



State of Idaho

Division Of Occupational and Professional Licenses Architects and Landscape Architects Board

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Draft Minutes of 04/06/2023

Board Members	John Maulin, Chair	Division	Michael Hyde, Executive Officer
Present:	Tim Grissom	Staff:	Lea Kear, Legal Counsel
	Jon Breckon		Sam Zahorka, Building Program Manager
	Allison McClintick		Carlotta Zito, Board Support Specialist
	Bryce Olberding		
	Jedd Walker		
	Daniel Mullin		

The meeting was called to order at 9:00 AM MT by John Maulin.

APPROVAL OF MINUTES

A motion was made and seconded to approve the 02/07/2023 meeting minutes. The motion carried unanimously.

DIVISION BUSINESS

2023 Legislative Session Overview: Executive Officer Hyde provided an update on House Bill (HB) 74, *Universal Licensure*, and HB 287, *Energy Code*.

DOPL Honoraria Policy: Legal Counsel Kear presented the DOPL Honoraria policy.

2018 Building & Energy Code Discussion: Executive Officer Hyde gave a PowerPoint presentation explaining that the Idaho Building Code Board is going through ZBR, reviewing their rule chapters, as well as addressing the Governor's Executive Order 2020.

BOARD BUSINESS

Zero-Base Regulation (ZBR): The Architects and Landscape Architects (ALA) Board is beginning to review IDAPA 24.01.01 - *Rules of the Board of Architectural Examiners* and IDAPA 24.07.01 - *Rules of the Idaho State Landscape Architects*. The rules applied to the two separate boards prior to the creation of the new combined ALA Board.

IDAPA 24.01.01 - Rules of the Board of Architectural Examiners

000-002: Legal Authority, Scope and Incorporation By Reference are legal aspects found in almost every rule chapter.

002. Incorporation By Reference - NCARB and CLARB standards can be incorporated by reference in a print or online version. The Board prefers an online version.

010. Definitions - Board Member Grissom suggested adding the definition of The Architect Registration Examination® (ARE®). Chairman Maulin stated the rules do not specify what accreditation means. Board Member Olberding noted the Landscape Architect rules do not contain a definition section.

175. Applicant Past Crime Review - Chairman Maulin asked, and Legal Counsel Kear responded that this section is consistent with what is in statute; however, does not exist in the current Landscape Architects rules. The *Applicant Past Crime Review* is included in the Architect's Practice Act and must remain in rule but can be looked at as a potential legislative change.

200. Fees For Examinations and Licensure - Executive Officer Hyde received the second quarter financial report.

250. Qualifications Of Applicants For Examination - Discussion ensued regarding vetting applicants to sit for the architecture exam. NCARB is able to set up an exam eligibility service for the Board. Architecture exam applicants that do not possess an accredited degree are sent to the Board for approval. The program most landscape architects have graduated from is no longer accredited. CLARB helps outline, in their new uniform standards, how each non-accredited degree or degree in a similar profession is treated. It is up to the Board how they give credit. Zachary Druga, CLARB representative, explained that landscape architects have an accredited degree path or eight (8) years of experience. Chairman Maulin expressed his concern in eliminating ambiguity and suggested revisiting this topic at a future meeting.

300.01 Licensure by Examination - Redlines indicating what is being removed from this section were provided. Chairman Maulin commented that section 300.03.c includes the words "as determined by the Board", which creates ambiguity.

350. Registration Examination - Chairman Maulin asked if NCARB's process can be adopted for section 350.03 *Passing ARE®*. Board Member Grissom asked if sections 01., 02., and 03. are necessary, and if not, can they be removed since they are taken care of by NCARB. Legal Counsel Kear asked Board members to provide her with direction on rewriting this section, which will be brought back to the June Board meeting.

375. Architectural Intern - This section will be reviewed for anything that is duplicative of statute. Section 01. *Supervision* is not needed. Chairman Maulin asked if section 04. *Prohibitions* is already in statute. Legal Counsel Kear will research and bring an answer to the next meeting.

410. Use Of An Architect's Seal - This section is duplicative of statute.

450. Continuing Education - This section is exceptionally long in comparison to the NCARB model law. Legal Counsel Kear asked whether this section can be simplified. Board Member Grissom suggested section 02.a. through j. be deleted. The Board members agreed.

450.03 Approved Credit - There was discussion on how to blend the Architects and Landscape Architects rules regarding this topic. Industry members will be contacted for input. Board Member Breckon suggested referring to the CLARB Model Law about CEUs.

450.04 Verification of Attendance - Board Member Mullin suggested adding the words, "by the sponsoring institution", to the first sentence to read, "The licensee shall maintain verification of attendance by the sponsoring institution."

