

Nebraska State Board of Landscape Architects  
**Annual Meeting Minutes**  
**January 31, 2017**  
**215 Centennial Mall South, Small Conference Room, Lincoln, NE**

**CALL TO ORDER**

The meeting was held at 215 Centennial Mall South, Fifth Floor, Lincoln, Nebraska. Chairperson Bryers called the meeting to order at 8:35 am and informed the public of the location of the Open Meetings Act. Notice of the meeting was published in the Lincoln Journal Star and on the Board's website in accordance to the Open Meetings Act.

**Roll Call:** Eileen Bergt, Dennis Bryers, Eric Casper, David Ciaccio, Todd Maiellaro, Gayle Malmquist

**Staff Present:** Jean Lais, Administrative Assistant (AA); Lindy Rauscher, Compliance Officer (CO); Sandra Weaver, Business Manager (BM)

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**Election of Officers**

**Action** Motion by Malmquist, second by Maiellaro to elect Bergt as Chairperson. Voting Yes: Maiellaro, Malmquist, Ciaccio, Casper, Bryers; Voting No: None; Abstain: Bergt

**Action** Motion by Malmquist, second by Ciaccio to elect Maiellaro as Vice-Chairperson. Voting Yes: Maiellaro, Malmquist, Ciaccio, Casper, Bergt, Bryers; Voting No: None

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**Appointments/Public Comments**

No members of the public were present.

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**A Consent Agenda**

**October 25, 2016 meeting minutes** were approved as presented.

**Late PDH submittal approvals**

**Approved:** Mark Dawson, MA; Gina Ford, MA

**Action** Motion by Ciaccio, second by Maiellaro to approve the Consent Agenda as presented. Voting Yes: Maiellaro, Malmquist, Ciaccio, Casper, Bergt, Bryers; Voting No: None

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**B Committee Reports**

**Officers Report - None**

**CLARB**

**CLARB December "In The Know" Webinar Summary**

The webinar covered five shifts in professional trends poised to impact our community. These included a multigenerational workplace; the maturity of The Cloud and text messaging becomes the (new) next big thing; the macro economy continues its steady, slow and uneven growth; greater energy, potential for occupational regulatory reform; and the pipeline is full, at least for a few more years.

**CLARB January "In The Know" Webinar** Information was provided for review.

The webinar will cover the results of the survey conducted by CLARB to help better understand the licensure threat level across the CLARB membership.

**CLARB February Region 4 Virtual Meeting** Information was provided for review.

This is a semi-annual meeting of the States in CLARB Region 4. "Hot topics" happening in each jurisdiction along with a review of key information about the 2017 CLARB elections and annual meeting will be discussed.

**FARB Advocacy Talking Points**

Talking points formulated by FARB (The Federation of Associations of Regulatory Boards) regarding the regulation of licensed professionals were provided for review. They address common sense regulation and promote efficient and effective state

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licensing boards. The information was developed to assist state licensing boards in discussions with legislators and other stakeholders.

**Office/Staff**

AA Lais brought the members up to date on the office renovations and the database conversion. She also informed the Board that Tanna Dittmar, Public Information Officer, is no longer with the Board of Engineers and Architects (NBEA). Interviews are taking place this week for her replacement.

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**C Old Business**

**Governance Issues**

**LB 364 Revisions to the Professional Landscape Architects Act**

A copy of the introduced bill was provided for review. This includes the exemption for planners as drafted by the Board and the American Planner's Association (APA) during the last session and minor word revisions as suggested by the bill writer and the Board's Legislative Analyst.

Bryers, Bergt, and AA Lais along with Garner Girthoffer, lobbyist for ASLA, met with Senator Walz (bill sponsor) and her legislative aide, Brandon Bayer, on January 27, 2017. Discussion was held on some of the major revisions of the Act and to work out details pertaining to the bill hearing. Girthoffer and Bryers are working on talking points and will have to the Senator by the end of the week. A hearing date has not yet been set.

Bryers reported he had had contact from Girthoffer that Senator Walz's office had received an email from the Realtor Association opposing the bill. They believe the definition of landscape architecture would hinder them from doing their job if they needed to plant a tree in a yard. Girthoffer will be contacting the individual to work out any opposition.

Discussion was held as how to conduct the testimony at the hearing. Girthoffer has recommended the Board focus on the fact that the Act has not been updated in forty years. After which one or two professional landscape architects testifying as to what they do as a landscape architect.

The goal is to get the Bill on the Consent Agenda, but in order to do this there must be a unanimous vote to move the bill out of committee.

