MISSISSIPPI LANDSCAPE ARCHITECTURE ADVISORY COMMITTEE
RULES AND REGULATIONS

CLEAN VERSION
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MISSISSIPPI LANDSCAPE ARCHITECTURE ADVISORY COMMITTEE
RULES AND REGULATIONS

Title 30: Professions and Occupations

Part 202: Landscape Architecture Advisory Committee to the Mississippi State Board of Architecture

Part 202 Chapter 1: Registration and Definitions

Rule 1.1 Definitions.
1.1.1 "Committee" – The Mississippi Landscape Architecture Advisory Committee to the Mississippi State Board of Architecture.

1.1.2 "CLARB" – The Council of Landscape Architectural Registration Boards.

1.1.3 "CLARB Council Record" – Verified documentation of an individual's education, experience, examination, licensure and professional conduct compiled by CLARB.

1.1.4 "CLARB Council Certificate" – Certification by CLARB that a Landscape Architect has met the minimum standards of education, examination, experience and professional conduct established by the Council and is thereby recommended for licensure in all member jurisdictions.

1.1.5 "LARE" – The Landscape Architect Registration Examination, administered and graded in accordance with established CLARB standards.

1.1.6 "Direct control and personal supervision" – That degree of supervision by a Landscape Architect overseeing the work of another whereby the supervisor has been directly involved in all judgments affecting the health, safety and welfare of the public.

1.1.7 "Responsible charge" – The direct control and personal supervision of the practice of landscape architecture.

1.1.8 "Majority Vote" - A majority vote is defined as a simple majority of the quorum present.

1.1.9 "Emeritus Status" – Active resident Landscape Architects who have been registered in this state for ten (10) consecutive years, who are sixty-five (65) years of age or older and who are retired from active practice or other related professional activities may request "Emeritus Status" in writing and by stating compliance with the requirements of this section. "Retired" means that the Landscape Architect no longer practices landscape architecture in that he/she no longer stamps and certifies documents with his/her seal or practices landscape architecture as defined in Section 73-2-3(b) of the Mississippi Code of 1972, as amended. If the requirements

of this section have been met, all fees, for biennial registration shall be waived by the Committee. Any reference to a Landscape Architect with “Emeritus Status” on any letter, title, sign, card or device shall list such landscape architect as “Emeritus Landscape Architect”.

1.1.10 "Quorum" - A committee quorum shall be constituted when a minimum of three (3) members are present. A quorum is required for all business of the committee.

Source: *Miss. Code Ann* §73-2-13, 16(2)(a)

Rule 1.2 Eligibility.
1.2.1 An applicant for initial registration or registration by reciprocity as a Landscape Architect in Mississippi shall comply with Section 73-2-7 of the Mississippi Code of 1972.

1.2.2 The minimum degree accepted by the Committee shall be a four-year landscape architecture degree, or any landscape architecture degree above a four-year degree, including a master’s degree, which is accredited or accepted by a CLARB recognized accreditation body or a CLARB recognized education evaluation authority.

1.2.3 Any applicant that does not meet the education requirements of 1.2.2 must have seven years of experience in landscape architecture as required by *Miss. Code Ann.* §73-2-7. The review and acceptance of such experience is at the sole discretion of the Committee and subject to approval by the Board. Graduation from a college or university in a curriculum other than landscape architecture may be accepted by the Board as the equivalent of up to two years' experience of the seven years required by §73-2-7(b). Acceptance of such curriculum shall be in the sole discretion of the Committee and subject to approval by the Board. No applicant shall receive credit for more than two years' experience for any scholastic training regardless of the length of the educational process.

1.2.4 An applicant for initial registration or reciprocal registration shall have successfully completed the CLARB registration examination, where the examination administration and grading were conducted in accordance with CLARB's standards in effect at the time.

Source: *Miss. Code Ann* §73-2-7

Rule 1.3 Exceptions-Ineligibility.
Acts sufficient to preclude an applicant's eligibility for registration shall include, but not be limited to, the following:

A. Practicing Landscape Architecture without registration in violation of any jurisdiction;
B. Conviction of a felony except conviction of culpable negligent manslaughter;
C. Misrepresentations or falsifications of facts filed in the application.

Source: *Miss. Code Ann* §73-2-7(a)

Rule 1.4 Forms and Instructions.
1.4.1 Application forms and instructions will be furnished upon request.

