

Nebraska State Board of Landscape Architects  
**Board Meeting Minutes**  
**August 1, 2017**  
215 Centennial Mall South, Small Conference Room, Lincoln, NE

**CALL TO ORDER**

The meeting was held at 215 Centennial Mall South, Lincoln, Nebraska. Chairperson Bergt called the meeting to order at 8:31am and informed the public of the location of the Open Meetings Act. Notice of the meeting was published in the Lincoln Journal Star on July 18, 2017, and on the Board's website in accordance to the Open Meetings Act.

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

**Staff Present:** Jean Lais, Administrative Assistant (AA); Sandra Weaver, Business Manager (BM)

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**Appointments/Public Comments**

Jennifer Seacrest

8:30am Brandon Bayer – Senator Lynne Walz, Legislative Aide

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**A Consent Agenda**

**Meeting Minutes**

**April 25, 2017, meeting minutes** were approved as presented

**Late PDH submittal approvals** - *None*

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

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**B Committee Reports**

**Officers Report** - *None*

**CLARB**

**CLARB June “In The Know” Webinar Summary** – *Expanding Our Reach*

Presentation slides for the June “In The Know” webinar were provided for review. The webinar covered CLARB’s outreach to students and promoting early scheduling for the exam as soon as possible after graduation.

**CLARB July “In The Know” Webinar Summary** – *Evolving CLARB Governance*

Presentation slides summarizing the July “In The Know” webinar were provide for review. The webinar covered the Evolving CLARB Governance Task Force’s study and recommendations for revising the Board of Directors structure. The revisions would eliminate the treasurer and vice-president positions and add two director positions. The Nominating Committee would increase to six again as this is the committee responsible for screening all candidates. The Board will become more knowledge based instead of representative based. More discussion will be held at the Annual meeting.

*Casper entered the meeting at 8:38am*

**CLARB May Communique** – The Future of Licensure

The communique covered the latest update on the threat of licensure.

**CLARB July Communique** – Federal Trade Commission’s (FTC) Economic Liberty Task Force

The communique addressed the FTC’s Economic Liberty Task Force’s view that mobility is an issue across the country and its plans to host a roundtable. CLARB plans for response.

**CLARB Region 4 August Pre-Annual Meeting Webinar Information**

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Information on the Region 4 Pre-Annual Meeting Webinar on August 17, 2017, were provided.

**Office/Staff**

AA Lais updated the members on the status of the office remodeling and database conversion.

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**C Old Business**

**Governance Issues**

**Statutes**

**LB 364** - Bryers gave the members an update on LB 364 and options for getting the bill through during the 2018 legislative session. Copies of the practice of landscape architecture definition and the exemptions as introduced in LB 364 were provided for review along with copies of the CLARB Model Language Revision Draft definition and exemptions.

Brandon Bayer from Senator Walz's office (bill sponsor) was in attendance to assist in the discussion.

The current issue is the Home Builders have opposed LB 364 on the basis they believe it prohibits them from areas of practice related to the landscape within a project. Several meetings have been held to try to work out an agreement to no avail.

Garner Girthoffer, ASLA lobbyist, has made several suggestions to the Board as to how to proceed. The bill can be left as is with the assumption the bill would not go on consent agenda during the 2018 legislative session if the committee did vote to advance it, introduce a new bill with a revised definition of the practice to match the proposed CLARB Model Language emphasizing this is the national standard that all licensing boards follow, or continue to try to work with the Home Builders to word an exemption they will accept. The Board could also consider finding another senator to sponsor or co-sponsor in hopes this would help move the bill through the process. Any revisions would need to be re-vetted through all the stakeholders prior to introduction.

It is ASLA's desire to hire Girthoffer to continue working on the bill passage, but will need to find the funds to support the effort. If he is not hired by the society, the work would fall on the Board members.

With a new bill, there would be a new hearing giving the Board and ASLA the opportunity to highlight that they did try working with the Home Builders to no avail and have chosen to revise the definition to be in line with CLARB Model Language. Bayer also suggested the Board may want to try to find a Republican senator to introduce the bill. He does not believe LB 364 would make through the legislature unless it was on consent agenda which means the best way to move forward would be to introduce a new bill, letting LB 364 die in committee.

The members determined it would be in the Board's best interest to meet with the three home builders associations with copies of the definition and exemptions as they appear in LB 364 and revisions based on the CLARB Model Language to see if they would be in support of the revised language. It was suggested that the meeting include John Royster, ASLA Trustee, and no more than a couple of Board members.

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AA Lais will compile the comparison document and forward to Bryres. A decision will be made at the October meeting as to the direction the Board wants to take during the 2018 legislative session.

**Action** Motion by Malmquist, second by Casper to meet with the three home builders association with copies of LB 364 and a revised definition based on the CLARB Model Language. Voting Yes: Bryers, Ciaccio, Casper, Maiellaro, Malmquist, Bergt; Voting No: None

**Landscape Architect Items - None**

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**D New Business**

**Governance Issues**

**Governor's Executive Order 17-04 – Suspension of Rulemaking**

The Executive Order calls for a halt in all Rulemaking for Cabinet-related agencies until December 31, 2017. While non-Cabinet-related agencies are not specifically required to participate in the Order, they are being strongly urged to do so. The Order calls for a review of all current and pending Regulations by November 15, 2017, with responses to the following:

- Is the regulation essential to the HSW of Nebraskans?
- Do the costs outweigh the benefits with specific data and reasoning?
- Does a process exist to measure the effectiveness of the regulation with an explanation if one does exist?
- Has a less restrictive alternative been considered?
- Was the regulation promulgated solely due to a state statutory regulation with citations?
- Was the regulation promulgated as a result of a federal mandate with copies of the applicable federal statutes and/or regulations?