450.06 Exemptions - Board Member Olberding stated there might be a conflict in this section with the CLARB Model Law. Legal Counsel Kear advised that the statute for exemptions would trump rule; therefore, would only apply if there were a conflict.

750. Code of Ethics - Legal Counsel Kear suggested this section be eliminated since the Rules of Conduct are incorporated by reference in section 002. *Incorporation By Reference*. The words "incorporated" and "adopted" could be added to make it consistent with 002. in the Landscape rules. If the word "adopted" is added, section 750 is not needed.

IDAPA 24.07.01 - Rules of the Idaho State Board of Landscape Architects

000. - 001. These sections are the generic framework for all IDAPA rule chapters that outline where in statute we have authority to promulgate the rules.

002. Incorporation by Reference - Executive Officer Hyde asked if there are any documents that must be included in this section. Chairman Maulin asked for this section to be clear and consistent when combining the two rule documents regarding which items are incorporated by reference and which items are spelled out.

101. Approved Education - Board Member Olberding stated that CLARB helps outline what each degree does from a non-accredited program. Without that portion everything is left up to the Board to determine how the credit is granted. Furthermore, by not incorporating the CLARB Uniform Licensure Standards, it does not give the Board a nationalized standard as to how it can look at education requirements and does not leave the Board with a solid document for consistency. Executive Officer Hyde stated he could see combining Section 101 and 102. Discussion ensued regarding degrees and how they translate into years of experience.

200. Application - A strike through of the last sentence in this section was provided by legal counsel. Board Member Olberding asked what the barrier for time is regarding applications. Executive Officer Hyde explained the delay.

201. Application Form - Chairman Maulin suggested striking the word "actual" in line b. Board Member Olberding stated section c. is included in section 300 on *Examinations*.

250. Landscape Architect In Training - Board Member Olberding asked if the *Prohibition* section was needed since it was decided in the discussion on Architect's rules that it was irrelevant. Board Member Olberding asked if there is a time frame that an Architect must be an intern. Mr. Olberding stated that being a Landscape Architect is limited to a six (6) year internship. The question was asked if that limit should exist. Chairman Maulin asked if section 3. *Prohibition* is superfluous if it is covered in statute. Legal Counsel Kear will check on that prior to the next meeting. Executive Officer Hyde asked if section 05. *Termination* is necessary. Board Member Olberding feels it should be removed since he does not know of many people that have taken the

path of landscape architect-in-training. Board Member Breckon stated this section was added to allow for proper nomenclature for those working on licensure. You are not allowed to call yourself a Landscape Architect until you have achieved licensure so what do you call yourself in between. Executive Officer Hyde asked why, in any profession, an internship should be capped. Board Member Olberding stated he feels a cap is a barrier.

300. Examinations - This section identifies the minimum passing score and failing the exam. Chairman Maulin suggested referencing CLARB in this section. Board Member Olberding suggested striking section 01. and 02., having one sentence as all the information regarding exams can be referenced to CLARB.

302. Endorsement - This section may not be necessary if existing statutes can be referenced. Legal Counsel Kear provided Idaho Code 54-310.

400. Fees - Conversations regarding fees will pick up once the fee moratorium concludes. Discussions on fees will not be addressed during the ZBR process as there are no current stats and data. Board Member Olberding asked if that would come through prior to the end of this rule rewrite. Executive Officer Hyde stated he does not think so because of the window of time available for negotiated rulemaking versus all the conversations needed for a financial evaluation. Board Member Olberding is concerned they have missed the window to consolidate fees. He also noted that as a focus on barriers to licensure for Landscape Architects, the current fee structures are three (3) times the application fee and two and a half (2 ½) times the yearly fee for Landscape Architects compared to Architects, which are now consolidated within the same Board.

425. Rules of Professional Responsibility - Legal Counsel Kear suggested this section be cleaned up since CLARB model rules are incorporated by reference.

450. Discipline - Section 01. *Civil Fine* is duplicative of statute.

Section 02. Costs and Fees - Legal Counsel Kear asked whether the Board wants costs and fees for discipline included since the Board has typically had plenty of funds. Architects do not have this section in their rules. If this is in the Administrative Procedures Act it might be possible to remove this section.

Executive Officer Hyde asked if there was any further discussion. Chairman Maulin asked that a review of surrounding states be conducted regarding reciprocity. Executive Officer Hyde outlined the next steps in the ZBR process.

Request to Participate ASLA: ID & MT Chapter: Board Member Breckon requested approval to participate in the annual University of Idaho Landscape Program outreach on behalf of the Board. A motion was made to approve Board Member Breckon's request. The motion passed unanimously.

Public Comment: Jay Gibbons, Trustee for the Idaho Montana Chapter of the American Society of Landscape Architects, appreciated the opportunity to see the Board in its new format and is interested in seeing how the rules will be updated.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:57 AM

DRAFT