



OHIO LANDSCAPE ARCHITECTS BOARD

Meeting Date: July 24, 2015

The Meeting was called to order at 9:05 A.M. by Tim Schmalenberger in the Board Room on the 31st floor of the Riffe Center.

1. ATTENDANCE AND ANNOUNCEMENTS.

Present: Tim Schmalenberger, President; Gwen Eberly, Secretary; Lee Behnke, Member; Scott Sonnenberg, Allied Prof. Member; Patrick Beam, Member; Amy M. Kobe, Executive Director; Cheryl Thaxton, Program Administrator; Chad Holland, Investigator; Barry McKew, Asst. Attorney General.

Guest: Jeannie Martin-ASLA

2. CONSENT AGENDA ITEMS.

On motion by Mr. Sonnenberg, second by Ms. Eberly and a vote of 4-0, the Consent Agenda was approved.

- A. MINUTES- February 20, 2015
- B. BUDGET - Financial Status Report for June 30, 2015
- C. REGISTRATION-

1. Ratification of Registration- Examination

<u>Cert. No.</u>	<u>Name</u>
1344	ALBERT, Kyle
1349	BALASH, Christopher
1350	FORRY, Shannon
1352	TAFT, Jamie
1353	SALMANS, Karla
1354	WATSON, Matthew
1355	ASHWORTH, Brian
1357	DRUFFEL, Brandon
1359	SHORT, Angela



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2. Reciprocal Applications

<u>Cert. No.</u>	<u>Name</u>	<u>Base State</u>
1341	UTHE, Rachel	IN
1342	KEARSLEY, Ann M.F.C.	AZ
1343	GAFF, Dale G.	SC
1345	SZURA, Michael	NJ
1346	BARR, Jeffrey T.	CA
1347	BIHAN, Rene	CA
1348	HOWARD, Willet	ID
1351	GOLDE, Robert J.	CT
1356	SYMNYKWICZ, Jesse	MN
1358	FLOYD, David Jr.	GA

D. EXAMINATION-None

F. CERTIFICATES OF AUTHORIZATION-

LANDPLAN STUDIOS, LLC
CLOONAN DESIGN SERVICES
BRUBECK DESIGN STUDIO, LLC
GAFF CONSULTING SERVICES, PA
BOULEVARD STUDIOS LLC

3. REPORTS

A. EXECUTIVE DIRECTOR- No report given.

B. CLARB-

1) The Welfare Pilot project has been put on hold. ASLA has concerns about the regulation of welfare at the expense of health and safety. Discussions between ASLA and CLARB are taking place.

2) Out of State Travel -On motion by Lee Behnke, second by Scott Sonnenberg, the Board voted to approve the out of state travel for Amy Kobe, Tim Schmalenberger, and Pat Beam to attend the CLARB annual meeting which will be held in New Orleans, LA from September 17 - 19, 2015. The motion passed by a vote of 5-0.

3) CLARB Bylaws Update- The proposed revisions to the CLARB bylaws were discussed. The revisions will be voted upon at the annual meeting.

The Board has concerns with some of the changes proposed. The proposal to add an MBE as a full voting member, rather than the current observer status, requires the MBE to have served on the MBE committee within the past 18 months. This may inadvertently eliminate



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(CLARB Bylaws Revisions, continued)

otherwise qualified candidates. The MBE would be appointed by the President, and not by the Member Board Executives.

The board feels the revisions should have been sent to the member boards for comment before they were put into a resolution. Board would like to suggest tabling resolutions before voting on them. The response needs to be submitted by Wed. July 29th. Comments will be sent to Director Kobe to be incorporated into one response.

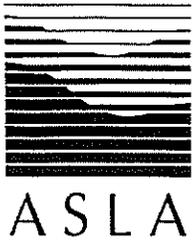
D. OCASLA- A report from Trustee Jeannie Martin, FASLA is attached.

