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Colorado Department of Regulatory Agencies
Office of Policy, Research and Regulatory Reform

Landscape Architects



October 14, 2005

STATE OF COLORADO

DEPARTMENT OF REGULATORY AGENCIES

Office of the Executive Director
Tambor Williams
Executive Director

1560 Broadway, Suite 1550
Denver, CO 80202
Phone: (303) 894-7855
Fax: (303) 894-7885
V/TDD: (303) 894-7880



Bill Owens
Governor

October 14, 2005

Members of the Colorado General Assembly
c/o the Office of Legislative Legal Services
State Capitol Building
Denver, Colorado 80203

Dear Members of the General Assembly:

The Colorado Department of Regulatory Agencies has completed its evaluation of the sunrise application for regulation of landscape architects and is pleased to submit this written report. The report is submitted pursuant to section 24-34-104.1, Colorado Revised Statutes, which provides that the Department of Regulatory Agencies shall conduct an analysis and evaluation of proposed regulation to determine whether the public needs, and would benefit from, the regulation.

The report discusses the question of whether there is a need for the regulation in order to protect the public from potential harm, whether regulation would serve to mitigate the potential harm, and whether the public can be adequately protected by other means in a more cost-effective manner.

Sincerely,

A handwritten signature in cursive script that reads "Tambor Williams".

Tambor Williams
Executive Director

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The Sunrise Process

Background

Colorado law, section 24-34-104.1, Colorado Revised Statutes (C.R.S.), requires that individuals or groups proposing legislation to regulate any occupation or profession first submit information to the Department of Regulatory Agencies (DORA) for the purposes of a sunrise review. The intent of the law is to impose regulation on occupations and professions only when it is necessary to protect the public health, safety or welfare. DORA must prepare a report evaluating the justification for regulation based upon the criteria contained in the sunrise statute:

(I) Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety, or welfare of the public, and whether the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;

(II) Whether the public needs, and can reasonably be expected to benefit from, an assurance of initial and continuing professional or occupational competence; and

(III) Whether the public can be adequately protected by other means in a more cost-effective manner.

Any professional or occupational group or organization, any individual, or any other interested party may submit an application for the regulation of an unregulated occupation or profession. Applications must be accompanied by supporting signatures and must include a description of the proposed regulation and justification for such regulation. Applications received by July 1 must have a review completed by DORA by October 15 of the year following the year of submission.

Methodology

DORA has completed its evaluation of the proposal for the regulation of landscape architects. During the sunrise review process, DORA performed a literature search; interviewed representatives of the Colorado Council of Landscape Architects, the Colorado Chapter of the American Society of Landscape Architects, other professional associations and building officials and reviewed the laws of Colorado and other states. In order to determine the number and types of complaints filed against landscape architects in Colorado, DORA contacted representatives of the Colorado Board of Examiners of Architects and the Colorado Board of Professional Engineers and Professional Land Surveyors. To better understand the practice of landscape architecture, a representative of DORA visited the offices of a landscape architecture firm.

Proposal for Regulation

The Colorado Council of Landscape Architects (Applicant) has submitted a sunrise application to the Department of Regulatory Agencies (DORA) for review in accordance with the provisions of section 24-34-104.1, Colorado Revised Statutes (C.R.S.).

Importantly, this is the third sunrise review to examine whether the State of Colorado should regulate landscape architects. Previous reviews were conducted in 1995 and 2002. The Colorado Chapter of the American Society of Landscape Architects submitted the application for the 1995 review, and the Applicant submitted the application for the 2002 review.

The Applicant identifies state licensure of landscape architects as the appropriate level of regulation to protect the public. During the course of this sunrise review, the Applicant provided to DORA a draft of proposed legislation. While the Applicant is not bound to adhering to this draft should the Applicant pursue actual legislation, the draft provides an excellent starting point for any discussion on whether and how to regulate landscape architects in Colorado. Therefore, the following discussion is based on this draft, which may be found in Appendix A on page 31.

The proposed legislation would create a cash-funded regulatory program within DORA's Division of Registrations. All fees and license renewal periods would be established administratively.

Section 103(5)(a) of the proposed legislation defines the practice of landscape architecture as:

- Applying landscape architectural education, training, and experience and mathematical, physical, and social sciences to consult, evaluate, and plan projects principally directed at the functional and aesthetic use and preservation of land;
- Collaborating with architects and engineers during the design of roads, bridges, buildings, and structures concerning the functional and aesthetic requirements of the area; or
- Assisting in the preparation and administration of contracts and contract offers related to landscape improvements and land management.

Furthermore, the proposed legislation specifically exempts the acts of licensed architects and professional engineers from the above definition. Additional exemptions include projects involving residential landscape design for residential properties involving four or fewer units, the design of irrigation systems, landscape installation and construction services and employees of the federal government.

The Applicant proposes a five-member Colorado State Board of Landscape Architects (Board) to be appointed by the Governor and consisting of three professional members and two public members. All rulemaking, licensing and disciplinary authority would be vested in the Board.

Section 104 of the proposed legislation provides that only Board-licensed landscape architects would be permitted to engage in the practice of landscape architecture in Colorado.

Section 109 of the proposed legislation provides for three, general paths to licensure: 1) education, experience and examination, 2) endorsement, and 3) prior practice. Within the general path of education, experience and examination, the proposed legislation provides for several alternative combinations education and experience.

Candidates for licensure would be required to satisfy one of these three combinations of education and experience:

- Professional degree from a program accredited by the Landscape Architectural Accreditation Board (LAAB) and no more than three years of practical experience;
- Education that is substantially similar to that provided by a LAAB-accredited program and no more than five years of practice experience; or
- A combination of education and practical experience not to exceed 10 years.

In all such cases, candidates would still be required to take and pass an examination adopted by the Board. Although discretion is given to the Board, the proposed legislation specifically grants the Board the authority to adopt the examinations, recommended grading procedures and educational and practical experience requirements of the Council of Landscape Architectural Registration Boards.

Licensure by endorsement would be available to those candidates who are licensed by a jurisdiction with licensing requirements that are substantially equivalent to those anticipated by the proposed legislation. A candidate for licensure by endorsement could be required to satisfy an additional examination requirement if the Board is not satisfied that that the candidate's qualifications satisfy Colorado's requirements.

Finally, the proposed legislation also contains a "grandfather clause," whereby certain current practitioners could become licensed without satisfying any of the requirements discussed thus far. This "licensure by prior experience" provision would require the Board to issue a license to anyone submitting evidence of a degree awarded by a LAAB-accredited program and six years of practical experience, or simply 10 years of practice experience. The Board would also be authorized to administer a "supplementary examination" to measure the minimum competence of such applicants.

Grounds for discipline would include:

- Fraud or a material misstatement of fact made in procuring or attempting to procure a license;
- An act or omission that fails to meet the generally accepted standards of practice and that endangers life, health, property or public welfare;
- Mental incompetence;
- Fraud or deceit in the practice of landscape architecture;
- Affixing a seal or authorizing a seal to be affixed to a document if such act misleads another into incorrectly believing that a landscape architect was the document's author or was responsible for its preparation;
- Violation of or aiding or abetting in the violation of the proposed legislation or any rule promulgated thereunder;
- Being convicted of or pleading guilty or *nolo contendere* to a felony that concerns the practice of landscape architecture;
- Use of false, deceptive or misleading advertising;
- Excessive use or abuse of alcohol or any habit forming drug or controlled substance that renders the individual unfit to practice;
- Failure to report to the Board a landscape architect known to have committed a violation;
- Making or offering a substantial gift to influence a prospective or existing client or employer to use or refrain from using a specific landscape architect;
- Failure to exercise adequate supervision of persons engaging in landscape architecture as an assistant to a licensed landscape architect; or
- Performing services beyond the competency, training or education of a landscape architect.

The Board would be authorized to suspend, revoke, or place on probation any licensee, or deny licensure to any applicant, upon a finding of a violation. Additionally, the Board would be authorized to issue letters of admonition and to impose fines no greater than \$5,000.

All monies realized through fines would be deposited in the state's General Fund.

Additionally, the following acts would constitute Class 3 misdemeanors:

- Selling, fraudulently obtaining or fraudulently furnishing a license;
- Advertising or representing oneself as a licensed landscape architect or using the title “landscape architect,” unless such person is licensed as such; or
- Any other violation of the proposed legislation.

In pursuing disciplinary actions, the Board could hear such matters, or it could secure the services of an administrative law judge. All appeals would be to the Colorado Court of Appeals.

Finally, the proposed legislation provides for the creation and use of a landscape architect’s stamp. Such stamps would be required on certain record sets of plans and designs, and they would be required by building departments throughout Colorado before certain building permits could be issued.

Profile of the Profession

Landscape architects apply scientific and artistic principals to the planning, design, and management of the natural and built environments. Practitioners apply creative and technical expertise, as well as scientific, cultural and political knowledge to the planned arrangement of elements in the landscape, with a concern for public safety, land stewardship and conservation of natural, historic and human resources.

Working with architects, surveyors and engineers, landscape architects help determine the best arrangement of roads, buildings and walkways and the arrangement of flowers, trees and shrubs. They also collaborate with environmental scientists, foresters and other professionals to find the best ways to conserve or restore natural resources.

Additionally, landscape architects may work on the development of overall site plans, grading and drainage plans, parks, open space, private land development and collaborate in the design of roads, bikeways, greenways, bridges and other structures.

