

NEBRASKA ADMINISTRATIVE CODE
Title 231 – State Board of Landscape Architects
Effective: January 10, 2021

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Chapter 1 – General Provisions

1.1 Authority and Purpose

The Rules and Regulations of the State Board of Landscape Architects (hereafter, the PLA Rules) are set forth for the purpose of interpreting and implementing the Professional Landscape Architects Act (hereafter, the PLA Act). The PLA Rules are promulgated under the authority of and in conformity with the PLA Act.

1.2 Definitions

The definitions set out in Neb. Rev Stat. § 81-8,184, are hereby incorporated by reference into these rules and regulations. In addition, the following definitions of terms apply:

- 1.2.1 CLARB means the Council of Landscape Architectural Registration Boards.
- 1.2.2 CLARB Certificate Holder means an individual who holds a certificate issued by CLARB indicating the CLARB Standards of Eligibility for Council Certification have been met.
- 1.2.3 CLARB Standards of Eligibility means the current standards for education, experience, examination, and professional conduct approved by CLARB’s member boards and adopted by the Board as the minimum standards of licensure.
- 1.2.4 LAAB means the Landscape Architectural Accreditation Board.
- 1.2.5 LAAC means the Canadian Society of Landscape Architects Accreditation Council.
- 1.2.6 LARE means the CLARB Landscape Architects Registration Examination as developed and administered by CLARB.
- 1.2.7 PLA means a Professional Landscape Architect as defined in Neb. Rev. Stat. Section §81-8,184(6).
- 1.2.8 Practice, used in the context of the PLA Rules, means the professional services of a landscape architect as defined in Neb. Rev. Stat. Section §81-8,184(5).

1.3 Fees, Renewals, Late Payment Penalties

- 1.3.1 The fee schedule will be set by the Board and is as follows:

Application Fees:

LARE Exam Application Fee (Non-LAAB degree)	\$50
Initial License Application Fee	\$100
Comity License Application Fee	\$300

Renewal Fees:

License Renewal Fee (Annual)	\$170
Late Renewal Fee (Annual)	\$17 for any month or any part of a month, up to \$170

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License Renewal Fee (Biennial-beginning with the 2021 renewal period) \$300

Late Renewal Fee (Biennial) \$30 for any month or any part of a month, up to \$300

Miscellaneous Fees:

Duplicate/Replacement Certificate \$15

- 1.3.2 Submittal of an application authorizes the Board to investigate the information provided in connection with or appended to the application.

1.4 Applications

- 1.4.1 Absent specific Board action, applications not completed within one year of receipt by the Board will be closed. If an applicant wishes to continue the application process after such date, the applicant will be required to submit a new application with the applicable fee.
- 1.4.2 Closed applications will be required to meet the current requirements in place at the time the new application is submitted.
- 1.4.3 The source and character of the information received from references regarding the qualifications of an applicant will not be divulged except as required by law.
- 1.4.4 An applicant's prior criminal or disciplinary history from any jurisdiction may be considered by the Board as part of the application process for licensure and/or renewal. The existence of such history is not an automatic bar to being licensed, nor is the disclosure intended to automatically require consideration of discipline by the Board.
- 1.4.5 The review and evaluation of disclosure statements provided by applicants during the application and/or renewal process may be performed by the Board's administrator. However, the Board must review disclosures which an application has not previously disclosed and which indicate: 1) felony convictions; 2) probation, suspension, or revocation of a professional landscape architect license in another jurisdiction; 3) repetitive or multiple violations; or 4) evidence of unfitness to practice the profession.

1.5 Professional Assistance

The Board may retain professional assistance in carrying out administrative matters and other general governance of the Board. Such assistance may include, financial, technological, legal, and administrative consultation, and will work under the general direction of the Board.

1.6 Change of Contact Information and/or Name

It is the responsibility of the applicant or licensee to notify the Board of any changes in their contact information within 30 days of the change. Requests for name changes must be in writing and include a copy of the legal document supporting the name change.

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1.7 Adoption of the Attorney General’s Model Rules

The Board has adopted Title 53, Nebraska Administrative Code, Chapters 1 through 4 of the Nebraska Department of Justice, also known as the Attorney General’s Model Rules, and incorporated them into these regulations.