5. NEW BUSINESS

- A. **Update on HB 243**-This bill changes the board's continuing education statutes to give the board more flexibility in determining the types of qualified activities. Representative Tim Shaffer's sponsor testimony was distributed. The next hearing, which should take place after the legislature returns in September, will be for proponent testimony. Hopefully, the bill will move through both the House and Senate before their recess in December.
- B. **Revision of CE Penalties**- On motion by Mr. Beam, second by Ms. Eberly, the Board voted to change the policy regarding penalties for continuing education violations. The new policy will give individuals who fail an audit 30 days to make up the missing hours, plus they will be automatically audited for the next renewal period. If they fail to complete the missing hours or fail the subsequent audit, there will be Notice of Opportunity with a \$1,000 fine. The motion passed by a 5-0 vote.
- C. **Review of Comments on 2015 Rule Review**- The rules up for Five Year Review in 2015 were sent to stakeholders. Only two comments were received. Those comments indicated that the rules are not in need of revision.

Following discussion by the board, a motion was made by Mr. Sonnenberg, and seconded by Mr. Behnke, the Board voted to eliminate section 4703:1-3-02 B (5), requiring copies of the firm's articles of incorporation. These were deemed irrelevant to determining if a firm meets the state's ownership requirements. The motion passed by a 5-0 vote.

Section 4703:1-3-01, Seal Requirements, was discussed. The board felt there was no need to change item (C) (5); they did not feel that there was a problem with the section. The rules with the proposed change, and the Business Impact Analysis, will be sent out shortly for comments.



Ohio Chapter of the American Society of Landscape Architects

P.O. Box 776
Worthington, OH 43085-0776

*email: info@ohioasla.org
website: www.ohioasla.org*

Update to the State Board of Landscape Architects July 24, 2015

Ohio Budget Approved and Signed – 2 Year

- Amended Substitute House Bill 64
- Merging of Architects and Landscape Architects Board Removed
- Sunset Review Committee Provision Added
 - Hold Hearings to Receive Testimony
 - Make Recommendations to General Assembly by June 1, 2016

Lobbyist Search Committee

- Executive Committee: Jeannie, Carmine, Karla,
- Volunteers: Jonathan Ferbrache, Craig Cawrse, Rick Espe, Kathy Fox, Virginia Russell, (Keith Myers)
- Proposals from
 - Terrence O'Donnell, Dickinson Wright
 - Luther Liggett, Kohrman Jackson & Krantz
 - Bill Byers, Byers Minton & Associates
 - Michael Morrison, Government Advantage Group

Kent State University – Student Chapter ASLA Request

- Received Letter of Request and Copy of Bylaws
- Approved and forwarded to National ASLA

2015 Golf Outing

- Friday, August 14, 2015 at Chapel Hill
- Benefits LABASH 2016

2015 Fall Educational + Gala

- Friday, October 2, 2015 in Cleveland at MOCA

2016 OCASLA Chapter Elections – August 1st Ballot

- President – Karla Salmans
- President-Elect – Open
- Past President – Carmine Russo
- VP of Communications – Emily Donovan
- VP of Education/Membership – Ashley Solether (Brett stepping down)
- VP of Business Affairs – Jim Obert
- VP of Legislative Affairs – Carmine Russo (Lynne stepping down)
- Treasurer – Nick Gilliland (Matt stepping down mid-term)
- Buckeye Section Chair-Elect – Open

- Western Reserve Section Chair-Elect – Open

3rd Joint Association Happy Hour

- Aug. 13 at Strongwater

ASLA Advocacy Summit

- September 11th-13th in Albuquerque, NM
- Jeannie Martin attending



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D. **North Carolina State Board of Dental Examiners v. Federal Trade Commission** - Assistant Attorney General McKew discussed the Supreme Court decision. Ohio's boards can make decisions regarding discipline, and right or wrong, the Attorney General will defend boards free of charge. If a board takes an action that is not within their jurisdiction, they can be held liable. Boards must make sure they have statutory authority to take any actions they might make.

E. **Policy Updates**- The Board reviewed three new DAS IT policies:

- Disclosure Of Criminal Convictions And Background Checks
- Use Of Internet, Email And Other IT Resources
- Use Of State Property And Equipment

Gwen Eberly made a motion to approve, seconded by Patrick Beam. The motion passed by a vote of 5-0.

F. **Ethics Opinion**-Director Kobe shared an ethics policy interpretation from the Ohio Ethics Commission. The question of current or prospective board member involvement in the professional association has come up multiple times; it seemed appropriate to seek an official opinion.

Essentially, board members are not prohibited from serving the professional association as a board member, officer, or on a committee, provided they do not receive compensation, travel, meals or lodging expenses, conference registration fees, honoraria, or other things of value for the service; however, they may not take part in any discussion or decision on matters of interest to the association.