According to the Applicant, work on these various types of projects may involve any of the following:

- Land development planning and design, requiring knowledge of real estate economics and regulatory processes regarding land development, as well as an understanding of the physical constraints of developing and working with the land;
- Urban planning and design, including the planning and physical design of cities, towns and communities. Urban design involves the detailed development of outdoor public and private spaces such as plazas and streetscapes;

-
- Site planning and design, involving the orderly, efficient, aesthetic and ecologically sensitive integration of man-made objects with a site's natural features, including topography, vegetation, drainage, water, wildlife and climate;
 - Landscape design concerning detailed outdoor space design for residential, commercial, industrial, institutional, and public spaces;
 - Regional landscape planning dealing with the full spectrum of planning and managing land and water, including natural resource surveys, preparation of environmental impact statements, visual analysis, landscape reclamation and coastal zone management;
 - Park and recreation design, involving creating or redesigning parks and recreational areas in cities, suburban and rural areas. Landscape architects also develop plans for large-scale natural areas as part of national park, forest and wildlife refuge systems;
 - Ecological planning and design, requiring specific knowledge of environmental laws such as the Clean Water Act, the Safe Drinking Water Act, federal wetlands regulations and others. This specialization also encompasses highway, wildfire area and floodplain design and planning.

In short, then, landscape architects perform services that extend beyond mere vegetation selection and location. Rather, they are involved in very complex, detailed planning of the entire landscape, which includes structures, topography, grading and drainage, as well as plantings.

In Colorado, there are two LAAB-accredited educational programs that train landscape architects: University of Colorado at Denver (UCD) and Colorado State University at Fort Collins (CSU). Each requires approximately 30 semester hours per year in landscape architecture-related courses. UCD's program is designed for completion in three years with 90 semester hours, whereas CSU's program is designed for completion in five years, requiring between 132 and 134 semester hours. The course descriptions for both programs appear to be roughly similar, although UCD's program seems to be more studio-(hands-on) intensive.

Table 1 illustrates the types of classes required by landscape architect majors at UCD and CSU. Numbers in parenthesis indicate the number of credits earned for the indicated courses.

Table 1

Comparison of Colorado Educational Programs

	CSU	UCD
First Year	Introduction to LA (3) Principals of Plant Biology (4) College Composition (3) Exploring Earth & Lab OR The Blue Planet & Lab (4) History of the Designed Landscape (3) Calculus in Management Sciences (3) Descriptive Physics (3) Elective in Health and Wellness (3)	Design Studios 1 and 2 (6 each) Graphic Media (3) Landscape Ecology (3) History of LA (3) Landscape Construction Materials & Methods (3) LA Theory and Criticism (3) LA Computer Applications (3)
Second Year	Drawing the Landscape (4) Fundamentals of Ecology (3) Fundamentals of Chemistry (4) Fundamentals of Landscape Design Process (4) Environmental Analysis (3) General Psychology (3) Public Speaking (3) Logic and Critical Thinking (3) Elective in Arts and Humanities (3)	Design Studios 3 and 4 (6 each) Landform Manipulation (3) Plants in Design (3) Regionalism (3) Electives (9)
Third Year	Principals of Microeconomics OR Ag & Resource Economics (3) Basic Landscape Design and Construction (3) Digital Methods (3) Introductory Soil Science (4) Ecology of Landscape (3) Form and Expression in Garden Design (3) Advanced Landscape Site Engineering (4) Elective in Global and Cultural Awareness (3)	Design Studios 5 and 6 (6 each) Professional Practice (3) Electives (12)
Fourth Year	Design and Nature (4) Landscape Contract Drawing & Specifications (3) Environmental Ethics (3) Landscape Irrigation and Water Conservation (3) Landscape Design Expression (4) Elective in Historical Perspectives (3) Elective in Public Values Institutions (3)	Not Applicable
Fifth Year	Seminar in Designed Landscapes Theory and Criticism (2) Urban Design (4) Remote Sensing of Natural Resources OR Geospatial Applications in Natural Resources (3 or 4) Professional Practice (1) Plant Identification OR Landscape Plants (3 or 4) Electives (6)	Not Applicable

LA = Landscape Architecture

In addition to the curricula outlined in Table 1, CSU offers optional summer studios for five credits each after the third year in the program. These summer studios cover Landscape Field Studies, Landscape Architecture Study Abroad in Europe and Natural Resources Ecology and Measure.

Furthermore, students at CSU may take advanced technology courses in their fourth or fifth years in Virtual Design Methods and Geographical Information Systems. Three credits are earned for each of these courses.

In comparing these two programs, it is evident that the program at UCD is considerably less structured than the program at CSU. UCD permits students greater flexibility in determining electives within the major. UCD's electives, each of which is worth three credits, include:

- Plant Material Identification
- Landscape Architecture Graphics Workshop
- Landscape Architecture Digital Design Workshop
- Landscape Architecture Internship
- Independent Study
- Site Planning
- Teaching Assistantship
- Finding Common Ground
- Contemporary Landscape Architecture
- Landscape Architecture C/D Workshop
- Applied Landscape Ecology Workshop

Additionally, UCD students are able to take advantage of that institution's Architecture and Planning and Design Departments by taking three-credit electives in:

- Introduction to Architecture
- Architecture and Ultimate Concern
- Planning Issues and Processes
- Preservation Theory and Practice
- Design Review
- Furniture Design
- Nature of Nature
- Animation-Media Message
- History of American City Building

CSU graduates approximately 20 landscape architect majors each year, and UCD graduates approximately 30.

After earning their degrees, many landscape architects ultimately seek licensure as such. Licensure requirements vary by state, but for the most part, they involve some combination of education, experience and passage of an examination.

The Council of Landscape Architectural Registration Boards' (CLARB's) Landscape Architect Registration Examination (LARE) is the most widely utilized competency examination for landscape architects. The LARE comprises five sections, which may be taken in any order:

A – Legal and Administrative Aspects of Practice consists of 70 multiple-choice questions that must be answered in 1.75 hours, covering regulations, contract administration, communication and documentation. The examination fee is \$75 and the administrative fee is \$65, for a total of \$140.

B – Analytical Aspects of Practice consists of 90 multiple-choice questions that must be answered within two hours, covering inventory (data gathering), analysis (interpretation of data and identification of factors affecting the design), programming (suitability of site, suitability of design concept, functional relationships between elements and sociological and behavioral aspects of design), regional land use planning (conceptual organization of uses and systems in a region), site land use planning (conceptual organization of uses and systems on a site), principles of design and storm water management issues (runoff and erosion considerations, retention, detention and conservation). The examination fee is \$110 and the administrative fee is \$75, for a total of \$185.

C – Planning and Site Design consists of seven vignette problems that must be completed within seven hours, covering site planning (location of elements, integration with natural and built environment and three dimensional thinking), circulation (designing pedestrian and vehicular circulation) and planting design (locating plant material to achieve desired effect). The examination fee for section C is \$235 and the combined administrative fee for sections C and E is \$125, for a total of \$297.50 for section C.

D – Structural Considerations, and Materials and Methods of Construction consists of 120 multiple-choice questions that must be answered within three hours, covering appropriate size, shape and form of elements, technical considerations, methods and processes of construction, construction detailing and post-construction evaluation for compliance with contract documents. The examination fee is \$180 and the administrative fee is \$80, for a total of \$260.

E – Grading Drainage and Storm Water Management consists of five vignette problems that must be completed within five hours, covering grading and surface drainage and subsurface drainage (pipe sizing, inverts, layout, etc.). The examination fee for section E is \$235 and the combined administrative fee for sections C and E is \$125, for a total of \$297.50 for section E.

The three multiple-choice sections of the LARE (A, B and D) are administered by CLARB's vendor, Thomson Prometric, which maintains four test centers in Colorado: Colorado Springs, Grand Junction, Greenwood Village and Longmont. The multiple-choice sections are offered four times per year in a computerized format.

The two vignette sections of the LARE (C and E) present problems to examinees, who must then prepare drawings and other documents according to the instructions given. In this respect, these sections resemble practical examinations.

The manner in which the two vignette sections are offered varies by state, but in all cases, they are administered twice per year. CLARB prepares these two sections and actually administers them in 12 states. The remaining 35 states administer these two sections themselves; these states also determine their own examination fees. As a result, the fee information provided above for these two sections reflects what CLARB charges in the 12 states in which it administers these sections of the examination.

Table 2 illustrates the pass rates for the various LARE sections for calendar years 1999 through 2003. The LARE was redesigned to enable computer-based testing effective 2004, so pass rates for that year and 2005 are not comparable to the earlier years, which, nevertheless, are provided here to give a broader idea of the LARE pass rates.

Table 2

LARE Pass Rates by Section

	Section A (%)	Section B (%)	Section C (%)	Section D (%)	Section E (%)
1999	65	87	39	69	30
2000	62	87	39	69	33
2001	58	86	30	70	43
2002	57	87	45	70	51
2003	63	83	36	64	32

Since licensing requirements vary by state, the pass rates illustrated in Table 2 represent control group figures, rather than pass rates for all test takers. The control group consisted of candidates with degrees in landscape architecture and between two and five years of practical experience.

Each state has determined its own requirements regarding the length of time in which a candidate must pass all five sections of the LARE.

Finally, many landscape architects aspire to join the American Society of Landscape Architects (ASLA), the professional association of landscape architects. ASLA members: 1) have graduated from accredited landscape architecture educational programs or are licensed, and 2) have obtained at least three years of professional experience.

The Colorado Chapter of ASLA currently has 558 members who are practicing landscape architects and another 46 members who are either students studying to become landscape architects or are members of related industries. While this does not represent all landscape architects currently practicing in Colorado who may seek and qualify for licensure, it provides a rough estimate as to a minimum number of individuals who would likely seek licensure in if the Applicant's proposal were implemented by the General Assembly.