- 1.7.1 Procedures governing petitioning for rulemaking will be in accordance with Title 53, Nebraska Administrative Code, Chapter 2.
- 1.7.2 Procedures governing Declaratory Rulings will be in accordance with Title 53, Nebraska Administrative Code, Chapter 3.

1.8 Federal Requirements

Nothing in the PLA Rules imply exemption from requirements of any federal statute or regulation, including, but not limited to, the Americans with Disability Act and the Fair Housing Act.

1.9 Record of the Board’s Action

A quorum of three members of the Board is required for Board actions. The Board will keep record of actions enacted at its meetings.

1.10 Board Member Conflicts of Interest

- 1.10.1 Board members are not allowed to vote on any matter in which they have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of their duties as a Board member.
- 1.10.2 Board members are prohibited from using or attempting to use their official position to secure unwarranted privileges or exemptions for themselves or others.
- 1.10.3 Board members will not give the impression that they may be improperly influenced in the performance of Board member duties, or that they are improperly affected by the kinship, rank, position, or influence of any party or person.
- 1.10.4 A Board member will not accept gifts of value or loans from persons having business before the Board which are intended to or which might appear to influence the official relationship between the donor and recipient.

1.11 Conditional License

The Board may authorize the Board’s administrator to issue licenses on a conditional basis, pending formal approval of the application by the Board.

- 1.11.1 A conditional license may be withdrawn by the Board if it determines the applicant does not qualify for any reason.
- 1.11.2 In the event the Board does not grant formal approval of a conditional license, the conditional license will expire at 11:59 p.m. on the date the licensee is notified of such Board action.

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1.11.3 Landscape Architectural services performed pursuant to a conditional license that is subsequently withdrawn by the Board will be deemed to have been performed pursuant to a valid license.

1.12 Expired Licenses

A license to practice expires at 11:59 p.m. on the expiration date noted on the license unless renewed by such date.

1.12.1 A professional landscape architect cannot practice as provided in the PLA Act with an expired license.

1.12.2 Licenses that have expired may be renewed during the following twelve months, upon payment of the renewal plus the late renewal fee in accordance with Neb. Rev. Stat. § 81-8,200.

1.13 Reinstatement of a License

A license which has been expired for more than twelve months may be reinstated to active status by meeting the current requirements for licensure by examination or comity and upon approval of the Board.

1.13.1 If the applicant meets these requirements, the license may be reinstated, if the applicant:

1.13.1.1 Submits an application along with the applicable fee;

1.13.1.2 Submits documentation establishing that the applicant has complied with the professional development requirements set forth in Chapter 6 of these rules for the period during which the license was expired, not to exceed the biennial requirement; and

1.13.1.3 Submits an affidavit attesting that the applicant has not practiced landscape architecture in Nebraska during the time the license was expired; or if such attestation cannot be made, an explanation acceptable to the Board of the applicant's practice during the expired period.

1.13.2 All applications will go to the Board for review and final action.

1.13.3 The original license number will be retained.

1.14 Examination

The examination used by the Board to determine eligibility for licensure will be the current LARE as developed and administered by CLARB.

1.14.1 Applicants must meet the CLARB examination eligibility requirements or receive Board approval prior to beginning the examination.

1.14.1.1 Applicants meeting the CLARB examination eligibility requirements may register directly with CLARB to begin the examination process without first obtaining Board approval.

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1.14.1.2 Applicants who do not meet the CLARB examination eligibility requirements may be approved by the Board to sit for the LARE exam, upon submission of the following:

1.14.1.2.1 An application with the applicable fee;

1.14.1.2.2 A copy of the applicant's CLARB Record sent directly to the Board from CLARB; and

1.14.1.2.3 Verification of meeting one of the following:

1.14.1.2.3.1 A non-accredited degree in landscape architecture plus one year of landscape architecture experience;

1.14.1.2.3.2 A NAAB-accredited architectural degree plus one year of landscape architecture experience;

1.14.1.2.3.3 An EAC/ABET-accredited Civil Engineering degree plus one year of landscape architecture experience; or

1.14.1.2.3.4 Any bachelor's degree plus three years of landscape architecture experience.

1.14.1.2.3.5 All experience is to be gained under the direct supervision of a design professional.

1.14.2 Any information requested on the application with respect to education and experience may be substituted with the information in the CLARB Record.