1.4.2 The forms required must be properly executed and submitted with the required fee.

Source: *Miss. Code Ann* §73-2-13

Rule 1.5 Fees.
Fees required are listed below. Regardless of the time of initial registration all licenses become renewable at the end of the biennial period on December 31st.

Fees:	
Application for Examination by Experience	75.00
Application for Initial Registration	125.00
Application by Reciprocity	350.00
Biennial Renewal	200.00
Reinstatement of an Expired License	275.00
Manual Renewal Application Processing	25.00
Electronic Roster	50.00
Duplicate Certificate	40.00
File Transfer	25.00
Non-Sufficient Funds Checks	40.00
Photo copies (per single sided sheet)	.25
Laser printed pages (per single page)	.25

Source: *Miss. Code Ann* §73-2-17

Rule 1.6 Processing.
1.6.1 Complete applications shall be submitted to the Committee.

1.6.2 All applications shall be considered individually and approved or rejected by a majority vote of the Committee.

1.6.3 Personal appearances before the Committee, if required, shall be at a time and place designated by the Committee.

1.6.4 Failure to supply additional evidence or information within sixty (60) days from the date of written request from the Committee or to appear before the Committee when such an appearance is deemed necessary, may be considered just and sufficient cause for rejection of the application.

1.6.5 Applications for licensure shall expire after a six (6) month interval during which there is no activity.

1.6.6 No application for registration may be withdrawn except upon the express written consent of the Committee which consent shall be in the sole and exclusive discretion of the Committee. In no event shall an application be allowed to be withdrawn if the Committee has determined or has reasonable cause to believe that an applicant has violated any of the provisions of *Miss. Code Ann.* §§ 73-2-1 et seq. or the bylaws, rules, regulations or standards of ethics or conduct duly adopted by the Committee.

Source: *Miss. Code Ann* §73-2-13

Rule 1.7 Examination and Initial Registration.
1.7.1 Applicants for initial registration with a degree in landscape architecture meeting the requirements of 1.2.2 must apply to CLARB to begin the examination, and must complete the examination process through CLARB prior to applying for initial registration. After completion of the examination, such applicants must submit the required application for initial registration, the application fee, and their CLARB Council Record to the Committee.

1.7.2 Applicants for initial registration who do not meet the requirements of 1.2.2 must:

A. Meet the requirements of *Miss. Code Ann.* §73-2-7 and 1.2.3.
B. Submit the application for examination by experience to the Committee and pay the prescribed fee, and
C. Provide a CLARB Council Record to verify the required seven years of experience or a combination of experience and education, and
D. Once approved by the Committee, take and pass the examination as administered by CLARB; and
E. After completion of the examination, submit the required application for initial registration, the application fee, and an updated CLARB Council Record to the Committee.

Source: *Miss. Code Ann* §73-2-9

Rule 1.8 Registration by Reciprocity.
1.8.1 An applicant for licensure by reciprocity shall have a current and valid license issued by a governmental licensing authority recognized by CLARB.

1.8.2 An applicant for licensure by reciprocity shall submit a current and valid CLARB certificate. Should an applicant be unable to acquire a CLARB certificate, the Committee may consider the applicant if the applicant provides proof of compliance with Miss. Code Ann. §73-2-7 and §73-2-9 and applicable rules.

1.8.3 An applicant for licensure by reciprocity shall have met the educational and/or experience requirements of 1.2.

1.8.4 Rejection of applications for registration by reciprocity will be by letter explaining the reasons and outlining procedures under which reconsideration may be possible.

1.8.5 An applicant for licensure by reciprocity shall have passed the LARE or an equivalent

landscape architectural registration examination which is accepted by CLARB for certification.

Source: *Miss. Code Ann* §§73-2-15 & 16(2)(a)

Rule 1.9 Renewals.
The biennial license renewal fee shall be due on or before December 31 of each odd numbered year, after which penalties will be added at a rate of $5.00 per month up until June 1st. After June 1st, the license stands suspended and the individual must apply for reinstatement of an expired license.