Summary of Current Regulation

The Colorado Regulatory Environment

Colorado law does not directly address the practice of landscape architecture. Rather, Colorado law indirectly includes the practice of landscape architecture within the practice of architecture. Section 12-4-102(5)(b)(I), Colorado Revised Statutes (C.R.S.), defines the practice of architecture as including designs, working drawings and construction specifications “for the space . . . surrounding the buildings or structures.”

While this definition could arguably be interpreted as including the practice of landscape architecture, it has not, historically, been interpreted in such a manner. Indeed, even if it were so interpreted, section 12-4-112(3), C.R.S., seemingly exempts the practice of landscape architecture from the practice of architecture by stating, “nothing in this article shall be construed as curtailing or extending the rights of any other profession or craft.”

However, to claim that the practice of landscape architecture is entirely unregulated in Colorado would not be completely accurate. Local building departments review building designs to ensure compliance with building codes. To the extent that landscape drawings and plans fall within the scope of these building codes, they are reviewed by building officials.

Even where building officials review landscape designs, this constitutes, at most, the indirect regulation of the end product of landscape architects and does not constitute actual regulation of the profession.

Regulation in Other States

The table in Appendix B on page 40 provides the licensing requirements of all 50 states and the District of Columbia. Although 47 states regulate landscape architects to some degree, only 36 states regulate the actual practice of landscape architecture. Nine states have title acts, which means that anyone may practice landscape architecture, but only those individuals satisfying enumerated statutory criteria may use the title “landscape architect.”

Only Colorado, New Hampshire and Vermont do not regulate landscape architects.

Of the 47 states that regulate landscape architects, 46 require some combination of education, experience and the passage of an examination. However, the experience requirements vary greatly, depending upon the candidate’s highest degree earned. While 30 states permit individuals with no college degree to pursue licensure through increased experience, the level of that experience varies from a low of 4 years to a high of 13 years. Most states, however, require between six and eight years of experience.

All 47 states that regulate landscape architects require candidates to take and pass the Landscape Architect Registration Examination (LARE). Additionally, 12 states require candidates to take and pass a state-specific examination in addition to taking and passing the LARE.

Only Montana does not require candidates to have a combination of experience and education. Rather, Montana simply requires passage of the LARE.

Thus, aside from requiring passage of the LARE, licensing requirements among the states vary greatly.

Analysis and Recommendations

Public Harm

The first sunrise criterion asks:

Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety or welfare of the public, and whether the potential for harm is easily recognizable and not remote or dependent on tenuous argument.

In order to determine whether the public is harmed by the unregulated practice of landscape architecture, the Department of Regulatory Agencies (DORA) requested the Colorado Council of Landscape Architects (Applicant) to submit specific examples of harm inflicted by landscape architects in Colorado. In response, the Applicant provided DORA with a copy of a publication entitled “Regulation of Landscape Architecture and the Protection of the Public Health, Safety and Welfare” (Applicant’s Publication), which was produced by one of the Applicant’s representatives.

While the Applicant’s Publication is a thoroughly researched document, presenting ample evidence of the complexities of the construction industry in general, and landscaping in particular, it is 90 pages long. In order to limit the scope of the enterprise of identifying harm caused by landscape architects in Colorado, DORA requested the Applicant to provide back-up and resource materials for all of the Colorado cases cited in the Applicant’s Publication.

The Applicant provided such material for some of these cases, but for the vast majority, no further information was provided to DORA. It is reasonable, therefore, to use the information in the Applicant’s Publication as evidence of harm inflicted by landscape architects on Colorado consumers.

The following 27 cases are excerpted from the Applicant’s Publication as evidence of harm. The cases are presented in the order in which they appear in the Applicant’s Publication. A representative of DORA read all published court cases. DORA’s analysis of each case appears in italicized text.

Case #1: Connelly v. Redman Development Corp., 533 P.2d 53 (Colo. App. 1975).¹

A pedestrian suffered broken bones when the pedestrian stepped into an open drainage channel in an unlighted parking lot.

¹ Alex P. Schatz, *Regulation of Landscape Architecture and the Protection of Public Health, Safety, and Welfare*, The American Society of Landscape Architects, Washington, D.C. (October 2003), p. 18.

There is no indication that a landscape architect played any role in the design of the parking lot and if a landscape architect was involved, it is not known whether the parking lot was constructed in accordance with the landscape architect's plans. Regardless, the court in this case did not assign liability and did not determine whether the harm was caused by defects in design, construction or maintenance.

Case #2: Boy Suffocates in Playground Sand.²

In 1993, a six-year old Colorado child died of asphyxiation after becoming trapped under a piece of jungle gym equipment. This demonstrates that a sandbox can be hazardous if it is located with equipment that could entrap a child or where there is inadequate opportunity for supervision.

While tragic, it is unclear what role, if any, a landscape architect played in this case. If a landscape architect was involved, it is not known whether the playground was constructed in accordance with the landscape architect's plans. If a landscape architect designed the playground and the playground was constructed according to those plans, then, and only then, could this be considered harm inflicted by a landscape architect.

Case #3: Sculptures Placed in Front of New Webb Building Violate Americans with Disabilities Act (ADA).³

Sculptures placed in front of the new Webb Office Building in Denver protruded into the path of pedestrian circulation, posing a risk to public safety (pedestrians, bicyclists, the blind) and possibly violating the ADA.

No actual harm is alleged in this case. Although the Applicant's publication asserts that the contractor installed the sculptures according to plan, it is unclear what role, if any, a landscape architect played in preparing those designs. At best, this case represents a potential for harm.

² *Id.* at 20.

³ *Id.* at 24.

Case #4: Smith v. Estes Park, 944 P.2d 571 (Colo. App. 1996).⁴

Defects related to surface drainage near a municipal parking lot led to the injury of a parking lot user.

There is no indication that a landscape architect played any role in this case. If a landscape architect prepared the design for the drainage system and the drainage system was constructed in accordance with those designs, then, and only then, does this case represent harm inflicted by a landscape architect. Regardless, the court in this case did not assign liability and did not determine whether the harm was caused by defects in design, construction or maintenance.

Case #5: Doe v. Roe, 36 ATLA L. Rptr. 377 (Colo., Pitkin County Dist. Ct., Feb. 10, 1993).⁵

A stairway constructed according to design and made of landscape timbers, included non-uniform riser heights, inadequate handrails and a lack of positive drainage on the steps.

It is not clear what role, if any, a landscape architect played in this case. Since the stairs apparently were constructed in accordance with plans, this case represents harm inflicted by a landscape architect only if the plans were prepared by a landscape architect.

Case #6: Board of County Commissioners of La Plata County v. Moreland, 764 P.2d 812 (Colo. 1988).⁶

A man suffered injuries resulting in paraplegia after falling 10 feet onto rocks below a deck that was constructed without a guardrail.

There is no indication that a landscape architect played any role in this case. If a landscape architect designed the deck and the deck was constructed according to those plans, then, and only then, could this be considered harm inflicted by a landscape architect. Regardless, this case revolves around whether the county could be held liable for failing to enforce a building code that took effect after construction of the building to which the deck was attached began. Prior to the county's adoption of the building code, no guardrail would have been required, so even if a landscape architect had been involved, there is no assurance that a guardrail would have been included.

⁴ *Id.* at 26.

⁵ *Id.* at 28.

⁶ *Id.* at 29.

Case #7: Bennett v. Gitzen 484 P.2d 811 (Colo. App. 1971).⁷

A five-year old child suffered unspecified injuries after playing on a wheelchair ramp and being hit by a vehicle. The wheelchair ramp was steeply pitched and easily accessed to and from the adjacent street. This case illustrates the importance of access control and other site planning considerations in the safe design of outdoor structures.

There is no indication that a landscape architect played any role in this case. If a landscape architect designed the wheelchair ramp and the ramp was constructed according to those plans, then, and only then, could this be considered harm inflicted by a landscape architect.

Case #8: Springer v. City and County of Denver, 990 P.2d 1092 (Colo. App. 1999).⁸

A Colorado wheelchair user was injured where the threshold to a building created a dangerous condition.

There is no indication that a landscape architect played any role in this case. Although the question before the court centered on the applicability of governmental immunity, in reaching its holding, the court found that the injury resulted from the defective installation/construction of the threshold cover, not from a design defect.

Case #9: City of Colorado Springs v. Powell, 48 P.3d 561 (Colo. 2002).⁹

A child died after falling into a drainage ditch. The court found that had the ditch been designed with proper warning signs or a means of escape, the death could have been avoided.

While tragic, there is no indication that a landscape architect played any role in this case. If a landscape architect designed the drainage ditch and the ditch was constructed according to those plans, then, and only then, could this be considered harm inflicted by a landscape architect.

⁷ *Id.* at 31.

⁸ *Id.* at 32.

⁹ *Id.* at 33. See footnote 111.

Case #10: City of Longmont v. Henry-Hobbs, 50 P.3d 906 (Colo. 2002).¹⁰

A Colorado child died after falling into a concrete-lined spillway for storm water drainage.

There is no indication that a landscape architect played any role in this case. If a landscape architect designed the spillway and the spillway was constructed according to those plans, then, and only then, could this be considered harm inflicted by a landscape architect. Regardless, the court in this case did not assign liability and did not determine whether the harm was caused by defects in design, construction or maintenance.