**Rules and Regulations Revisions**

AA Lais provided a list of questions related to the Rules and Regulations revisions along with copies of the related draft and current rules. The following is the results of discussion held:

4.1.4.1.1 Reword to read: If the applicant has received their initial license by grandfather and has a minimum of three years of experience at the time application is submitted and is in good standing, the examination requirement may be waived.

4.1.4.1.2 Accepted as written.

5.3 Draft accepted as written.

Chapter 7 – The decision of the Board was to keep audits as part of the renewal process, but to notify the licensee at the time renewal notices are sent that they are being audited. If selected for an audit, license will not be renew until audit is completed.

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7.1.1 Change total number of hours from 15 to 24 (biennial) as the national trend being promoted by CLARB, NCARB, and NCEES is 12 hours annually.

7.1.2 No health, safety, and welfare requirement – Delete.

7.1.3 No ethics requirement. No restriction on Web-based offerings – Delete.

7.2.5 No carryover of excess hours – Delete with subsections.

7.8.1.2 Reinstatements may be exempt from the PDH requirement.

7.8.1.3 Remove “outside the United States”

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**Landscape Architect Items - None**

**D New Business**

**Governance Issues**

**LB36 - Requirement for Critical Assessment of Rules and Regulations**

LB36 would require a critical assessment of all the agency’s rules and regulations to be conducted every five years. The bill gives the details that must be include in the assessment report including fiscal impact on state agencies, political subdivisions, and regulated persons. It also requires a public hearing to be held to allow for public comment prior to the final submission to the Executive Board of the Legislative Council. The final submission will be due by December 31<sup>st</sup> of the year after the review.

**LB127 - Revisions for Public Notice of Meetings Requirements**

LB127 would require all public bodies to publish meeting notices in a newspaper of general circulation in each county within the public body’s jurisdiction. In the case of the Board, publication would be required in every county since the Board’s jurisdiction covers the entire State.

Concern was raised by other agencies over the considerable increase in time and funds this would require for State agencies. Correspondence from Frank Daley of the Nebraska Accountability and Disclosure Commission with Senator Groene’s office was included for review. It was not the intent of the Senator that State agencies be included in the reach of the bill and will be working with Daley to introduce an amendment to the bill reflecting this.

**LB299 - The Occupational Board Reform Act**

LB299 would create the Office of Supervision of Occupational Boards. The purpose of the Act is to require occupational boards to respect the fundamental right of an individual to pursue an occupation and to ensure that occupational boards and individual members of occupational boards avoid liability under federal antitrust laws. It allows for individuals with a criminal history to seek licensure under certain conditions and the ability to petition the Board prior to application for a determination as to whether the criminal history would disqualify them from receiving a license and includes the process for responding. The executive director will be appointed by the Governor and authority is given to employ one or more attorneys who do not already provide legal counsel to an occupational board. The Bill will also require the Office to provide active supervision to the occupational boards to ensure compliance with the Act. The Office will review and approve/reject any proposed rule, regulation, policy, enforcement action, or other regulatory action

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prior to its adoption, promulgation, or implementation. The Bill allows for a complaint process against an occupational board by an individual. It also creates the Legislative Office of Occupational Regulations with the Legislative Regulatory Analyst as its director. The purpose of the Office is to review proposed legislation to enact or modify occupational regulations to ensure compliance with the policies stated in the Act; determine whether the legislation meets the requirements of the policies stated in the Act using the least restrictive regulation necessary; evaluate the effects of the legislation on workers, consumers, unemployment, competition, costs and other relevant issues; and issue a report with regards to the legislation. The Office must also review a percentage of providers listed each year, completing its review of all providers every five years. A report of the review will be provided to the Clerk of the Legislature and the Attorney General.

Staff will keep the members apprised of any developments or changes as they may occur.

### **Landscape Architect Items**

#### **Peer Review Committee Report**

A copy of the Committee's report was provided along with copies of the Professional Development Hours (PDH) in question for Lee. Lee only submitted nine hours of PDH in 2016. AA Lais sent a letter to the licensee requesting the additional six hours. Additional hours have been submitted for the Board's review and approval.

**Approved:** Theodore Lee, MN

**Action** Motion by Maiellaro, second by Casper to approve the PDH submits as recommended by the Peer Review Committee and to approve the PDH submittal of Lee. Voting Yes: Maiellaro, Malmquist, Ciaccio, Casper, Bergt, Bryers; Voting No: None

#### **Strategic Plan**

Current Strategic Plan was provided for review.