Source: *Miss. Code Ann* §73-2-15

Rule 1.10 Reinstatement of License.
1.10.1 A registrant that allows his/her registration to lapse after June 1 of the of the first year of the biennial period of the next odd year will be required to reinstate said registration by filing an application for reinstatement of an expired license supplied by the Committee, paying the reinstatement fee and providing the following information:

A. A list of work experience, since the date the license officially lapsed; and
B. an affidavit stating that the applicant for reinstatement has not practiced landscape architecture or entered into a contract to perform landscape architectural services in Mississippi since the license lapsed; and
C. a CLARB Council Certificate OR an examination record on file with the board verifying initial licensure by examination in Mississippi; and
D. certification that the applicant has acquired twenty-four (24) units of continuing education within a twenty-four month (24) period immediately prior to the date on which application for reinstatement is made. Continuing education hours must be in accordance with the provisions set forth in these rules and regulations and reported in a format acceptable to the board.

1.10.2 Any registrant who allows his/her license to expire and was initially licensed in a state or jurisdiction under a Grandfather Provision and who has never passed any CLARB examination will be required to pass the CLARB LARE prior to reinstatement of his/her license.

Source: *Miss. Code Ann* §73-2-15

Rule 1.11 Official Seal.
1.11.1 Upon official notification of registration, the registrant will be advised that it is his/her responsibility to secure an official seal or rubber stamp for use in this state. Embossed seals are not acceptable. The seal to be used by the registrants are to be circular in form and 2 inches in diameter. A copy of the design is shown below [at right] and shall contain the following information: Name, Registration Number and the words "Registered Landscape Architect State of Mississippi".

1.11.2 The registrant shall stamp with his/her seal the following documents:

A. All original sheets of any bound or unbound set of working drawings or plans, and
B. The original cover of the project manual or index page(s)identifying all specification pages of the project manual, and
C. All Addenda.

1.11.3 The registrant shall superimpose his/her original signature (not a rubber stamp) and date of execution across the face of the seal on documents listed above. Subject to the requirements of this rule, rubber stamp, transparent self-adhesive seals, or computer generated types may be used. Such stamps and seals shall not include the registrant's signature and date of execution.

1.11.4 Any portion of working drawings or plans prepared by registered consultants shall bear the seal and signature of the consultant responsible.

1.11.5 No registrant shall affix his/her seal or signature to documents having titles or identities excluding the registrant's name unless:

A. such documents were indeed developed by the registrant or under the registrant's direct control and personal supervision; and
B. the registrant has exercised full authority to determine their development.

Commentary on Sealing Requirements:
When produced by a landscape architect, or under the direct supervision and responsible control of a landscape architect, all plans and specifications submitted for bidding or permit purposes must be sealed by a landscape architect licensed in Mississippi. Preliminary documents that are not sealed should be marked as "preliminary" or "not for construction".

Source: *Miss. Code Ann* §§73-2-15 & 16(2)(a)

Rule 1.12 Public Records.
Public records shall be made available, pursuant to the Mississippi Public Records act, by written request, with the Committee responding to such requests within fourteen (14) working days. Appropriate administrative costs in relation to the processing of such requests will apply and will be due from the requesting party prior to delivery of any public records.

Source: *Miss. Code Ann* §25-61-1, *et seq.*

Rule 1.13 Licensure of Military Trained Architects and Spouses of Members of the Military
1.13.1

A. Notwithstanding any other provision of law or the Rules and Regulations of the Board, the Board shall issue a license to a military-trained applicant who is a resident of Mississippi to allow the applicant to lawfully practice landscape architecture in Mississippi if, upon application to the Board, the applicant satisfies the following conditions:
    1. Has been awarded a military occupational specialty in landscape architecture and has done all of the following at a level that is substantially equivalent to or exceeding the requirements for licensure as set forth in 73-2-7 and in the Rules and Regulations:
        a. (i) Completed a military program of training substantially equivalent to or

exceeding a four-year landscape architecture degree as described in Rule 1.2.2, OR (ii) has obtained seven years of experience in landscape architecture substantially equivalent to or exceeding the experience described in Rule 1.2.3; and

b. Completed testing substantially equivalent to or exceeding the LARE; and
c. Has been engaged in the active practice of landscape architecture for at least two (2) of the five (5) years preceding the date of the application; and
d. Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice landscape architecture in this state at the time the act was committed, including those acts set forth in 73-2-16; and
e. Pays the fees required for licensure.