Case #11: Luenberger v. City of Golden, 990 P.2d 1145 (Colo. App. 1999).¹¹

A child was injured when he fell from his bicycle while riding a half-pipe located in a park in Golden.

There is no indication that a landscape architect played any role in this case. If a landscape architect designed the park's half-pipe and the half-pipe was constructed according to those plans, then, and only then, could this be considered harm inflicted by a landscape architect. Regardless, the court did not address liability or negligence issues.

Case #12: Accidental Death at Eagle County Skate Park.¹²

A skate park was designed and constructed by non-professionals. Features were assembled without proper fastening or safety inspections. Ultimately, a child died of injuries sustained at the skate park when a rail broke loose.

While tragic, it is not clear what role, if any, a landscape architect played in this case. If a landscape architect designed the skate park and the rail was constructed according to those plans, then, and only then, could this be considered harm inflicted by a landscape architect.

¹⁰ *Id.* at 33.

¹¹ *Id.* at 35.

¹² *Id.* at 35.

Case #13: Death on Mary Carter Greenway Trail.¹³

A bicyclist was killed after colliding with another bicyclist near a narrow, blind curve at an underpass on the Mary Carter Greenway Trail.

While tragic, it is not clear what role, if any, a landscape architect played in this case. If a landscape architect designed this section of trail and the trail was constructed according to those plans, then, and only then, could this be considered harm inflicted by a landscape architect.

Case #14: Bijou Irrigation District v. The Empire Club, 804 P.2d 175 (Colo. 1991), cert. denied, 500 U.S. 918 (1991).¹⁴

Dual use of reservoirs for water storage and recreation can lead to hazards for recreational users when water levels fluctuate rapidly.

No harm is alleged in this case. In fact, this case does not address landscape issues. Rather, the court addressed the rights of owners of the land under the reservoir to use and enjoy the water contained in the reservoir.

Case #15: Swieckowski v. Fort Collins, 923 P.2d 208 (Colo. App. 1995).¹⁵

A child was injured after riding his bicycle into a ditch where the roadway in a new development abruptly ended with no barricades or warnings.

An engineer, not a landscape architect, designed the roadway at issue in this case. Notably, the court did not impose liability, but rather remanded the issue back to the trial court by reversing an entry for summary judgment.

Case #16: Pierson v. Black Canyon Aggregates, Inc., 48 P.3d 1215 (Colo. 2002).¹⁶

A driver was injured when a road ended abruptly, sending the driver's vehicle down a 17-foot drop-off into a gravel pit.

There is no indication that a landscape architect played any role in this case. If a landscape architect designed the roadway and the roadway was constructed according to those plans, then, and only then, could this be considered harm inflicted by a landscape architect. Regardless, the court in this case did not assign liability and did not determine whether the harm was caused by defects in design, construction or maintenance.

¹³ *Id.* at 36.

¹⁴ *Id.* at 37.

¹⁵ *Id.* at 39.

¹⁶ *Id.* at 39. See footnote 140.

Case #17: Gladin v. Von Engeln, 575 P.2d 418 (Colo. 1978).¹⁷

Site improvements consisting of re-grading and shifting the channel of Bear Creek caused a series of soil subsidences on adjoining property, causing \$70,000 in damages.

There is no indication that a landscape architect played any role in this case. If a landscape architect designed the site improvements and those improvements were constructed according to those plans, then, and only then, could this be considered harm inflicted by a landscape architect.

Case #18: Burt v. Beautiful Savior Lutheran Church of Broomfield, 809 P.2d 1064 (Colo. App. 1990).¹⁸

A drainpipe of inadequate size with joints that could not be sealed was improperly installed and caused damage to adjoining property.

There is no indication that a landscape architect played any role in this case. Even if a landscape architect had been involved, the water run-off problems addressed in this case were decades old and the evidence presented at trial included improper installation as a contributing factor.

Case #19: Englewood v. Linkenheil, 362 P.2d 186 (Colo. 1961).¹⁹

Placement of a driveway and improvements on adjoining properties interfered with water drainage on plaintiff's property.

There is no indication that a landscape architect played any role in this case. Even if a landscape architect designed the drainage system and that system was constructed according to those plans, however, it is unlikely that the harm caused could be attributed to the landscape architect because the property in question was below grade and was the lowest point, and thus the natural drainage area, for a 17-acre area.

¹⁷ *Id.* at 42. See footnote 159.

¹⁸ *Id.* at 43. See footnote 161.

¹⁹ *Id.* at 43. See footnote 161.

Case #20: Larry H. Miller Corp.-Denver v. Board of County Commissioners, Adams County, 77 P.3d 870 (Colo. App. 2003).²⁰

Adams County re-constructed a highway off-ramp that resulted in increased storm water flow onto neighboring car dealer's lot.

There is no indication that a landscape architect played any role in this case. If a landscape architect designed the ramp and that ramp was constructed according to those plans, then, and only then, could this be considered harm inflicted by a landscape architect.

Case #21: Beeftu v. Creekside Ventures, LLC, 37 P.3d 526 (Colo. App. 2001).²¹

A builder failed to follow an approved drainage plan and built a house with a walkout basement on a lot that the developer had specifically designated as unsuitable for such a feature. The basement flooded repeatedly.

There is no indication that a landscape architect played any role in this case. In fact, the builder in this case failed to follow approved plans, which would have prevented flooding. Regulation of landscape architects, therefore, would not have prevented this harm.

Case #22: TriAspen Construction Co. v. Johnson, 714 P.2d 484 (Colo. 1986).²²

A builder failed to install an engineer-recommended peripheral drain around the foundation of a house on a steep slope. This caused the foundation to crack, resulting in \$45,000 worth of damages.

There is no indication that a landscape architect played any role in this case. In fact, a soils engineer recommended a drain be installed and that recommendation was ignored. It is reasonable to conclude that a similar recommendation by a landscape architect would have been similarly ignored. A landscape architect could not have prevented the harm in this case.

²⁰ *Id.* at 43. See footnote 161.

²¹ *Id.* at 43.

²² *Id.* at 43.

Case #23: Criswell v. M.J. Brock & Sons, Inc., 681 P.2d 495 (Colo. 1984).²³

Defective landscape plans partially responsible for severe damage to basement floors and foundations.

There is no indication that a landscape architect played any role in this case. If a landscape architect designed the landscaping then this could be considered harm inflicted by a landscape architect.

Case #24: Hoang v. Arbess, 80 P.3d 863 (Colo. App. 2003).²⁴

A homebuilder ignored an engineering recommendation to use special landscape and structural techniques in an area of expansive soils.

There is no indication that a landscape architect played any role in this case. In fact, the landscaping recommendations of the soils engineer were ignored by the builder. It is reasonable to conclude that similar recommendations made by a landscape architect would have similarly been ignored. A landscape architect could not have prevented this harm.

Case #25: State v. Applied Landscape Solutions, No. 01CV1098 (Colo., Boulder County 20th Judicial Dist., 2003).²⁵

A landscape contractor that held itself out as capable of performing landscape design, installed irrigation systems that were inoperable or that malfunctioned, causing financial loss to customers and causing flood damage to basements. The same landscape contractor also constructed concrete steps that failed to conform to building codes, necessitating their removal.

It is not clear what role, if any, a landscape architect played in this case. Additionally, it does not appear as though improper design caused the harm, but rather improper installation of the irrigation systems. Regulation of landscape architects would not have prevented this harm. Furthermore, even if a landscape architect had been found at fault in this case, since these irrigation systems were installed in residential dwellings and the Applicant's proposal would exempt such projects from regulation, regulation would not address this type of harm.

²³ *Id.* at 43. See footnote 165.

²⁴ *Id.* at 44.

²⁵ *Id.* at 45.

Case #26: Financial Associates, Ltd. v. G.E. Johnson Construction Co., Inc., 723 P.2d 135 (Colo. 1986).²⁶

Landscape irrigation may have contributed to structural damage.

There is no indication that a landscape architect played any role in this case. If a landscape architect designed the irrigation system and that system was constructed according to those plans, then, and only then, could this be considered harm inflicted by a landscape architect. Regardless, other explanations as to the cause of harm were offered to the court, including a broken water main and increased levels of subsurface water. Notably, the court made no findings with respect to why the soil expanded, thus causing the damage.

Case #27: Perlmutter v. Blessing, 706 P.2d 772 (Colo. 1985).²⁷

The negligent design of a foundation and site drainage by an engineer, along with faulty construction of a retaining wall, foundation and drainage system by a contractor/builder caused \$67,000 in damages to a home.

There is no indication that a landscape architect played any role in this case. Although an engineer designed a faulty drainage system, its construction was also found to be faulty. It is reasonable to conclude that a properly designed drainage system, whether designed by an engineer or a landscape architect, would have similarly been constructed in a faulty manner. A landscape architect could not have prevented the harm in this case.

In addition to the preceding 27 cases taken from the Applicant's Publication, the Applicant also presented the following three cases in support of its application.

Case #28: Rosales v. City and County of Denver, 89 P.3d 507 (Colo. App. 2004).

The city placed a picnic table under a tree in a park. Eventually, a tree limb fell on the plaintiff, causing injuries.

There is no indication that a landscape architect played any role in this case. Additionally, it is not known when the picnic table was placed under the tree, so the tree limb may well have been strong and healthy when the picnic table was placed there, only to weaken with time. A landscape architect could not have prevented this harm had the tree been healthy when the picnic table was placed under it.

²⁶ *Id.* at 45. See footnote 172.

²⁷ *Id.* at 45.