No discussion. No Action

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*Bryers recused himself from the meeting at 10:42 am.*

*CO Rauscher entered the meeting at 10:42 am.*

### **E Compliance**

**New Cases- None**

**Action** Motion by Ciaccio, second by Malmquist to go into executive session for the discussion of compliance cases not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Maiellaro, Malmquist, Ciaccio, Casper, Bergt Voting No: None; Absent: Bryers

#### **Pending Cases**

**15.01 Summary and Documentation** – discussed during Executive Session

**Action** Motion by Ciaccio, second by Maiellaro to come out of executive session for the discussion of compliance cases not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Maiellaro, Malmquist, Ciaccio, Casper, Bergt; Voting No: None; Absent: Bryers

*Bryers re-entered the meeting at 11:03 am.*

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**Action** Motion by Ciaccio, second by Casper to close Case 15.01 and to have CO Rauscher to send notification to encourage licensure and if in the event an application for reinstatement is submitted his compliance record may be used during the review and to inform the complainant he is not authorized to practice in Nebraska until duly licensed. Voting Yes: Maiellaro, Malmquist, Ciaccio, Casper, Bergt; Voting No: None; Abstained: Bryers

**Compliance Issues**

City of Lincoln not allowing Landscape Architects to stamp certain drawings. AA Lais reported this issue as being going on since 2005 according to letters found while going through some historical papers. Casper will follow up with Dennis Sheer at Clark Enerson and discussion will be held at the April meeting on how to proceed. No action taken.

*CO Rauscher left the meeting at 11:06 am.*

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**F Applications**

**Applications for Licensure by Reciprocity**

**Approved:** Matthew Carlile, IA; Eirik Heikes, SD

**Applications for Licensure Reinstatement – None**

**Applications for Initial Licensure – None**

**Action** Motion by Ciaccio, second by Malmquist to approve the applications as reviewed and discussed. Voting Yes: Maiellaro, Malmquist, Ciaccio, Casper, Bergt, Bryers; Voting No: None

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*BM Weaver entered the meeting at 11:06am.*

**G Financial Matters**

Budget Status Report – October, November, December 2016

MTD General Ledger Detail Report - October, November, December 2016

Fund Summary Report - October, November, December 2016

Financial Profile FY 2016-17 - October, November, December 2016

BM Weaver reported that with 50% of the time elapsed, 48.6% of the appropriated expenses had been spent and 61% of the projected revenue has been received. As of January 31<sup>st</sup>, 81.6% of the projected revenue has been received compared to 94.4% at the same time last year.

LB 327 was introduced on behalf of Governor Ricketts which recommends a 4% (\$1,006.80) appropriations reduction in FY2016-17 and allowance of 24% (\$1,050.30) of the appropriation rollover from FY2015-16. Based on these recommendations, BM Weaver provided a revised spreadsheet showing the redistribution of appropriation for FY2016-17.

**Other Financial Matters**

**LB327 – 2017-2019 Biennium Budget Bill**

A copy of the Biennium Budget Bill with Governor Rickett's recommendations were provide for review along with a copy of his summary report. He has not included the increase in travel expenses or the E-commerce expenses in FY2018-19 related to the start of online renewals in anticipation of LB364 passing. He is also calling for a reduction in the Cash Fund of \$775 in FY2017-18 and \$800 in FY2018-19.

The Governor's recommendations for FY2017-18 is \$2,335 and \$3,460 for FY2018-19. The hearing on the Board's portion of LB327 has been set for February 22, 2017, at 1:30pm in Room 1003 of the Capital. The Appropriation Committee's

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recommendations have not been received, but staff will keep the members apprised of any changes.

**Action** Motion by Bergt, second by Malmquist to the Financial Matters as presented.

Voting Yes: Maiellaro, Malmquist, Ciaccio, Casper, Bergt, Bryers; Voting No: None  
*BM Weaver left the meeting at 11:25am.*

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**H General Information**

**Public Notice publication** was provided for review.

**Board meetings and schedule** was provided for review.

**Roster of Board members** was provided for review.

**Licensing Trends**

Fiscal Activity Report and Trends in Licensure Reports were provided for review.

**Other**

**December 2016 LARE Results** were provide for review.

**Approved Board Policies** were provided for review.

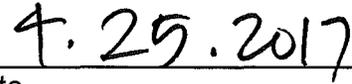
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**Adjournment:** Motion by Ciaccio to adjourn the meeting at 11:29am.

The next Board of Landscape Architects board meeting is currently scheduled for April 25, 2017, at 8:30am at 215 Centennial Mall South, Lincoln, Nebraska, fifth floor, small conference room.



Board Member



Date