B. To demonstrate the above requirements, the applicant shall furnish to the board:

1. Official CLARB Certificate and Record or official military documents describing the content and nature of the military training program in landscape architecture and evidence of the applicant completing and passing such program; and
2. Official CLARB Certificate and Record or official military documents describing the military service requirements which must be met to be awarded a military occupational specialty in landscape architecture sufficient for the board to assess the equivalence of such requirements to the licensure requirements of Mississippi; and
3. A sworn statement or statements by superior officers of the applicant attesting that the applicant has satisfactorily engaged in the active practice of landscape architecture in the military; and
4. Official military or other documents demonstrating that the applicant has not been disciplined by any military branch or any jurisdiction for any act that would have constituted grounds for refusal, suspension, or revocation of a license to practice landscape architecture in Mississippi; and
5. Official military documents showing that the applicant received an honorable discharge from the military; and
6. Other documentation which may be requested by the Board.

1.13.2

A. Notwithstanding any other provision of law, the Board shall issue a license to a military spouse applicant who is a resident of Mississippi to allow the military spouse to lawfully practice landscape architecture in Mississippi if, upon application, the military spouse satisfies the following conditions:

1. Holds a current license from another jurisdiction recognized by the Board provided that the jurisdiction's requirements for licensure, certification or registration are substantially equivalent to or exceed the requirements for licensure in this state including;
   a. (i) A four-year landscape architecture degree as described in Rule 1.2.2, OR (ii) seven years of experience in landscape architecture substantially equivalent to or exceeding the experience described in Rule 1.2.3; and
   b. Professional examination substantially equivalent to or exceeding the LARE; and
2. Can demonstrate competency in the practice of landscape architecture through:

a. Holding a current CLARB Certificate; or
b. A record of education, experience and examination acceptable to the Board which must be equivalent to or exceeding the requirements of 73-2-7, and which must be provided by the licensure board or governing authority in the jurisdiction in which the applicant is licensed; and

3. Experience as a licensed architect for at least two (2) of the five (5) years preceding the date of the application under this section; and
4. Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice landscape architecture in this state at the time the act was committed, including those acts set forth in 73-2-16; and
5. Is in good standing in the jurisdiction(s) of licensure and has not been disciplined by the agency that had jurisdiction to issue the license; and
6. Pays the fees required for licensure.

B. To demonstrate the above requirements, the applicant shall furnish to the board:

1. Proof that the applicant is a military spouse; and
2. Official CLARB Certificate and Record, or an official educational transcript from the jurisdiction of licensure describing the content and nature of the applicant's education, which must verify either a four-year landscape architecture degree as described in Rule 1.2.2, or seven years of experience in landscape architecture substantially equivalent to or exceeding the experience described in Rule 1.2.3; and
3. Official CLARB Certificate and Record or an official record from the jurisdiction of licensure describing passage of the LARE or an equivalent professional examination; and
4. Official CLARB Certificate and Record, or an official record from the jurisdiction of licensure, or sworn statements attesting that the applicant has satisfactorily engaged in the active practice of landscape architecture for two (2) of the five (5) years preceding the date of the application; and
5. Other documentation which may be requested by the Board.

Source: *Miss. Code Ann. §*73-1-21

Part 202 Chapter 2: Professional Code of Conduct

Preamble

The primary purpose of the Rules of Professional Conduct for Landscape Architects is to safeguard the health, safety and welfare of the public and to eliminate unnecessary loss and waste in the State of Mississippi. The Committee has taken into account the fact that the public views the Landscape Architect as a registered professional involved in a leadership position in the construction process and relies on the registered professional to help safeguard the public interest. The following rules shall be binding upon every person holding a Certificate of Registration to practice Landscape Architecture in the State of Mississippi.

All persons registered or seeking registration in the State of Mississippi as Landscape Architects under the Landscape Architectural Practice Law are charged with having knowledge of these Rules of Professional Conduct and shall be familiar with their provisions and understand them. Such knowledge shall encompass the understanding that the practice of landscape architecture is a privilege, as opposed to a right.

Rule 2.1 Responsibility to the Public.
2.1.1 The Landscape Architect's primary obligation shall be to protect the health, safety and welfare of the public in the performance of his/her professional duties.

2.1.2 A Landscape Architect is encouraged to seek professional employment on the basis of qualifications and competence for proper accomplishment of the work. This procedure discourages the Landscape Architect from submitting a price for services until the prospective client has selected, on the basis of qualifications and competence, one Landscape Architect or firm for negotiations; however, competitive price proposals may be considered for professional landscape architectural services under the following guidelines:

A. The prospective client has first sought statements of qualifications from interested registrants, and
B. Those registrants chosen by the client on the basis of qualifications and competence for proper accomplishment of the work have received in writing a comprehensive and specific Scope of Work prepared by the client or the client's representative that completely describes the factors affecting the required landscape architectural services, and
C. Assurances have been given by the prospective client that factors in addition to price will be considered in selecting the professional Landscape Architect.