1.14.3 All applications will go to the Board for review and final action.

1.14.4 The Board will follow CLARB policies and schedules for the taking and retaking of the LARE.

1.14.5 The Board will accept the examination results as determined by CLARB.

1.14.6 Passage of the LARE will be determined by the CLARB pass/fail standards in place at the time the examination was taken.

1.14.7 If there is any reported examination irregularity on the part of the applicant, the Board will investigate the allegation and take appropriate action if probable cause is found.

1.15 Transcripts

Transcripts or other documents verifying graduation issued directly by the granting institution of higher education, its authorized agent, or CLARB will be acceptable as proof of graduation when such proof is required by the Board.

Chapter 2 – Initial Landscape Architect Licensure

2.1 Requirements for Initial Licensure

Initial licensure requires that the applicant:

- 2.1.1 Establish a CLARB Record;
- 2.1.2 Satisfy CLARB Standards of Eligibility for Council Certification; and
- 2.1.3 Submit three references from professional landscape architects or design professionals indicating good reputation and ethical character. At least one reference should be from a professional landscape architect. In the event a professional landscape architect is not available to make such reference, the applicant is to submit an explanation for the Board's review as to why the reference is unavailable.

2.2 Application for Initial Licensure

The Board's administrator is authorized to review and evaluate the applications for initial licensure to determine if they meet or exceed the requirements set forth in these rules.

- 2.2.1 If the applicant meets or exceeds these requirements, the Board's administrator may issue a conditional license authorizing the individual to provide landscape architecture services in Nebraska, if the applicant;
 - 2.2.1.1 Submits an application and applicable fee(s);
 - 2.2.1.2 Submits satisfactory evidence of having met the requirements set forth in Rule 2.1; and
 - 2.2.1.3 Submits a copy of the CLARB Record directly to the Board from CLARB.
- 2.2.2 Any information requested on the application with respect to education, experience, or references may be substituted with the information provided in the CLARB Record.
- 2.2.3 A listing of professional landscape architects issued conditional initial licenses will be placed on the agenda of the next meeting of the Board for formal approval by the Board.

Chapter 3 – Comity Licensure

3.1 Requirements for Comity Licensure

Comity Licensure requires that the applicant:

- 3.1.1 Establish a CLARB Record;
- 3.1.2 Be licensed in good standing in at least one other licensing jurisdiction recognized by the Board;
- 3.1.3 Submit three references from professional landscape architects or design professionals indicating good reputation and character. At least one reference should be from a professional landscape architect. In the event a professional landscape architect is not available to make such reference, the applicant is to submit an explanation for the Board's review as to why the reference is unavailable.

3.2 Comity Licensure for CLARB Certificate Holders

The Board's administrator is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria of the CLARB Standards of Eligibility for Council Certification.

- 3.2.1 If the applicant meets or exceeds these requirements, the Board's administrator may issue a conditional license authorizing the individual to offer or provide landscape architectural services in Nebraska, if the applicant:
 - 3.2.1.1 Submits an application and applicable fee(s); and
 - 3.2.1.2 Submits a copy of the CLARB Certificate directly to the Board from CLARB.
- 3.2.2 Any information requested on the application with respect to education, experience, or references may be substituted with the information provided in the CLARB Record.
- 3.2.3 A listing of all landscape architects issued conditional licenses will be placed on the agenda of the next meeting of the Board for formal approval by the Board.

3.3 Comity Licensure for non-CLARB Certificate Holders

A landscape architect who holds a current and valid license issued by a licensing authority of another jurisdiction recognized by the Board and has a current CLARB Council record, may be issued a license to offer or provide landscape architectural services in Nebraska.