Case #29: Trees Planted too Close to a Water Conservation District Pipeline.²⁸

Trees were planted within 30 feet of a water conservation district's pipeline, impinging upon the district's right of way. The developer failed to notice the right of way prior to construction six years earlier. As a result, the building owner paid between \$2,000 and \$4,000 to have the trees removed.

It is not clear what role, if any, a landscape architect played in this case. Additionally, not only did the developer overlook the right of way, but so too did the city's planning officials, so it is not clear how regulation of landscape architects would have prevented the financial harm in this case.

Case #30: Poor Drainage Leads to Flooding of Swimming Pool.²⁹

An outdoor swimming pool was periodically inundated with storm water and sediment. The grading plan for the pool deck and surrounding areas were found to be defective, and new site work, such as a diversion swale, had to be undertaken to prevent potential injury and deterioration of the property.

Although it is not known whether a landscape architect was involved in the original swimming pool design, the damage caused in this case was attributable to design, not construction. If, therefore, a landscape architect had been involved in this project, this could serve as a legitimate example of harm.

The one thing that is clear from these 30 cases is that improperly designed or constructed landscape features can cause harm, including both financial loss and loss of life. Undoubtedly, therefore, incompetent landscape architects could potentially inflict harm on Coloradans.

However, the Applicant was unable to provide examples of harm that were definitively caused by landscape architects, or at the very least, by individuals who would qualify for licensure under the Applicant's proposal.

This is critical, because if the harm caused in such cases was inflicted by individuals who would not be licensed, either because they were licensed engineers or architects, or because they would be exempt from the Applicant's proposal, such as those preparing designs for residential dwellings, then regulation would neither have prevented the harm discussed or provided means by which to discipline such individuals.

As a result, DORA concludes that, based on the lack of concrete evidence of harm inflicted by landscape architects, the potential for harm delineated herein remains tenuous.

²⁸ Letter from Applicant dated June 1, 2005, p. 5.

²⁹ *Id.* at 6.

Need for Regulation

The second sunrise criterion asks:

Whether the public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional or occupational competence.

Improperly designed or installed landscape features can result in both financial harm and physical harm, including death. However, the second sunrise criterion requires an analysis of whether regulation will help to reduce such harm.

Regulation has historically been premised on the idea that the public lacks the resources to determine the competency of certain professionals and that when those professionals are incompetent, harm results.

With respect to landscape architects, the question is, therefore, whether the general public can determine the competency of a landscape architect before any harm is inflicted. To be sure, the public is perfectly capable of deciding whether the work of a particular landscape architect is aesthetically pleasing, but can the public determine whether that aesthetically pleasing landscape is safe?

Landscape architects, like other design professionals, prepare technical drawings and specifications for the installation and construction of what can be highly complex features. It is unreasonable to expect a member of the general public to be able to examine a set of drawings and determine whether, for example, the grading of a slope away from a structure is adequate for proper water drainage, or whether the depth of a swale is sufficient to accommodate the volume of water that is anticipated, or even how much water to anticipate.

Therefore, the Applicant is quite right when it posits, in the Applicant's Publication, "When a consumer cannot rely on a professional to produce design and technical documentation that meets minimum standards, bargaining is risky and inefficient."³⁰

Recall, however, that the Applicant's proposal would create an exemption for residential landscape work, meaning that anyone would be allowed to prepare landscape designs and specifications for landscape features in a residential setting.

This would create an interesting situation in that regulation would be imposed, but the very classification of people – consumers -- that the regulation is intended to protect, would not be covered by it. In other words, only commercial and public entities would be required to use licensed landscape architects. Individual consumers could choose to use a licensed landscape architect or an unlicensed landscape architect.

³⁰ Schatz at 58.

This is problematic because it is the individual consumer, the individual homeowner, who is least likely to be able to examine a set of drawings or specifications and determine whether the features they describe are safe. The commercial or public entity, however, that is in a better position to assess the relative safety of a set of plans, would be required to use a licensed landscape architect.

The Applicant offers several explanations for this exemption. First, under the Applicant's proposal, homeowners would have the choice to choose between a landscape architect that the state has determined to be minimally competent, or to use someone else. Considering the relatively small scale of residential projects, the potential for harm is low.

Second, the Applicant claims that the exemption was intended to parallel a similar exemption in section 12-4-112(1)(a), Colorado Revised Statutes (C.R.S.), which exempts multi-unit dwellings that have up to four units from needing to be designed by a licensed architect.

However, there are certain protections built into the design and construction of a structure that are not present in the landscape architecture setting. For example, regardless of who designs a home, the plans and specifications for such must still be submitted to a local building department for approval, so there is a certain degree of oversight.

Plans and specifications for landscape features are not routinely submitted to building officials for approval and when they are, building officials typically concern themselves with ingress and egress issues to ensure that a building's occupants can safely exit the building in case of emergency. The focus of such reviews is on public and commercial buildings, not residences.

Additionally, at least with respect to a vast majority of new housing construction, a large developer is involved in the design and construction of homes. These are enterprises that are financially able to assume the risk of building an unsafe home. More importantly, however, they have considerable experience in building homes, so the likelihood of them constructing an unsafe home is low.

Residential landscaping endeavors, however, are typically not undertaken by such developers. Whether in the new construction or renovation contexts, the individual homeowner is usually the one who contracts with the landscape architect to design the landscape features.

Finally, a savvy homeowner or commercial or public entity in Colorado that is planning a landscaping project can obtain the services of a licensed landscape architect. As part of this sunrise review, a representative of DORA contacted regulators in six surrounding states (Arizona, Kansas, Nebraska, New Mexico, Utah and Wyoming) to determine the number of Colorado residents who have obtained landscape architect licenses from such states. Approximately 214 Colorado-based landscape architects hold licenses from at least one of these six states.

Recall that the Colorado Chapter of the American Society of Landscape Architects (CASLA) has approximately 558 members who are practicing landscape architects. Presumably, this would represent the initial pool of landscape architect licensees. Note, however, that, based on the data reported in the preceding paragraph, almost 40 percent of these individuals already possess a landscape architect license from a neighboring state.

It is reasonable to conclude, therefore, that anyone in Colorado who wants or needs the services of a licensed landscape architect can easily obtain such services at the present time, without the imposition of regulation by the State of Colorado.

Alternatives to Regulation

The third sunrise criterion asks:

Whether the public can be adequately protected by other means in a more cost-effective manner.

Since improperly designed or installed landscape features can cause harm, but since the extent to which landscape architects are responsible for that potential harm is unclear, the licensing scheme proposed by the Applicant seems unwarranted.

However, since it is unreasonable to expect members of the public to possess the technical knowledge and expertise to assess the adequacy of technical plans and specifications, it is reasonable to explore alternatives to the licensing scheme proposed by the Applicant.

The least costly alternative to the Applicant's proposal is also the least restrictive. Rather than seeking to impose state regulation, CASLA should promote the value and protection that CASLA members provide.

To be a practitioner member of CASLA, an individual must: 1) have graduated from an accredited landscape architectural educational program or be licensed in another state; and 2) have obtained at least three years of professional experience.

A successful marketing campaign relating the value that CASLA members can bring to a project would lead a consumer to inquire as to CASLA membership when selecting a landscape architect for a given project.

While CASLA membership is voluntary and there is no competency examination prerequisite to membership, the level of protection membership affords seems appropriate relative to the harm caused by landscape architects.

A second alternative would be to institute some kind of title protection measure. Title protection statutes reserve the use of the articulated title for those who satisfy certain, enumerated criteria. This is different from a licensing program because the statute would only limit who could use the title “landscape architect” and would not limit who could engage in the practice of landscape architecture.

Under this approach, only those who take and pass the Landscape Architect Registration Examination (LARE) would be allowed to use the title “landscape architect.” This would serve to protect the public by forcing those who provide landscape architecture services but who have not passed the LARE to use a different title, thus indicating to members of the general public that there is a difference between two, given professionals.

This would accommodate the Applicant’s desire to offer consumers a choice. Additionally, it would continue to provide commercial and public consumers of landscape architect services a choice as well. If such an entity wanted the assurance of competence that would come with passage of the LARE, then such an entity could insist on using only “landscape architects.” However, if the project were small in scale or the risk of harm were determined to be remote, such an entity could opt to use a landscape designer, or someone other than a “landscape architect.”

While title protection statutes are typically placed in the Colorado Consumer Protection Act, it makes more sense to place any title protection provisions for landscape architects in section 12-4-101, *et seq.*, C.R.S., which is the architect practice act.

The Board of Examiners of Architects (Architect Board) could be given the authority to issue cease and desist orders to those found to be in violation of the title protection provision. Additionally, the Architect Board could be given the authority to impose monetary penalties against those who refuse to obey lawfully issued cease and desist orders.

This approach would not create a new regulatory body, so any costs associated with it would be minimal. Additionally, since the Architect Board would not have authority to investigate issues of standards or scope of practice, investigative and legal services fees would be minimal. Granting enforcement authority to the Architect Board, as opposed to some other board or agency, seems logical simply given the titles and types of work involved.

Additionally, passing a title protection provision would not represent a new idea. Of the 47 states that regulate landscape architects, nine do so with title protection acts.

A more restrictive, and costly, alternative to title protection would involve a registration program. Under this type of approach, only those who had taken and passed the LARE would be permitted to register with the state and only those registered landscape architects would be permitted to engage in the practice of landscape architecture.

As discussed in previous sections of this sunrise report, there is insufficient evidence of harm to justify restricting who may practice landscape architecture, so a registration approach, while less costly than the licensing scheme proposed by the Applicant, would be more costly than a title protection scheme and would not afford any additional public protection.