Source: *Miss. Code Ann* §73-2-16(2)(a)

Rule 2.2 Competence.
2.2.1 In practicing landscape architecture, a Landscape Architect shall act with care and competence, and shall apply the technical knowledge and skill which is required of Landscape Architects, practicing in the State of Mississippi.

2.2.2 In designing a project, a Landscape Architect shall take into account all applicable state and municipal building laws and regulations. While a Landscape Architect may rely on the advice of other professionals (e.g. attorneys, engineers, and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a Landscape Architect shall not knowingly design a project in violation of such laws and regulations.

2.2.3 A Landscape Architect shall undertake to perform professional services only when he or she, together with those whom the Landscape Architect may engage as consultants, are qualified by education, training and experience in the specific technical areas involved.

2.2.4 No person shall be permitted to practice landscape architecture if, in the Committee's judgment, such person's professional competencies are substantially impaired by physical and/or mental disabilities.

Source: *Miss. Code Ann* §73-2-16(2)(a)

Rule 2.3 Conflict of Interest.
2.3.1 A Landscape Architect shall not accept compensation, financial or otherwise, for landscape architectural services from more than one party on the same project unless the circumstances are fully disclosed and agreed to by all interested parties and such disclosure and agreement are in writing.

2.3.1 A Landscape Architect shall not knowingly solicit or accept employment for professional services for any work which another Landscape Architect has been exclusively employed to perform and with which work the other professional is no longer to have any connection, without first having been advised in writing by the Landscape Architect's prospective employer that the employment of the other professional has been terminated.

2.3.3 If a Landscape Architect has any business association or a direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with the Landscape Architect's performance of professional services, the Landscape Architect shall fully disclose in writing to the Landscape Architect's client or employer the nature of the business association or financial interest, and if the client or employer objects to such business association for financial interest, the Landscape Architect will either terminate such association or interest or offer to give up the commission or employment.

2.3.4 A Landscape Architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

2.3.5 The Landscape Architect shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents or their parties in connection with work for which he/she is responsible.

2.3.6 When acting as the interpreter of building contract documents and/or the judge of contract performance, a Landscape Architect shall render decisions impartially, favoring neither party to the contract.

2.3.7 The Landscape Architect shall not solicit or accept a contract from a governmental body on which the Landscape Architect or a principle or officer of his/her organization serves as a member.

2.3.8 When a Landscape Architect is employed in a full or part-time position, he/she shall not use the advantages of his/her position to compete unfairly with other professionals. A Landscape Architect for any county, city or public entity board or agency, where plans or documents must be submitted to him/her for review, approval or a recommendation for approval, cannot review,
approve or recommend approval of his/her own plans or documents, or plans or documents

prepared by any member of the firm in which he/she is a member.

Source: *Miss. Code Ann* §73-2-16(2)(a)

Rule 2.4 Full Disclosure.
2.4.1 A Landscape Architect, making public statements on landscape architectural questions, shall disclose when the Landscape Architect is being compensated for making such statements.

2.4.2 A Landscape Architect shall accurately represent to a prospective or existing client or employer the Landscape Architect's qualifications and the scope of the Landscape Architect's responsibility in connection with work for which the Landscape Architect is claiming credit.

2.4.3 The registrant shall not falsify or permit misrepresentation of his or her associates' academic or professional qualifications. He/she shall not misrepresent or exaggerate his/her degree of responsibility in or for the subject matter or prior assignments. Brochures or other presentations incidental to the solicitation of employment shall not misrepresent pertinent facts concerning employer, employees, associates, joint ventures or past accomplishments.

2.4.4 If, in the course of the Landscape Architect's work on a project a Landscape Architect becomes aware of a decision taken by the Landscape Architect's employer or client, against the Landscape Architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the Landscape Architect's judgment, materially and adversely affect the safety of the public on the finished project, the Landscape Architect shall:

A. Report the decision to the local building inspector or their public official charged with enforcement of the applicable state or municipal building laws and regulations, and
B. Refuse to consent to the decision, and
C. In circumstances where the Landscape Architect reasonably believes that other such decisions will be taken notwithstanding his/her objection, terminate his/her services with reference to the project.