- 3.3.1 If an applicant has not satisfied the Examination Standard of the CLARB Standard of Eligibility, but received their initial license by grandfather clause, is in good standing, and has a minimum of three years of experience at the time of the application, the Board may waive the examination requirement; or
- 3.3.2 If an applicant has a minimum of fifteen years of licensed experience in good standing in one or more licensing jurisdictions recognized by the Board, the examination and/or education requirements may be waived.

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- 3.3.3 Any experience used to meet the Examination and/or Education Standards cannot be used to meet the Experience Standard.
- 3.3.4 If the application meets or exceeds these requirements, the landscape architect may be issued a license to offer or provide landscape architectural services in Nebraska, if the applicant:
 - 3.3.4.1 Submits an application and the applicable fee(s);
 - 3.3.4.2 Submits satisfactory evidence of such licensure to the Board directly from the issuing jurisdiction or CLARB;
 - 3.3.4.3 Submits a copy of the CLARB Council record directly to the Board from CLARB.
- 3.3.7 Any information requested on the application with respect to education, experience, licensure, or references may be substituted with the information provided in the CLARB Record.
- 3.3.8 All applications will go to the Board for review and final action.

Chapter 4 – The Licensee Seal

4.1 Use of the Seal

The purpose of the seal is to assist in identification of the professional landscape architect responsible for the work performed under the requirements of the PLA Act and PLA Rules.

- 4.1.1 The seal used by a professional landscape architect must be legible, whether an embossing, computer generated, or other type of seal. In the absence of legibility, the seal is invalid.
- 4.1.2 No seal is valid unless signed across the face of the seal with the professional landscape architect's name and the date on which the material was sealed.
- 4.1.3 The responsible professional landscape architect will identify all work that they have prepared, as well as all work prepared under their direct supervision, by applying their seal to each sheet of the original drawings.
- 4.1.4 The responsible professional landscape architect will seal all technical submissions as follows: On each design and each drawing; on the cover and index pages identifying each set of specifications; and on the cover page. Two or more professional landscape architects may affix their signatures and seals to a sheet provided it is designated by a note under the seal the specific subject matter for which each is responsible.
- 4.1.5 The seal appearing on any technical submission is prima facie evidence that said submission was prepared by or under the direct supervision of the professional landscape architect sealing the submission.
- 4.1.6 Documents clearly marked as "Draft" prepared for preliminary submission and review do not require the professional's seal, signature, and date, including documents prepared for a client or governmental agency, unless otherwise required by the entity.
- 4.1.7 Professional landscape architects are responsible for providing adequate security over their seal and signature wherever it appears, regardless of whether the seal and signature is produced electronically or by other means.

4.2 The Coordinating Professional

The Coordinating Professional is a licensed design professional recognized as such by the project owner.

- 4.2.1 The Coordinating Professional's role is:
 - 4.2.1.1 To coordinate communication between the design professionals related to technical documents on the project;
 - 4.2.1.2 To act as project liaison with the governing building official; and
 - 4.2.1.3 To verify that all design disciplines involved in a project are working in coordination with one another, and that any changes made to the design are

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approved by the corresponding profession, so that public life, health, safety, and welfare are not compromised.

4.2.2 The Coordinating Professional’s seal does not indicate responsible charge or direct supervision of the work.

4.2.3 The Coordinating Professional must use the following language in conjunction with their individual seal for identification as the Coordinating Professional: “I, (name of licensee), am the Coordinating Professional on the (name of project) project.”

4.3 Direct Supervision of Work

4.3.1 In order to exercise full professional knowledge of and control over work, a licensee in direct supervision of landscape architectural work must:

4.3.1.1 Have and exercise the authority to review and to change, reject, or approve both the work in progress and the final work product, through a continuous process of examination, evaluation, communication, and direction throughout the development of the work;

4.3.1.2 Be personally aware of the project’s scope, needs, parameters, limitations, and special requirements;

4.3.1.3 Be capable of answering questions relevant to the landscape architectural decisions made as part of the services provided, in sufficient detail to demonstrate reasonable knowledge of and proficiency in the work; and

4.3.1.4 Be reasonably satisfied with the product of the services rendered and accepted full responsibility for the work.

4.3.2 The Board has final authority regarding the determination of whether technical documents were actually prepared under the direct supervision of a licensee.