A registration program would also be unduly restrictive because only those who take and pass the LARE would qualify for registration and thus, legally practice, whereas with title protection, anyone could practice, but only those who pass the LARE could use the title “landscape architect.”

Thus, there are several viable alternatives to licensure.

Conclusion

The General Assembly created the sunrise process to help to ensure that regulation is imposed only on those professions that are in positions to inflict harm on the public and only when that harm actually occurs. In the case of landscape architects, it is reasonably clear that improperly designed or installed landscape features can cause harm. However, the examples of harm articulated by the Applicant do not provide sufficient evidence to support restricting the practice of landscape architecture to those individuals who possess the qualifications outlined by the Applicant.

Indeed, throughout the sunrise review process, representatives of the Applicant, as well as other proponents of regulation, posited that improper landscape designs can result in failing retaining walls, dangerous intersections, poor traffic flows and lighting, dangerous playgrounds and skate parks and dangerous or leaky rooftop gardens. Additionally, proponents of regulation have argued that drainage issues affect water quality, health concerns and plantings.

While all of these arguments sound logical, with few exceptions, the Applicant was unable to provide concrete examples of such occurring in Colorado. As a result, these examples represent potential harm only, and as such, are insufficient to justify a recommendation in favor of regulation.

Proponents of regulation also raised the issue of the authority to stamp designs and specifications, as well as the ability to bid on certain projects around the state. The authority to stamp plans pertains to the ability to submit plans to building officials for permitting purposes.

For example, architects and engineers, both regulated professions, place a stamp on the plans that they prepare for certain purposes, such as submission to building officials and for the creation of record sets of plans.

Proponents of regulating landscape architects point out that since Colorado does not regulate landscape architects, landscape architects cannot stamp plans for submission in Colorado. Building officials interviewed as part of this sunrise review indicated that this poses no real problem for them, since they are rarely concerned with landscape features.

It does pose a problem, however, for certain projects that require a licensed landscape architect or that require stamped plans, as part of the request for proposal. Since Colorado does not license landscape architects, proponents of regulation argue that such requests for proposals place Colorado-based landscape architects at a disadvantage because they cannot stamp such plans.

However, as indicated earlier, almost half of all Colorado-based landscape architects who would qualify for licensure under the Applicant's proposal are already licensed in another jurisdiction.

Additionally, the Applicant and other landscape architects could be more proactive at educating the state and local agencies that issue such requests for proposals to inform them that Colorado does not regulate landscape architects.

The federal government is a slightly different matter, however. The National Park Service (NPS) is estimated to be the largest single consumer of landscape architect services in the nation and NPS requires final plans to be stamped by a licensed design professional.

While it is easy to sympathize with the predicament in which landscape architects find themselves, the sunrise criteria are clear. Regulation is justified only when the unregulated practice of landscape architecture clearly harms the public, not when non-regulation makes it difficult for practitioners to get business.

Without doubt, landscape architects provide valuable services, but those services are rarely provided without the involvement of other design professionals. For example, landscape architects may be involved in the design of a streetscape, but then civil engineers prepare the actual technical engineering designs. Similarly, when structures become part of a landscape plan, licensed architects or engineers become involved with such aspects, just as engineers are often involved in drainage projects. In such situations, it is not uncommon for an engineer to collaborate with a landscape architect to make sure that the drainage system is engineered properly and to make sure that it is aesthetically pleasing.

Whether a project involves a streetscape, park, parking lot or open space, landscape architects ensure that the final landscaping is aesthetically pleasing. Other professionals ensure that such features are safe.

Arguably, since landscape architects work, for the most part, on public spaces, such as walkways, parks, playgrounds, streetscapes, skate parks and bike paths, they have more of an impact on public welfare, as opposed to public safety. However, the relationship between quality landscape architecture that is aesthetically pleasing and enhancement of the public welfare is impossible to quantify. As a result, any such argument remains tenuous.

Finally, this is the third sunrise review to examine whether landscape architects should be regulated. On both previous occasions, DORA and the General Assembly determined that regulation was not justified. This sunrise review discovered nothing to warrant a change in that position.

Since regulation is justified only when it is clear that the unregulated practice harms the public and since it is not clear that the unregulated practice of landscape architecture harms the public, the General Assembly should not impose regulation upon the practice of landscape architecture.

Recommendation – Do not regulate the practice of landscape architecture.

Appendix A – Proposed Practice Act for Landscape Architects

AN ACT CONCERNING THE LICENSING OF LANDSCAPE ARCHITECTS IN COLORADO.

Title 12, Colorado Revised Statutes, is amended by the addition of a new Article 71, to read:

12-71-101. Short Title. This Article shall be known and may be cited as the “Landscape Architect Licensing Act.”

12-71-102. Regulatory authority - purpose.

The regulatory authority established by this article is necessary to eliminate unnecessary waste and to safeguard the life, health, property, and public welfare of the people of this state and to protect them against unauthorized, unqualified, and improper practice of landscape architecture.

12-71-103. Definitions.

- (1) "Board" means the Colorado State Board of Landscape Architects.
- (2) "Controlled substance" means a drug, substance, or immediate precursor included in schedules I to V of Part 2 of Article 18 of Title 18, C.R.S.
- (3) "Habit-forming drug" means any drug or medicine that is required to be labeled under section 25-5-415, C.R.S., or the Federal Food, Drug, and Cosmetic Act as a habit-forming drug.
- (4) "Landscape architect" means a professional engaged in the practice of landscape architecture.
- (5)(a) "Practice of landscape architecture" means the following:
 - (i) Applying landscape architectural education, training, and experience and mathematical, physical, and social sciences to consult, evaluate, and plan projects principally directed at the functional and aesthetic use and preservation of land;
 - (ii) Collaborating with architects and engineers during the design of roads, bridges, buildings, and structures concerning the functional and aesthetic requirements of the area; or
 - (iii) Assisting in the preparation and administration of contracts and contract offers related to landscape improvements and land management.
- (b) "Practice of landscape architecture" does not include acts exempted by section [12-71-115].
- (c) Nothing in this definition shall be construed to authorize a landscape architect to engage in the practice of architecture, engineering, or land surveying as defined in this Title 12, Colorado Revised Statutes.
- (6) "Planning" means preparing layouts and schemes for systems, facilities, or objects, including technical documentation.
- (7) "Substantial gift" means a gift, donation, or other consideration sufficient to influence a person to act in a specific manner. "Substantial gift" does not mean a gift of nominal value such as reasonable entertainment or hospitality or an employer's reward to an employee for work performed.
- (8) "Supervision" means the actions taken by a landscape architect in directing, personally reviewing, correcting, or approving the work performed by an employee.

12-71-104. Registration required.

- (1) No person shall practice landscape architecture or represent himself as a landscape architect unless he has a license issued by the Board.
- (2) A license issued by the Board shall entitle a landscape architect to use a stamp, as specified in Section 12-71-115, which shall constitute a professional credential attesting to the minimum competence of the landscape architect.

12-71-105. Board of Examiners of Landscape Architects – created – immunities.

- (1) There is created in the Division of Registrations in the Department of Regulatory Agencies a Colorado State Board of Landscape Architects. The Board shall consist of five members, who shall have the following qualifications:

- (a) Three members shall:

- (I) be licensed landscape architects in Colorado or persons who are eligible to be licensed in Colorado as landscape architects at the time of the formation of the Board;
 - (II) have at least three years' experience in landscape architecture; and
 - (III) be residents of the State of Colorado.

- (b) Two members shall:

- (I) not be licensed landscape architects nor be landscape architects in any jurisdiction;
 - (II) not have a significant personal or financial interest, past or present, in the practice of landscape architecture; and
 - (III) be residents of the State of Colorado;
 - (IV) one of whom shall be a licensed general building contractor in the State of Colorado.

- (2) Board members shall be appointed by the governor to serve for not more than two terms of four years. Terms shall expire on February 15 of the fourth year. The Governor shall appoint a member to fill a vacancy on the Board for the remainder of an unexpired term. The Governor may remove a member of the Board for misconduct, incompetence, neglect of duty, or an act that would justify the revocation of the Board member's license to practice landscape architecture, where applicable.
- (3) The Board shall meet by August 30 of each year and elect from its members a chair and vice-chair. The Board shall meet at such other times as it deems necessary, but not less than twice per year.
- (4) Any member of the Board, a consultant to the Board, a witness testifying in a proceeding authorized under this Article, and a person who lodges a complaint pursuant to this Article shall be immune from liability in any civil action for acts occurring while acting in an official capacity or as a witness or complainant if such person:
 - (a) acts in good faith;
 - (b) makes a reasonable effort to obtain the facts of the matter; and
 - (c) acts with the reasonable belief that such action is warranted by the facts.

12-71-106. Powers of the Board – rules.

- (1) The Board shall:
 - (a) promulgate rules necessary to effectuate the provisions of this Article;

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- (b) examine licensing candidates for qualifications;
 - (c) review special cases as authorized in this Article;
 - (d) grant, deny, renew, suspend place on probation, revoke, or reinstate landscape architect licenses;
 - (e) administer oaths and take testimony on matters within the Board's jurisdiction;
 - (f) adopt and use a seal;
 - (g) conduct hearings upon complaints concerning the conduct of landscape architects;
 - (h) recommend the prosecution by the district attorney or the attorney general of persons violating the terms of this Article;
 - (i) require every licensed landscape architect to have a stamp as prescribed by the Board; and
 - (j) issue orders as deemed necessary pursuant to section 12-71-112 or 12-71-113.

