, including a copy of each annual report filed with the Division of Revenue.

(e) Misrepresentation of any information provided to the Board or failure to provide updated information as required under (d) above shall result in the suspension of the certificate of authorization and/or shall be deemed to be professional misconduct of the licensees found to be in responsible charge of the landscape architectural activities and decisions of the LLC or corporation.

13:27-8.12 Biennial renewal of certificates of authorization

(a) All certificates of authorization issued by the Board shall be issued for a biennial period. An LLC or corporation seeking renewal of the certificate shall submit a completed renewal application, a copy of the current annual report filed with the Division of Revenue in the New Jersey Department of the Treasury and the renewal fee as set forth in N.J.A.C. 13:27-8.21 prior to the expiration date of the certificate.

(b) The Board shall send a notice of renewal to each certificate holder at the address registered with the Board at least 60 days prior to the expiration of the certificate. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the certificate holder for failure to renew.

(c) If a certificate holder does not renew the certificate prior to its expiration date, the certificate holder may renew the certificate within 30 days of its expiration by submitting a completed renewal application, a copy of the current annual report filed with the Division of Revenue in the New Jersey Department of the Treasury, and the renewal fee and late fee as set forth in N.J.A.C. 13:27-8.21. During this 30-day period, the certificate shall be valid, and the certificate holder shall not be deemed to be engaged in unauthorized practice.

(d) A certificate of authorization that is not renewed within 30 days of its expiration shall be automatically suspended. An LLC or corporation, other than a professional service corporation established pursuant to the "Professional Service

Corporation Act," P.L. 1969, c. 232 (N.J.S.A. 14A:17-1 et seq.), that provides or advertises landscape architectural services while its certificate of authorization is suspended shall be in violation of N.J.S.A. 45:3A-16.

(e) A certificate of authorization that has been automatically suspended for non-renewal may be reinstated upon the LLC or corporation submitting a completed reinstatement application, a copy of the current annual report filed with the Division of Revenue in the New Jersey Department of the Treasury, and the renewal fee and reinstatement fee as set forth in N.J.A.C. 13:27-8.21.

13:27-8.13 Contract requirement

(a) Any business corporation or LLC that offers or renders landscape architectural services but does not have an officer or employee licensed as a landscape architect in this State who is in responsible charge shall have a written contract with a New Jersey licensed landscape architect, prior to the offering or rendering of any such service, and shall have obtained a certificate of authorization pursuant to N.J.S.A. 45:3A-16 and N.J.A.C. 13:27-8.11. Such written contract shall clearly indicate the licensee to be in responsible charge of the landscape architectural services.

(b) A licensed landscape architect rendering landscape architectural services for a business corporation or LLC that is required to obtain a certificate of authorization pursuant to N.J.S.A. 45:3A-16 and N.J.A.C. 13:27-8.11 shall not perform such services unless he or she is an officer or an employee of the corporation or LLC or has a written contract with the corporation or LLC prior to rendering professional services and is listed as being in responsible charge on the corporation's or LLC's certificate of authorization.

(c) A licensed landscape architect rendering landscape architectural services who is listed on a corporation's or LLC's certificate of authorization as being in responsible charge of the landscape architecture work, shall notify the Board in writing within 30 days of any change of status regarding the individual(s) in responsible charge of the corporation or LLC. It shall be the duty of the corporation or LLC and the licensed landscape architect(s) listed as being in responsible charge on the certificate of authorization to provide such notification.

(d) Any corporation or LLC that offers or renders landscape architecture services without a Certificate of Authorization or with a lapsed Certificate of Authorization shall be subject to civil penalties as authorized by N.J.S.A. 45:1-25. This subsection shall not apply to a professional service corporation established pursuant to the Professional Service Corporation Act, N.J.S.A. 14A:17-1 et seq.

13:27-8.14 Continuing education hour requirements; waiver or modification of requirements

(a) Except for a landscape architect who, on March 5, 2009, the effective date of P.L. 2008, c. 77, holds a valid certificate issued by the Board, pursuant to N.J.S.A. 45:3A-1 et seq., and who is considered a licensed landscape architect immediately upon that effective date, a licensee shall not be required to obtain continuing education hours during the first biennial renewal period in which the licensee first obtains licensure. For each succeeding biennial renewal period, the licensee shall complete a minimum of 24 hours of continuing education. An architect licensed to practice architecture and licensed to practice landscape architecture in New Jersey shall be required to complete 12 hours of continuing education in landscape architecture as set forth in N.J.S.A. 45:3A-15.

(b) A licensed landscape architect shall receive continuing education credit only for continuing education successfully completed during the biennial licensure period in which the continuing education was completed, and no continuing education hours may be carried over into a succeeding biennial period.