2.4.5 A Landscape Architect shall not deliberately make a false statement or fail deliberately to disclose a material fact requested in connection with the Landscape Architect's application for registration or renewal.

2.4.6 False or malicious statements: A licensee shall make no false or malicious statements which may have the effect, directly or indirectly, or by implication, of injuring the personal or professional reputation or business of another member of the profession.

2.4.7 A licensee who has knowledge or reasonable grounds for believing that another member of his/her profession has violated any statute or rule regulating the practice of his/her profession shall have the duty of presenting such information to the Committee.

2.4.8 A Landscape Architect shall not assist the application for registration of a person known by the Landscape Architect to be unqualified in respect to education, training, experience, or character.

2.4.9 A Landscape Architect possessing knowledge of a violation of these rules by another Landscape Architect shall report such knowledge to the Committee.

2.4.10 In the case of where a firm name is considered a “trade name”, the name of at least one (1) landscape architect licensed in this state must appear on any announcement, stationary, printed matter or listing. Example: ABC Landscape Architects, John Doe, Landscape Architect

Source: *Miss. Code Ann* §73-2-16(2)(a)

Rule 2.5 Compliance with the Law.
2.5.1 A Landscape Architect shall not, in the conduct of the Landscape Architect's practice, knowingly violate any state or federal criminal or civil law.

2.5.2 The registrant shall not furnish services in such a manner as to enable unregistered persons to evade federal, state and local building laws and regulations, including building permit requirements.

2.5.3 A Landscape Architect shall neither offer nor make any payments or gifts to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the Landscape Architect is interested.

2.5.4 A Landscape Architect shall comply with the registration laws and regulations governing the Landscape Architect's professional practice in any United States jurisdiction.

2.5.5 No person shall use any titles, words, letters or abbreviations to denote a standard of professional competence that may mislead the public by implying landscape architect or landscape architecture without being duly licensed in this state or without clearly indicating by a written disclaimer the absence of licensure in Mississippi upon any and all instruments or documents on which such reference appears.

2.5.6 An individual seeking a landscape architectural commission or participating in a design competition for a project in Mississippi involving landscape architectural services shall be admitted to Mississippi for the purpose of offering to render landscape architectural services and for that purpose only if:

A. The applicant holds a current and valid registration issued by a registration authority recognized by the Committee ; and
B. the applicant holds a CLARB Certificate; and
C. the applicant notifies the Mississippi Committee in writing that:
    1. individual holds an CLARB Certificate and is not currently registered in the state, but will be present in the state for the purpose of offering to render landscape architectural services,
    2. individual will deliver a copy of the notice referred to in (a) to every potential client to whom the applicant offers to render landscape architectural services,

3. individual shall apply for a Mississippi license within 10 working days of the date of notification to the Mississippi Committee as provided in this paragraph, and
4. the individual consents to the jurisdiction of the Committee.

The individual shall be prohibited from actually rendering landscape architectural services until he/she has been licensed.

Source: *Miss. Code Ann* §73-2-16(2)(a)

Rule 2.6 Professional Conduct.
2.6.1 Each office maintained for the preparation of drawings, specifications, reports, or other professional work shall have a Landscape Architect resident, and regularly employed in that office having direct control of such work.

2.6.2 A Landscape Architect shall not sign or seal drawings, specifications, reports or other professional work for which he or she does not have direct professional knowledge and direct supervisory control.

2.6.3 A Landscape Architect shall neither make nor offer to make any gifts, other than that of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the Landscape Architect is interested.

2.6.4 A landscape architect shall not engage in conduct involving fraud or wanton disregard for the rights of others.

2.6.5 A landscape architect may issue a price proposal or bid for the design and construction of a public project only if doing so as a design/build bid where the bids for both design and construction are submitted in the same proposal in accordance with the design/build provisions for public projects per *Miss. Code Ann.* §31-7-13, or other applicable statutes or provisions.

2.6.6 In the case where a landscape architect is awarded the design contract for a project, whether public or private, which will be competitively bid, neither the landscape architect, nor any entity owned in whole or part by the landscape architect, may bid for the construction, installation and/or implementation of the project.

Commentary: The Committee has recently been made aware of situations in which a landscape architect prepared plans and specifications for a public project, and then bid on and was awarded the construction contract for the project. The Committee is of the opinion that such a situation potentially creates a conflict of interest for the landscape architect in that the landscape architect is the designer and the contractor for the project thus removing the checks and balances which assure that the project is constructed in accordance with the plans and specifications.