- (2) The Board shall set and charge fees pursuant to section 12-71-110.

12-71-107. Management of the fees and expenses of the Board.

- (1) Fees collected pursuant to section 12-71-110 shall be transmitted to the state treasurer, who shall credit the same to the Division of Registrations cash fund pursuant to section 24-34-105, C.R.S. The General Assembly shall make annual appropriations pursuant to section 24-34-105, C.R.S., for the expenditures of the Board.
- (2) The Board may employ such technical, clerical, investigative, or other assistance necessary for the proper performance of the Board's duties, subject to the provisions of section 13 of Article XII of the state constitution, and may make expenditures for the proper performance of the Board's duties under this Article.

12-71-108. Records.

- (1) The Board shall keep a record of its proceedings, a register of all applications for licensing, and such other information as may be deemed necessary by the Board.
- (2) The records of the Board shall be public records as defined by Article 72 of Title 24, C.R.S. Copies of records and papers of the Board or the Department of Regulatory Agencies relating to the administration of this Article, when certified and authenticated by seal, shall be received by a court in the same manner as original documents.

12-71-109. Licensure – application – qualifications.

- (1) **Application.** (a) An application for licensure under this Article shall include evidence of the education and practical experience required by this section and the rules of the Board.
 - (b) An application for licensure under this Article shall require the applicant to disclose whether the applicant has been denied licensure or registration as a landscape architect, disciplined as a landscape architect, or engaged in the practice of landscape architecture in violation of the law. If an applicant has violated this Article, the Board may deny an application for licensure. When determining whether a person has violated this Article, section 24-5-101, C.R.S., shall govern the Board's actions.
 - (c) Applicants may seek licensure via the following:
 - (I) Licensure by examination, as described in subsection (2) of this section;
 - (II) Licensure by endorsement, as described in subsection (3) of this section; or

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- (III) Licensure by prior practice, as described in subsection (4) of this section.
- (2) **Registration by examination.** The Board shall set minimum educational and experience requirements for licensure by examination subject to the following guidelines:
- (a) The Board may require either:
- (I) Practical experience for a specified minimum period of time, not to exceed three years and:
 - (A) A professional degree from a program accredited by the Landscape Architectural Accrediting Board (LAAB) or any substantially equivalent successor organization; or
 - (B) Education or experience approved substantially equivalent to sub-subparagraph (A) of this subparagraph (I), not to exceed five years; or
 - (II) Practical experience for a specified period of time, not to exceed ten years, under the direct supervision of a licensed landscape architect or a landscape architect with an equivalent level of competence as defined by rules of the Board; or
 - (III) A combination of such practical experience and education, not to exceed ten years.
- (b) One year of the experience required by this subsection (2) may be practical field experience in construction techniques, or teaching or research in a program accredited by the Landscape Architectural Accreditation Board or any substantially equivalent successor organization.
- (c) (I) Prior to being licensed, an applicant for licensure by examination shall pass an examination developed or adopted by the Board to measure the level of minimum competency.
- (II) The Board shall designate a time and location for examinations and notify applicants of this time and location in a timely fashion. The Board may contract for assistance in administering the examination.
 - (III) The Board may adopt the examinations, recommended grading procedures, and educational and practical experience requirements and equivalents of the Council of Landscape Architectural Registration Boards or any substantially equivalent successor organization if such examinations, procedures, and requirements and equivalents do not conflict with the provisions of this Article.
- (3) **Licensure by endorsement.** (a) An applicant for licensure by endorsement shall file an application as prescribed by the Board and shall hold a current, valid license or registration in a jurisdiction requiring qualifications substantially equivalent to those currently required for licensure by subsection (2) of this section.
- (b) The Board shall provide procedures for an applicant for licensure by endorsement to apply directly to the Board. A certified record from the Council of Landscape Architectural Registration Boards shall qualify a candidate for application to the Board for licensure by endorsement.
 - (c) The Board may develop or adopt a supplementary examination to measure the minimum competence of applicants for licensure by endorsement. Such examination shall be
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administered at the discretion of the Board where an applicant for licensure by endorsement has otherwise failed to sufficiently demonstrate minimum competence.

(4) Licensure by prior practice. (a) The Board shall adopt rules authorizing the issuance of a license to qualified candidates engaged in the practice of landscape architecture before July 1, 2004.

(b) The following evidence, as verified by the Board, shall be acceptable as proof that a candidate is qualified for licensure by prior practice:

(I) (A) A diploma or certificate of graduation from a landscape architecture degree program accredited by the Landscape Architecture Accreditation Board or substantially equivalent successor organization; and

(B) Evidence of at least six (6) years of actual, practical experience in the practice of landscape architecture sufficient to satisfy the Board that the applicant has minimum competence as a landscape architect; or

(II) Evidence that the applicant has a total of at least ten (10) years of practical experience in the practice of landscape architecture sufficient to satisfy the Board that the applicant has attained minimum competence as a landscape architect.

(c) All experience required to qualify for licensure by prior practice shall be obtained before July 1, 2004; except that one year of required experience for registration by prior practice may accrue after July 1, 2004.

(d) The Board may develop or adopt a supplementary examination to measure the minimum competence of applicants for licensure by prior practice. Such examination shall be administered at the discretion of the Board where an applicant for licensure by prior practice has otherwise failed to sufficiently demonstrate minimum competence.

(5) **Issuance of license.** Upon application and satisfaction of the requirements of this section, the Board shall issue a license; except that the Board is not required to issue a license if the applicant is subject to discipline pursuant to this Article.

(6) **Lapse of application.** If an applicant fails to meet the licensure requirements within three (3) years after filing an application with the Board, the application shall be void. The Board may authorize an applicant for licensure by examination to reattempt the examination without limitation and may exempt an applicant from this subsection (6) so long as the applicant reattempts the examination within thirty-one months after the last examination.

12-71-110. Fees. The Board shall establish a schedule of reasonable fees for applications, licenses, renewal of licenses, inactive status, and late fees. Such fees shall be set, collected, and credited pursuant to section 24-34-105, C.R.S.

12-71-111. License renewal – expiration – reinstatement.

(1) A landscape architect may renew a license by paying to the Board the license renewal fee established pursuant to section 12-71-110.

(2) The license of any landscape architect who fails to pay the license renewal fee shall expire. An expired license may be renewed within six months after expiration, upon payment of all fees in arrears. After six months, the Board shall require payment of a reinstatement fee established

pursuant to section 12-71-110 and may require reexamination, unless the landscape architect is an active landscape architect in another jurisdiction or continues to be competent.

12-71-112. Discipline. (1) The Board shall investigate the activities of a licensee upon its own motion or upon the receipt of a signed complaint in writing alleging grounds for disciplinary action under this Article.

(2) Grounds for disciplinary action shall include:

- (a) Fraud or a material misstatement of fact made in procuring or attempting to procure a license;
- (b) An act or omission that fails to meet the generally accepted standards of landscape architecture and that endangers life, health, property, or public welfare;
- (c) Mental incompetence;
- (d) Fraud or deceit in the practice of landscape architecture;
- (e) Affixing a seal or authorizing a seal to be affixed to a document if such act misleads another into incorrectly believing that a landscape architect was the document's author or was responsible for its preparation;
- (f) Violation of or aiding or abetting in the violation of this Article, a rule promulgated by the Board under this Article, or an order of the Board issued under this Article;
- (g) Being convicted of or pleading nolo contendere to a felony in Colorado, or any crime outside Colorado that would constitute a felony in Colorado, that concerns the practice of landscape architecture. A certified copy of the judgment of a court of competent jurisdiction of such conviction or plea shall be presumptive evidence of such conviction or plea in any hearing under this Article. The Board shall be governed by the provisions of section 24-5-101, C.R.S., when considering such conviction or plea.
- (h) Use of false, deceptive or misleading advertising;
- (i) Habitual intemperance with respect to or excessive use of a habit-forming drug, a controlled substance, or an alcoholic beverage that renders the landscape architect unfit to engage in the practice of landscape architecture;
- (j) Use of a Schedule I controlled substance, as defined in section 18-18-203, C.R.S.;
- (k) Failure to report to the Board a landscape architect known to have violated this Article or any Board order or rule. Such potential violations include knowledge of an action or arbitration in which claims regarding the life and safety of the users of a site are alleged.
- (l) Making or offering a substantial gift to influence a prospective or existing client or employer to use or refrain from using a specific landscape architect;
- (m) Failure to exercise adequate professional supervision of persons engaging in landscape architect as an assistant to a licensed landscape architect;
- (n) Performing services beyond the competency, training, or education of a landscape

architect.

- (3) A disciplinary action in another state or jurisdiction, enforced on grounds that would constitute a violation under this Article, shall be prima facie evidence of grounds for disciplinary action under this section.
- (4) (a) The Board shall conduct disciplinary hearings in accordance with Article 4 of Title 24, C.R.S. Upon proof of grounds for discipline, the Board may suspend the license of, place on probation, set conditions upon the license of, or issue a letter of admonition to a licensee. Upon proof of grounds for discipline of the licensee and the concurrence of at least four Board members, the Board may revoke a license.