Chapter 5 – Code of Professional Conduct

5.1 Competence

- 5.1.1 In practicing landscape architecture, a professional landscape architect will act with reasonable care and competence and will apply the technical knowledge and skill that is ordinarily applied by professional landscape architects of good standing practicing in the same locality.
- 5.1.2 In designing a project, the professional landscape architect must take into account all applicable federal, state, and municipal laws and regulations. While the professional landscape architect may rely on the advice of other professionals (e.g., attorneys, architects, professional landscape architects, professional engineers, or other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, the professional landscape architect will not knowingly design a project in violation of such laws and regulations.
- 5.1.3 A professional landscape architect will undertake to perform professional services only when they, together with those whom the professional landscape architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.
- 5.1.4 No person will be permitted to practice landscape architecture if, in the Board's judgement, such person's professional competence is substantially impaired by physical or mental disabilities.
- 5.1.5 A professional landscape architect convicted of a crime in connection with landscape architecture or a crime of moral turpitude under state law, federal law, or the law of another jurisdiction, may be held in violation of the code of practice if, in the opinion of the Board, the events and circumstances leading to the conviction indicate a condition which would affect the competency of the professional landscape architect to serve the health, safety, and welfare of the public.
- 5.1.6 The professional landscape architect may accept an assignment requiring education or experience outside the professional landscape architect's field of competence, but only to the extent that the services are restricted to those portions of the project in which the professional landscape architect is qualified. All other phases of the project must be performed by other qualified design professionals.
- 5.1.7 The professional landscape architect will not affix their signature and/or seal to any plan or document dealing with subject matter in which there is a lack of competency by virtue of education or experience, nor to any such plan or document not prepared under the direct supervision and control of said professional landscape architect.
- 5.1.8 When serving as an expert or technical witness before any court, commission, or other tribunal, the professional landscape architect may express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical

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competence in the subject matter, and upon honest conviction of the accuracy and propriety of the professional landscape architect's testimony.

5.2 Conflict of Interest

- 5.2.1 The professional landscape architect will not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to by all interested parties. Such disclosure and agreement is to be in writing.
- 5.2.2 If the professional landscape architect has any business association or direct or indirect financial interest which is substantial enough to influence their judgment in connection with their performance of professional services, the professional landscape architect must fully disclose in writing to their client or employer the nature of the business association or financial interest. If the client or employer objects to such association or interest the professional landscape architect will either terminate such association or interest, or offer to give up the commission or employment.
- 5.2.3 The professional landscape architect will not solicit or accept compensation from material or equipment suppliers, contractors, or sub-consultants in return for specifying or endorsing their products.
- 5.2.4 When acting as the interpreter of construction contract documents, studies, and reports, the professional landscape architect will render decisions impartially. When acting as the judge of contract performance, the professional landscape architect will render decisions in an objective matter, favoring neither party to the contract.
- 5.2.5 A professional landscape architect who initiates a complaint to the Board will not become involved as the landscape architect of record for the project which is the subject of the complaint.
- 5.2.6 Professional landscape architects will not solicit a contract for professional services from a governmental body when the professional landscape architect, or a principal or officer of the professional landscape architect's organization, serves as a voting or non-voting member, whether elected or appointed, or serves as an employee or contractor to perform professional services, of the same governmental body which is procuring the professional services. For purposes of this subparagraph, "governmental body" means a board, council, commission, or similar multi-membered body of any county or political subdivision. Professional landscape architects are not in violation of this provision, however, if the professional landscape architect, or principal or officer of their organization who serves as a member of the governmental body, plays no role in the solicitation or procurement of the contract on behalf of the governmental body.
- 5.2.7 Professional landscape architects are responsible for obtaining formal review and approval of design work when such approval is required prior to construction.

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5.3 Disclosure of Professional Relationships or Responsibility

- 5.3.1 When making public statements on landscape architectural questions, the professional landscape architect must disclose if they are being compensated for making such statements.
- 5.3.2 The professional landscape architect will accurately represent to a prospective or existing client or employer their qualifications and the scope of their responsibility in connection with work for which they are claiming credit.
- 5.3.3 The professional landscape architect possessing knowledge of a violation of these rules by another professional landscape architect will report such knowledge to the Board.