Board members are also prohibited from disclosing or using confidential information acquired as a board member, without appropriate authorization, even after leaving the board.

AAG McKew advised anyone with questions to contact the Ohio Ethics Commission.

G. **Sunset Review**-The HB 64 (FY 16-17 state budget) was amended to require the Sunset Review Committee to study the "efficiency and effectiveness of the Landscape Architects and Architects Boards and whether or not the boards should be combined to improve efficiency and save costs." The Sunset Review Committee is to hold hearings and make recommendations, which may in the form of a bill, no later than June 2016. No dates have been scheduled. The Board decided it will call a special meeting, if necessary, to plan its testimony.

H. **Ohio Department of Transportation Proposed Revisions to Consultant Prequalification**-Lyle Flower, Administrator, ODOT Office of Consultant Services, requested feedback from the Board on proposed changes to the Department's prequalification category for Bicycle Facilities and Enhancement Design.



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These changes were proposed by the Division of Planning to strengthen the requirements by requiring the completion of two training courses. Firms prequalified in the Non-Complex and Complex Roadway Design categories will no longer receive automatic prequalification in Bicycle Facilities and Enhancement Design, which will become a stand-alone category. All firms currently prequalified will be given a specified time period to meet the new training requirements. New applicants would have to meet the new requirements.

The board discussed, and supports, the proposed changes. Director Kobe will communicate the Board's support to ODOT. It was noted the ODOT outreach stems from past efforts to work together on the consultant issue.

I. Incidental Practice Committee- The Landscape Architects Board is joining with the Architects Board and Engineers Board in forming a committee to discuss the definition of incidental practice. It is hoped that consensus will be reached on the definition and the boards will be able to issue some guidance on the subject.

The committee will be composed of staff and representatives from each of the three boards. There will also be representation from the related professional associations (ACEC, OSPE, AIA, OCASLA, etc.), the Board of Building Standards, OBOA, OFCC, a construction attorney and a representative of the professional liability industry.

President Schmalenberger has appointed Scott Sonnenberg to represent the Landscape Architects Board. No meeting dates have been set.

J. Human Trafficking- The Governor's Office has asked the Board if it would grant Continuing Education credit for a new 30 minute Human Trafficking video and post-test.

Upon discussion, the board stated that the duration and content do not meet the requirements of the board's rules governing the length of programs or the content requirements. However, they are willing to distribute the video to the licensees without the option of credit.

K. Riffe Security Changes- New security measures will be implemented in the Riffe Center in August. New ID badges will be required for all employees, including board members. Turnstiles are being constructed outside the elevator areas; the badge will allow for access to the elevators. Persons without badges will have to show ID and sign in and receive a temporary badge.



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6. EXECUTIVE SESSION

Ms. Eberly moved the Board go into executive session, pursuant to Ohio Revised Code section 121.22 (G) 3, for the purpose of discussing pending or imminent litigation. Mr. Sonnenberg seconded the motion, which passed by a roll call vote as follows:

Mr. Schmalenberger	Yes
Mr. Beam	Yes
Mr. Sonnenberg	Yes
Ms. Eberly	Yes
Mr. Behnke	Yes

The Board returned to regular session at 11:04 am.

1. Settlement Agreement

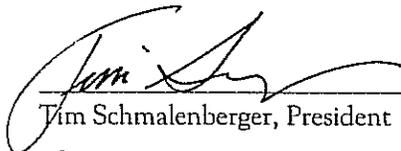
File # 2015-19: Tabled

2. New Cases

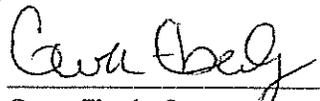
File #2014-56: Kelly Coffman, Cert. No. 746- On motion by Mr. Sonnenberg, second by Mr. Schmalenberger, the Board voted to accept the Settlement agreement as originally written, and declined to lower the fine. Motion passed by a 4-0 vote. Pat Beam abstained.

ADJOURNMENT

There being no further business before the Board at this time, Mr. Beam moved the meeting be adjourned at 11:06 am. Ms. Eberly seconded the motion, which passed by a 4-0 vote.



Tim Schmalenberger, President



Gwen Eberly, Secretary