It was the decision of the Board to respond to the Order summarizing the steps the Board is currently taking to revise the Professional Landscape Architects Act and the Board Rules and Regulations.

**Action** Motion by Ciaccio, second by Bryers to respond summarizing the steps the Board is currently taking to revise the Professional Landscape Architects Act and the Boards Rules and Regulations. Voting Yes: Bryers, Ciaccio, Casper, Maiellaro, Bergt; Voting No: Malmquist

**Landscape Architect Items**

**Approval of Additional Delegate to CLARB Annual Meeting** September 14-16, 2017 in Boise, ID

No additional members were approved to attend the meeting.

**Approval of Voting Delegate to the CLARB Annual Meeting** September 14-16, 2017 in Boise, ID

Bergt was approved as the voting delegate.

**Action** Motion by Malmquist, second by Ciaccio to approve Bergt as the Voting Delegate at the CLARB Annual Meeting. Voting Yes: Bryers, Ciaccio, Casper, Maiellaro, Malmquist, Bergt; Voting No: None

**CLARB Model Language Revisions**

A copy of the draft language was provided for review.

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**Action** Motion by Bryers, second by Casper to vote in favor of the Model Language as proposed. Voting Yes: Bryers, Ciaccio, Casper, Maiellaro, Malmquist, Bergt;  
Voting No: None

**CLARB 2018 Board of Directors Slate**

A copy of the Board of Directors Slate was provided for review. The members selected for Brian Dougherty for Vice President and Carissa McMullen and Ellen White for the Committee on Nominations as the Board's candidates. The candidates for President-Elect, Phil Meyers, and Treasurer, Cary Baird, are running unopposed.

**Action** Motion by Bryers, second by Casper to authorize Bergt to vote for Dougherty, McMullen, White for the CLARB Board of Directors. Voting Yes: Bryers, Ciaccio, Casper, Maiellaro, Malmquist, Bergt; Voting No: None

**Peer Review Committee Appointment**

Kristina Engle's appointment will expire at the end of 2017. Chairperson Bergt will contact her to see if she would be willing to serve another term. She requested the other members send her names of individuals who may be interested in working with the Committee. No action taken.

**Strategic Plan**

A copy of the current Strategic Plan was provided for review.  
No discussion or action took place.

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**E Compliance**

**New Cases** – *None*

**Pending Cases** – *None*

**Compliance Issues**

**City of Lincoln not allowing Landscape Architects to stamp certain drawings**

Dennis Scheer from Clark Enersen Partners was to appear before the Board to discuss issues with the City of Lincoln not allowing landscape architects to seal and sign certain drawings but was unable to attend. He did send an email outlining his concerns for the Board to discuss. They include the "regulating" of certain aspects of the practice of landscape architecture within the public right of way. There are numerous common areas of practice between landscape architecture, engineering, and architecture. He would like discussions to be held with the City to accommodate the full practice of landscape architecture in the public right of ways.

Discussion was deferred to the October meeting when Scheer can address the Board on this issue. AA Lais will reach out to ASLA to see if other firms are having similar issues. No action taken.

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**F Applications**

**Applications for Licensure by Reciprocity** – *None*

**Applications for Licensure Reinstatement** – *None*

**Applications for Initial Licensure**

**Approved:** Jennifer Seacrest, NE; Zachary Fergus, NE

**Applications to sit for the LARE without a LAAB-accredited degree** – *None*

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

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**G Financial Matters**

**Budget Status Report** – April, May, June 2017

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**MTD General Ledger Detail Report - April, May, June 2017**

**Fund Summary Report - April, May, June 2017**

**Financial Profile FY 2016-17 - April, May, June 2017**

BM Weaver reported that 73.75% of the appropriated expenses were used during FY 2016-17. The decrease was due in part to travel expenses not being as high as anticipated. In addition, the restrictions on spending put in place by the Governor at the beginning of the year were not returned to the Board until the last quarter. Revenue was at 92% of the projections The Cash Fund is still rising since travel expenses have not been as anticipated in the last several years. She also provided the members with a spreadsheet with a breakdown of the projected expenditures for FY 2017-18.

**Other Financial Matters**

**Memorandum of Understanding (MOU) with the Department of Administrative Services (DAS) for Internal Controls**

The MOU is confirmation that the Board will develop internal controls covering the control environment, risk assessment, control activities, information and communication, and monitoring as required by State Accounting's General Policy #39.

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

**Action** Motion by Bryers, second by Ciaccio to approve the Memorandum of Understanding with DAS as presented and discussed. Voting Yes: Bryers, Ciaccio, Casper, Maiellaro, Malmquist, Bergt; Voting No: None

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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**

The Fiscal Activity and Trends in Licensure reports were provided for review.

**Other**

**CLARB April 2017 LARE Results** were provided for review.

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

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**Adjournment:** Motion by Maiellaro to adjourn the meeting at 10:56am

The next Board of Landscape Architects board meeting is currently scheduled for October 24, 2017, at 8:30am at 215 Centennial Mall South, Lincoln, Nebraska, fifth floor, small conference room.

  
Board Member

10-24-2017  
Date