5.4 Compliance with Laws

- 5.4.1 The professional landscape architect will not, in the conduct of their landscape architectural practice, knowingly violate any state or federal criminal law. Allegations of violations of this section may be based on an independent finding of a violation of the law by a court of competent jurisdiction or an administrative or regulatory body.
- 5.4.2 The professional landscape architect will neither offer nor give any gift of significant value, or any monetary payment to a government official with the intent of influencing the official's judgement in connection with a prospective or existing project in which the professional landscape architect is interested or has an interest.
- 5.4.3 The professional landscape architect will comply with the laws and regulations governing their professional practice in any other jurisdiction.
 - 5.4.3.1 A professional landscape architect may be subject to disciplinary action if, based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction, the professional landscape architect is disciplined in any other jurisdiction.
 - 5.4.3.2 A person whose Nebraska license was issued on the basis of a CLARB Certificate may, upon suspension or revocation, have their Nebraska license suspended until the certificate is reinstated.
 - 5.4.3.3 A Nebraska license based upon comity with another jurisdiction may be concurrently suspended upon suspension or revocation of that jurisdiction's license, pending reinstatement of the license by the other jurisdiction.
 - 5.4.3.4 A license under suspension must be kept current through the suspension period. If the license has expired during the suspension period, a new application for licensure will be required.

5.5 Professional Conduct

- 5.5.1 The professional landscape architect will not sign or seal drawings, specifications, reports, or other professional work for which they do not have direct supervision. If the portions of such professional work were prepared by the professional landscape

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architect's consultants who are licensed under the law of the State of Nebraska or another state, the professional landscape architect may sign or seal that portion of the professional work if the professional landscape architect has reviewed such portion, has coordinated its preparation, and accepts responsibility for its adequacy.

- 5.5.2 The professional landscape architect will not engage in conduct involving fraud or wanton disregard of the rights of others.
- 5.5.3 The professional landscape architect will not engage in unethical, immoral, or dishonorable conduct that would indicate lack of fitness to perform the tasks required by clients or a level of proficiency that is insufficient to serve the public interest.
- 5.5.4 The professional landscape architect will not in advertisements or public statements engage in misleading, untruthful, or improbable statements, or flamboyant, exaggerated or extravagant claims concerning the professional landscape architect's professional excellence or abilities.
- 5.5.5 The professional landscape architect will not knowingly aid or abet the practice or performance of activities requiring a license by a person not licensed to conduct such practice or activity.
- 5.5.6 The professional landscape architect will not deliberately make a materially false statement or fail deliberately to disclose accurately and completely a material fact requested in the connection with their application for licensure or renewal or otherwise requested by the Board.
- 5.5.7 The professional landscape architect will not assist the application for licensure of a person known by the professional landscape architect to be unqualified in respect to education, training, experience, or character.
- 5.5.8 If, in the course of their work on a project, a professional landscape architect becomes aware of a decision or an action taken by the employer or client against the professional landscape architect's advice, which violates applicable laws and regulations and which will, in the professional landscape architect's judgement, have a material adverse effect on the safety to the public of the finished project, the professional landscape architect will advise the employer or client of the violation and request reconsideration of the decision or action. In the event the employer or client does not reverse or alter the decision or action in order to bring it into conformity with applicable laws, the professional landscape architect will:
 - 5.5.8.1 Report the decision or action to the local building inspector or other public official charged with the enforcement of the applicable laws and regulations;
 - 5.5.8.2 Refuse to consent to the decision or action; and
 - 5.5.8.3 In circumstances where the professional landscape architect reasonably believes that other such decisions or actions will be taken notwithstanding their objection, terminate their services with reference to the project.