(b) The Board may issue a written letter of admonition to a licensee without conducting a hearing as required in paragraph (a) of this subsection (4). Upon receiving a letter of admonition, a licensee may request within twenty days after the letter is sent a formal adjudication regarding the conduct or acts upon which the letter is based. Such letter shall be sent to the licensee by certified mail, or other method that is as reliable and verifiable as certified mail and complies with the Uniform Electronic Transactions Act, Article 71.3 of Title 24, C.R.S., and shall advise the licensee of his or her right to adjudication pursuant to this paragraph (b). Upon receipt of a request for adjudication pursuant to this paragraph (b), the Board shall void the letter of admonition pending a hearing.
- (5) If the Board determines that a person licensed as a landscape architect pursuant to this Article is subject to disciplinary action under this section, the Board may, in lieu of or in addition to other discipline, require a registrant to take course of professional training or education. The Board shall determine the educational conditions to be imposed on such registrant, including, but not limited to, the type and number of hours of training or education. All training or education courses are subject to approval by the Board, and the licensee shall furnish satisfactory proof of completion of such training or education.
- (6) (a) In addition to the penalties provided for in this section, and in lieu of revoking a license upon a finding of misconduct by the Board made pursuant to Article 4 of Title 24, C.R.S., a licensed landscape architect who violates this Article or rules promulgated pursuant to this Article may be punished by a fine not to exceed five thousand dollars.

(b) A fine collected pursuant to this section shall be transferred to the state treasurer, who shall credit the same to the general fund.
- (7) Except as provided in subsection (8) of this section, a license that is revoked shall not be reinstated within two years after the effective date of the revocation.
- (8) On its own motion or upon application after the imposition of discipline, the Board may reconsider its prior action and reinstate a license, terminate suspension or probation, or reduce the severity of its prior disciplinary action.

12-71-113. Violations – penalties. (1) It is a class 3 misdemeanor for any person to:

- (a) Sell, fraudulently obtain, or fraudulently furnish a license or renewal of a license;
- (b) Advertise or represent oneself as a licensed landscape architect or use the title “landscape architect,” unless such person is licensed pursuant to this Article; or

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- (c) Violate this Article.
- (2) A violation of this section may be prosecuted by the district attorney of the judicial district in which the offense was committed, or by the attorney general of the State of Colorado in the name of the people of the State of Colorado. In such action, the court may issue an order, enter judgment, or issue a preliminary or final injunction.
- (3) (a) If the Board has reasonable cause to believe that a person is violating a provision of this section or rule issued under this section, the Board or its designee may order such person to cease and desist from violating this section or such rule, and the Board may request that an action be brought pursuant to subsection (2) of this section to enjoin such person from violating, continuing to violate, or acting to further violate this section. Upon petition for judicial review of an order or enforcement of an order, such order shall be stayed until the court takes final action.
- (b) The Board may apply for an injunction in a court of competent jurisdiction in the name of the people of the State of Colorado to enjoin a person from committing a violation of this section. Such application for injunction shall be brought through the attorney general. In order to obtain such injunction, the Board need not prove irreparable injury.

12-71-114. Judicial review. A person aggrieved and affected by a final action or order of the Board may seek judicial review pursuant to section 24-4-106, C.R.S.

12-71-115. Landscape architect's stamp. (1) A licensed landscape architect shall obtain a stamp of a design authorized by the Board. The stamp shall bear the name, date of licensure, and license number of the landscape architect, and the legend "Colorado – Registered Landscape Architect."

- (2) A licensed landscape architect's records and documents shall be prepared, recorded, and retained in the following manner:
- (a) The stamp, signature of the licensed landscape architect whose name appears on the stamp, and date of the signature of such landscape architect shall be placed on reproductions of drawings to establish a record set of contract documents.
- (b) The record set shall be prominently identified and shall be for the permanent record of the landscape architect, the project owner, and the regulatory authorities who have jurisdiction over the project.
- (c) The stamp and the date the document is stamped shall be placed on the cover, title page, and table of contents of specifications and on each reproduction of drawings prepared under the direct supervision of the landscape architect.
- (d) Subsequent issues of addenda, revisions, clarifications, or other modifications shall be properly identified and dated for the record set.
- (e) Where consultant drawings and specifications are incorporated into the record set, their origin shall be clearly identified and dated to distinguish from stamped documents.
- (f) Except as required for compliance with a federal contract, a licensed landscape architect shall not stamp reproductions or copies that are transferred from the landscape architect's possession or supervision.

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- (g) A record set shall be retained by the licensed landscape architect for a minimum of three years after beneficial occupancy or beneficial use of the project.
 - (h) One original document may be stamped, signed, and dated as required for federal government contracts.
- (3) The Board may authorize the use of an electronic stamp by promulgating rules for the use of an electronic seal and recording of electronic records substantially equivalent to the requirements of subsections (1) and (2) of this section.

12-71-116. Exemptions. (1) The following shall be exempt from the provisions of this Article:

- (a) Architects licensed pursuant to Article 4, of Title 12, C.R.S.;
 - (b) Professional engineers registered pursuant to Article 25 of Title 12, C.R.S.;
 - (c) Residential landscape design, consisting of landscape design services for single-and multi-family residential properties of four or fewer units, not including common areas;
 - (d) The design of irrigation systems by professionals qualified by appropriate experience or certification;
 - (e) Landscape installation and construction services, including all contracting services not within the scope of the practice of landscape architecture.
- (2) This Article shall not be construed to prohibit or limit a municipality or county of this state from adopting such codes as may be necessary for the protection of the inhabitants of such jurisdiction in the reasonable exercise of its police power.
- (3) This Article shall not be construed as limiting or expanding the rights of another profession or craft.
- (4) Nothing in this Article shall be construed as prohibiting the practice of landscape architecture by any employee of the United States government or any bureau, division, or agency of the United States while in the discharge of his or her official duties.

12-71-117. Architecture, engineering, and surveying. Nothing in this Article shall be construed to authorize a landscape architect to engage in the practice of architecture as defined by section 12-4-102, C.R.S., engineering as defined by 12-25-102, C.R.S., or professional land surveying as defined by 12-25-202, C.R.S.

12-71-118. Repeal of Article. This Article is repealed, effective July 1, 2014. Prior to such repeal, the Board shall be subject to review as provided in section 24-34-104, C.R.S.

Appendix B - Licensing Requirements in Other States

The table contained in this Appendix B is based on information provided by the Council of Landscape Architectural Registration Boards.

	Type of Act Title (T) or Practice (P)	Experience Requirements in Years				Examination Requirement
		LAAB-Accredited Degree	Non-LAAB-Accredited Landscape Architect Degree	Non-Landscape Architect Degree	No Degree	
Alabama	P	1	8	8	8	LARE and state-specific
Alaska	P	3	5	Case-by-case	12	LARE
Arizona	P	3	4	4	4	LARE
Arkansas	P	1	4	4	7	LARE
California	P	2	3	5	N/A	LARE and state-specific
Colorado	--	--	--	--	--	--
Connecticut	P	2	N/A	N/A	8	LARE
Delaware	P	2	4	4	N/A	LARE
District of Columbia	--	--	--	--	--	--
Florida	P	1	N/A	N/A	6	LARE and state-specific
Georgia	P	1.5	N/A	N/A	N/A	LARE and state-specific
Hawaii	P	2	5	5	12	LARE and state-specific
Idaho	P	0	0	0	8	LARE
Illinois	T	2	N/A	N/A	N/A	LARE
Indiana	P	3	N/A	N/A	N/A	LARE
Iowa	P	3	4	4	10	LARE
Kansas	P	4	N/A	N/A	N/A	LARE
Kentucky	P	2	N/A	N/A	N/A	LARE
Louisiana	P	1	1	4	6	LARE and state-specific
Maine	T	2	Case-by-case	Case-by-case	Case-by-case	LARE
Maryland	P	2	N/A	N/A	8	LARE
Massachusetts	T	2	N/A	N/A	6	LARE
Michigan	T	3	N/A	N/A	7	LARE
Minnesota	P	4	6	9	13	LARE
Mississippi	P	0	5	5	7	LARE
Missouri	P	3	N/A	N/A	N/A	LARE
Montana	P	0	0	0	0	LARE
Nebraska	P	4	N/A	N/A	8	LARE
Nevada	P	2	4	4	6	LARE and state-specific
New Hampshire	--	--	--	--	--	--
New Jersey	T	4	Case-by-case	N/A	N/A	LARE

	Type of Act Title (T) or Practice (P)	Experience Requirements in Years				Examination Requirement
		LAAB-Accredited Degree	Non-LAAB-Accredited Landscape Architect Degree	Non-Landscape Architect Degree	No Degree	
New Mexico	P	3	4	4	10	LARE
New York	P	4	5	6	12	LARE
North Carolina	P	4	6	7	10	LARE
North Dakota	P	3	3	6	8	LARE
Ohio	P	3	N/A	N/A	N/A	LARE
Oklahoma	P	3	N/A	N/A	N/A	LARE and state-specific
Oregon	P	3	4	6	8	LARE
Pennsylvania	P	2	N/A	N/A	8	LARE
Rhode Island	P	2	Case-by-case	Case-by-case	6	LARE and state-specific
South Carolina	P	2	N/A	N/A	8	LARE
South Dakota	P	4	N/A	N/A	N/A	LARE and state-specific
Tennessee	P	3	N/A	N/A	N/A	LARE
Texas	P	2	N/A	N/A	N/A	LARE
Utah	P	0	N/A	N/A	8	LARE and state-specific
Vermont	--	--	--	--	--	--
Virginia	T	0	4	6	8	LARE
Washington	T	3	3	3	7	LARE
West Virginia	T	2	N/A	N/A	10	LARE and state-specific
Wisconsin	T	2	N/A	N/A	N/A	LARE
Wyoming	P	3	N/A	N/A	6	LARE

LAAB = Landscape Architectural Accreditation Board

LARE = Landscape Architect Registration Examination

N/A = Not Applicable/No statutory provision