(c) The Board may, at its discretion, waive, extend or modify continuing education requirements on an individual basis for reasons of emergency or hardship, such as illness or disability that prevents attendance at or completion of continuing education, military service or other good cause as demonstrated by the licensee.

(d) Any licensee seeking a waiver, extension or modification of the continuing education requirements shall submit a request to the Board in writing specifying the reasons for the waiver, extension or modification. The licensee shall also provide the Board with such information as it may reasonably request in support of the request.

13:27-8.15 Continuing education programs and courses

(a) The licensee may obtain continuing education credit as follows:

[1. Courses and programs provided by LA CES-approved providers; or]

***1. Courses or programs approved by the Board pursuant to N.J.A.C. 13:27-8.17: one hour for each hour of attendance;**

2. Seminar, courses, conferences and other programs offered for the purpose of keeping the certificate holder apprised of advancements and new developments in the profession. Suitable programs include, for example, any of the subjects tested in the Landscape Architect Registration Examination (LARE), such as professional practice, design (conceptual site design, planting design, comprehensive site design), communication or design implementation (grading construction details, layout): one hour for each hour of attendance;*

[2.] ***3.* Successful completion of graduate course work relevant to landscape architecture beyond that required for professional certification, at university-sponsored programs or university-level, subject to Board approval: a maximum of nine hours for each course*[.]***; or**

[page=1887] **4. Courses, programs or seminars offered or approved by the New Jersey Department of Environmental Protection that are directly related to the practice of landscape architecture: one hour for each hour of attendance.**

(b) The Board shall maintain a list of all approved programs and courses at the Board offices and shall furnish this information to licensees upon request.

(c) A licensee may obtain approval for attendance at a seminar, conference or other program that meets the Board's continuing education requirements. For approval prior to attendance at a seminar, conference or other program, the licensee shall submit to the Board a descriptive outline of the program or a description as prepared by the sponsor, including dates and hours 60 days prior to enrollment. For approval subsequent to attending a seminar, conference or other program, the licensee shall submit to the Board a descriptive outline of the program or a description as prepared by the sponsor, including dates and hours together with written verification of attendance.*

13:27-8.16 Compliance with continuing education requirements; audit

(a) A licensee applying for license renewal as set forth in N.J.A.C. 13:27-8.7 shall confirm on the renewal application that he or she has completed the required continuing education during the preceding biennial period set forth in N.J.A.C. 13:27-8.14(a).

(b) Each licensee shall be subject to audit by the Board and shall submit documentation of completed continuing education courses and programs upon request. Failure to provide requested documentation or falsification of any information submitted to the Board may result in penalties, pursuant to N.J.S.A. 45:1-22 and 45:1-25, and/or suspension of license, pursuant to N.J.S.A. 45:1-21.

(c) Each licensee shall retain documentation *[for participation in and/or attendance at an LA CES-approved provider course or program, or completion of graduate course work as set forth in N.J.A.C. 13:27-8.15(a)2,]* for a period of five years*[.]***.*

***1. For attendance at courses or programs approved by the Board, the verification of attendance as set forth in N.J.A.C. 13:27-8.17(b); and**

2. For attendance at seminars, conferences and other programs for which the licensee received advanced

approval, a descriptive outline of the program or a description as prepared by the sponsor, including dates and hours. For attendance at seminars, conferences and other courses and programs for which the licensee received subsequent approval by the Board, written verification by the sponsor of attendance.*

13:27-[8.16]**8.17* Responsibilities of continuing education *[sponsors]* **providers***

(a) At least 60 days prior to offering a course or program, a *[sponsor]* **provider*** of continuing education for landscape architects shall submit the following for each course or program offered for evaluation by the *[Committee]* **Board***:

1.-2. (No change.)

(b) The *[sponsor]* **provider*** shall monitor the attendance at each approved course or program and furnish to each enrollee a verification of attendance, which shall include at least the following information:

1.-2. (No change.)

3. The number of hours of the course or program and, if known, the number of continuing education hours approved by the *[Committee]* **Board***; and

4. (No change.)

(c) The *[sponsor]* **provider*** shall solicit evaluations from both the participants and the instructors.

(d) A *[sponsor]* **provider*** shall not exclude from the course or program any *[certificate holder]* **licensee*** who is not a member of the group or association but may impose a reasonable differential in course or program fees based upon membership within a group or association.

13:27-8.18 (Reserved)

13:27-8.19 Rules of professional conduct

(a) If, in the course of his or her work on a project, a licensed landscape architect becomes aware of a decision taken by his or her employer or client, against the licensed landscape architect's advice, which violates applicable Federal, State, county or municipal building laws and regulations and which would, in the licensed landscape architect's exercise of reasonable judgment, materially and adversely affect the health, safety and welfare of the public, the licensed landscape architect shall notify the employer or the client of such consequences and such other public authority as may be appropriate in the situation.