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5.6 Use of Regulated Titles

- 5.6.1 Professional landscape architects licensed in Nebraska may identify themselves as such.
- 5.6.2 Professional landscape architects who are not licensed in Nebraska, but who hold a valid license in another licensing jurisdiction recognized by the Board:
 - 5.6.2.1 May identify themselves as such on correspondence and other routine documents that do not contain an offer to provide professional services:
 - 5.6.2.2 May identify themselves as such on correspondence and other documents that offer to provide professional services in Nebraska, if such documents clearly indicate and disclose that the professional landscape architect:
 - 5.6.2.2.1 Holds a valid and current license in another licensing jurisdiction;
 - 5.6.2.2.2 Does not hold a current and valid license in Nebraska;
 - 5.6.2.2.3 Would have to obtain a license in Nebraska in order to perform the services described in the offer; and
 - 5.6.2.2.4 Has a reasonable likelihood of being issued a license in Nebraska.
- 5.6.3 Individuals who do not hold a current and valid license in any jurisdiction shall not use the title professional landscape architect in Nebraska.

Chapter 6 – Professional Development

6.1 Requirements

Every professional landscape architect must complete a minimum of 15 hours of Professional Development Hours (PDH) during each calendar year. A maximum of four PDH may be reported as self-study. This provision ends with licenses that expire on December 31, 2020.

Beginning with licenses that expire on December 31, 2021, every professional landscape architect must complete a minimum of 24 hours of Professional Development Hours (PDH) per biennial calendar period. A maximum of six PDH may be reported as self-study.

6.2 Professional Development Hour Units

- 6.2.1 One PDH is equivalent to at least 50 minutes of instruction.
- 6.2.2 One semester credit hour of formal education is equivalent to 45 PDHs.
- 6.2.3 One quarter credit hour of formal education is equivalent to 30 PDHs.
- 6.2.4 One International Association for Continuing Education Training (IACET) Continuing Education Unit (CEU) is equivalent to 10 PDHs.

6.3 Structured Programs

A structured program is a program that has a sponsor other than the licensee; has evidence of pre-planning including written objective and form; has an assessment component; and is documented and verifiable. This includes PDH earned at collegiate level institutions, or through professional level seminars, conferences, study tours, and self-paced professional development programs offered for the purpose of keeping the licensee apprised of advancements and new developments in the professional service areas, as defined in Neb. Rev. Stat. §81-8,184(5), and ethics.

6.4 Self-Study Activities

Self-study activities may include reading professional journals, periodicals or professional oriented books and visits to sites for observation of landscape architectural projects, research projects, ecological or land restoration projects and natural environmental areas.

6.5 Recordkeeping

Every professional landscape architect is responsible for maintaining records necessary to support hours claimed for professional development. Records required include, but not limited to:

- 6.5.1 A log showing the type of activity claimed, sponsoring organization, location, duration, the instructor's or speaker's name, and PDH earned;
- 6.5.2 Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance; or

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6.5.3 Records relating to professional development that are maintained by CLARB, the Landscape Architects Continuing Education System (LA CES), the American Society Landscape Architects (ASLA), or other professional organizations are acceptable as evidence of completion of the PDH requirement.

6.6 Determination of Credit

The Board has final authority with respect to approval of courses, credit, unit value for courses, and other methods of earning PDH credit. No pre-approval of offerings will be issued.

6.6.1 Certified satisfaction of mandatory professional development requirements in another jurisdiction recognized by the Board, for the exact time period in question in Nebraska, will satisfy the Nebraska requirements.

6.7 Audits

The Board will establish a number of professional landscape architects to be selected at random, but not to exceed ten percent of the total number of licensees, to submit documentation verifying compliance with the PDH requirements.

6.7.1 If the Board disallows any of the hours claimed, the licensee will be granted a period of time, as determined by the Board, after notification of disallowance, to substantiate the original claim or to earn additional hours to meet the minimum requirement. PDH used to satisfy a deficiency may not be used to meet the PDH requirement for the next biennial period.

6.8 Exemptions and Waivers

Professional landscape architects may be exempt from the continuing education requirement for one the following reasons:

6.8.1 A professional landscape architect who has received or reinstated their license in the past biennium is exempt from the PDH requirement for their first renewal period.

6.8.2 Contingent upon approval from the Board or the Board's administrator:

6.8.2.1 Professional landscape architects serving on active duty in the armed forces of the United States or any state for a period of time exceeding 120 days in each calendar year of their renewal period are exempt from obtaining the required biennium PDH.

6.8.2.2 Professional landscape architects serving on active duty in the armed forces of the United States or any state for a period of time exceeding 120 days in only one calendar year of their renewal period, are exempt from obtaining half the required PDH.

6.8.2.3 Supporting military orders must be furnished to the Board prior to a military exemption being approved.

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- 6.8.3 Professional landscape architects experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the Board may be exempt. Supporting documentation must be furnished to the Board.
- 6.8.4 The Board may, at its discretion, waive the professional development requirement for any professional landscape architect.

Chapter 7 – Enforcement

7.1 Initial Review of Complaints and Compliance Issues

When a complaint is received by the Board in which a person is alleged to have violated the PLA Act and/or PLA Rules, or if the Board becomes aware of a compliance issue that may constitute a violation of the PLA Act and/or PLA Rules, the Board may refer the complaint or compliance issue to a committee or an investigator, or may consider the complaint or compliance issue without such referral.

- 7.1.1 If applicable, the committee or investigator will make a recommendation as to:
 - 7.1.1.1 Whether the matter should be dismissed for lack of probable cause;
 - 7.1.1.2 Whether there is probable cause that a violation of the PLA Act and/or PLA Rules has occurred; or
 - 7.1.1.3 Whether further investigation is required in order to determine whether there is probable cause.
- 7.1.2 Upon receipt of a recommendation or upon consideration by the Board, the Board will determine whether there is probable cause and, if so, whether the informal or formal process should be undertaken to resolve the matter. If the Board finds there is no probable cause, the complaint will be dismissed. The Board may make a determination on probable cause with or without having requested a response from the respondent.
- 7.1.3 A complaint or compliance issued against any person may be brought in the name of the Board.

7.2 Informal Process

The Board may utilize an informal process as described below in lieu of, or as a prerequisite for, entering into a formal legal process.

- 7.2.1 The respondent is entitled to copies of the complaint and all information upon which the probable cause determination was made.
- 7.2.2 The Board and the respondent may reach an agreement as to the terms of the resolution of the matter without the respondent's appearance before the Board.
- 7.2.3 If an agreement is not reached without the appearance of the respondent, the respondent will be requested in writing to appear before the Board for an informal discussion of the matter.
 - 7.2.3.1 The Board may, but need not, request any other party involved in the complaint to appear along with the respondent. Such appearance is voluntary and cannot be compelled.
 - 7.2.3.2 Copies of the documents referred to in Rule 7.2.1 will be provided to the respondent no later than the time the request for appearance is made.

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- 7.2.4 At the scheduled meeting with the Board, the Board shall clearly state to the party or parties that the meeting is informal and that no individuals will be giving up their rights to due process by participating in the informal process.
- 7.2.5 The Board may request that a party or parties bring materials, documents, or exhibits to facilitate the informal discussion with the Board.
- 7.2.6 The matter will be resolved if the Board and the respondent can reach terms of mutual agreement on the issues, and a consent agreement or other such documents is executed on those terms. Acceptable terms may include, but are not limited to, a requirement for additional professional education, limitations on practice, civil penalties, and assessment of fees and/or costs as outlined in Neb. Rev. Stat. § 81-8,208.
- 7.2.7 The Board may separate issues within a complaint into those that can be resolved with an informal process from those that must be resolved under a formal process.
- 7.2.8 The respondent's participation in the informal process is voluntary, not mandatory.

7.3 Formal Process

The procedure for hearings in matters not resolved by informal process will be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice.

- 7.3.1 The formal process will be initiated by the filing of a petition in accordance with the Nebraska Administrative Code. The Board's receipt of a complaint does not constitute the initiation of a formal process.
- 7.3.2 Any person aggrieved by a final decision in a formal process is entitled to judicial review under the Administrative Procedures Act, or resort to such other means of review as may be provided by law.

7.4 Failure to Comply with Board Orders

If any person refuses to obey any decision or order of the Board, enforcement proceedings may be commenced in the appropriate district court in accordance with Neb. Rev. Stat. §81-8,202.