(b) A licensed landscape architect may accept an assignment or employment requiring education or experience outside of his or her field of competence, but only to the extent that the services are restricted to those phases of the project in which he or she may, without undue cost or hardship to the client, reasonably become qualified. All other phases of such project shall be performed by qualified associates, consultants or employees in conformance with the statutes and rules governing their respective professions.

(c) A licensed landscape architect shall not affix a personal signature or seal to any plan or document dealing with subject matter in which there is a lack of competence by virtue of education or experience, nor to any such plan or document not prepared under his or her direct supervision and control.

(d) A licensed landscape architect shall be completely objective and truthful in all professional reports, statements or testimony and shall include all relevant and pertinent information.

(e) When issuing any statements, criticisms or arguments on matters connected with public policy that are inspired or paid for by an interested party, or parties, a licensed landscape architect shall preface such comments by explicit

personal identification, by disclosing the identity of the party or parties on whose behalf he or she is speaking, and by revealing the existence of any pecuniary interest he or she may have in the instant matters.

(f) A licensed landscape architect shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to by, all interested parties.

(g) A licensed landscape architect shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products unless such consideration is disclosed to the client.

(h) A licensed landscape architect shall not solicit or accept gratuities or anything of value not related to work performed, directly or indirectly from contractors, their agents or other parties dealing with his or her client or employer in connection with work for which he or she is responsible.

(i) When in public service as a member, advisor or employee of a governmental body or department, a licensed landscape architect shall not participate in considerations or actions with respect to services provided by the individual or the individual's professional organization in private practice.

(j) A licensed landscape architect shall not solicit or accept a contract from a government body on which a principal or officer of his or her organization serves as a member.

(k) A licensed landscape architect shall not offer to pay, either directly or indirectly, any commission, political contribution, gift or other consideration in order to secure or retain work, exclusive of securing positions through employment agencies.

(l) A licensed landscape architect shall not falsify or permit misrepresentation of academic or professional qualifications. He or she shall not misrepresent or exaggerate degrees of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments with the intent and purpose of enhancing his or her qualifications and work.

(m) A licensed landscape architect shall not knowingly associate with or permit the use of a personal name or firm name in a business venture by any person or firm which he or she knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature or is otherwise engaging in unlawful activities.

[page=1888] (n) All advertisements and public representations of licensees, which make specific reference to service as a "landscape architect" shall list the name and license number of the licensed landscape architect. If the licensee conducts the practice under a corporation or trade name, the advertisement/public representation may list the business name under which the practice is conducted but shall also conspicuously disclose the name and license number of at least one of the principal practitioners.

1. Licensed landscape architects, whose advertisements/listings in a telephone or other consumer information directory do not comply with this requirement, shall immediately notify the directory publisher of the additional data which shall be published in the next available directory in which the licensed landscape architect intends to continue such advertisement/listing. The licensee, personally or through the business entity, shall retain a copy of the notification which shall be made available for inspection at Board request.

(o) If a licensed landscape architect has knowledge or reason to believe that another person or firm may be in violation of any of these provisions, he or she shall present such information to the Board in writing and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board.

13:27-8.20 (Reserved)

13:27-8.21 Fees

(a) The following fees shall be charged by the Board for landscape architect license matters. Unless otherwise provided herein, all fees are non-refundable.

1. (No change.)

2. Initial fee (including seal press)

i.-ii. (No change.)

Recodify existing 4.-7. as 3.-6. (No change in text.)

7. Replacement or duplicate license fee 25.00

8. (No change in text.)

9. Verification of license 25.00

(b) Certificate of Authorization fees shall be as follows:

1. Application fee \$100.00

2. Initial licensure

i. If paid in the first year of a biennial renewal period 500.00

ii. If paid in the second year of a biennial renewal period 250.00

3. Biennial renewal 500.00

4. Late fee 50.00

5. Reinstatement fee 300.00

13:27-8.22
Notification of
change of
address;

service of
process

(a) Licensed landscape architects shall notify the Board in writing of any change from the address currently registered with the Board and shown on the most recently issued license. Such notice shall be sent to the Board by certified mail, return receipt requested, no later than 30 days following the change of address. Failure to notify the Board of any change of address may result in disciplinary action.

(b) Service of an administrative complaint or other Board-initiated action at a licensee's address on file with the Board shall be deemed adequate notice when service by certified or regular mail is acceptable and shall allow the commencement of any

disciplinary
proceedings.