Source: *Miss. Code Ann* §73-2-16(2)(a)
Rule 2.7 Successor Landscape Architect.

In circumstances where a Mississippi registered landscape architect can no longer provide services on a project due to death, retirement, incapacity, or disability, a successor landscape architect, who is a registered Mississippi landscape architect, may undertake to complete the landscape architectural services including any necessary and appropriate changes provided:

A. a legal transfer of the contractual work has occurred; and
B. all references to the original landscape architect (title block, seals, signatures, etc.) must be removed from all documents; and
C. the successor landscape architect accepts responsible control for the project; and
D. the successor landscape architect complies with all applicable statutes, rules and regulations of the State of Mississippi; and
E. the successor landscape architect notifies the Board, in writing, of any projects he is undertaking under the provisions of this rule.

Source: *Miss. Code Ann* §73-2-16(2)(a)

Part 202 Chapter 3: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

Rule 3.1 Disciplinary Guidelines.
The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating the Law and Rules of the Board. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of the law. The disciplinary guidelines are based upon a single count violation of each provision listed. multiple counts of violations of the same provision of the law or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties, i.e., suspension, revocation, etc., including lesser penalties, i.e., fine, probation, or reprimand which may be included in the final penalty at the Board's discretion. The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the above mentioned statutes and rules:

A. Failure to stamp plans	1.11.2	Reprimand and $250 fine
B. Failure to superimpose signature and/or date of execution over stamp	1.11.3	Reprimand and $250 fine
C. Providing work not competent to perform	2.2.3	Reprimand and $1,000 fine
D. "Plan Stamping"	2.6.2	Reprimand and $1,000 fine
E. Attempting to procure license by providing false, deceptive or misleading information	§73-2-16	Revocation and $1,000 fine (denial of license if application in process)
F. Licensee disciplined by another jurisdiction	2.5.4	Committee discretion

G. Conviction by any court of a felony, except conviction of culpable negligent manslaughter, in which case the record of conviction shall be conclusive evidence	§73-2-16	1 year suspension, 2 year probation and $1,000 fine
H. Practice on suspended license	§73-2-16	Revocation and $1,000 fine
I. Practice on inactive license	§73-2-16	Fine based on length of time in practice while inactive; penalty will require licensee to renew license or cease practice
J. Practice on revoked license	§73-2-16	Fine based on length of time in practice while revoked
K. False, deceptive or misleading advertising	§73-2-16	Cease and desist letter
L. Fraudulent advertising	§73-2-16	Public Reprimand, $1,000 fine and 1 year probation
M. Negligence	§73-2-16	Reprimand, 2 years probation and $1,000 fine
N. Fraud or Deceit	§73-2-16	Reprimand, 1 year suspension, 2 years probation and $1,000 fine
O. Incompetence (mental or physical impairment)	2.2.4	Suspension until ability to practice proved, followed by probation
P. Bribery to obtain clients or commissions	2.5.3	Revocation and $1,000 fine
Q. Undisclosed conflict of interest	§73-2-16 2.3	Reprimand, $1,000 fine and 2 years probation
R. Aiding unlicensed practice	Rule 2.5.2	Reprimand and $1,000 Fine

The Committee shall be able to deviate from the above-mentioned guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the Board prior to the imposition of final penalty.

The Committee shall also have the right to collect any legal and/or administrative charges incurred by the agency during the course of the investigation.
Source: *Miss. Code Ann* §73-2-16

Part 202 Chapter 4: Mandatory Continuing Education Program

Rule 4.1 Purpose.
Each registrant shall be required to meet the continuing education requirements of these guidelines. These guidelines provide for a mandatory continuing education program to insure that registered landscape architects remain informed of those technical and professional subjects the Committee deems appropriate to safeguard life, health, and promote the public welfare. Acquisition of the required units in conformance with this chapter is a condition precedent to renewal.

Source: *Miss. Code Ann* §73-2-15

Rule 4.2 Definitions.
4.2.1 "CEU" - Continuing Education Unit. One CEU is equal to 50 minutes contact (clock) time. Twenty-four (24) CEUs are required. CEUs are not equivalent to learning units.

4.2.2 "Health/Safety/Welfare (HSW) Topics" - Technical and professional subjects which directly safeguard the health, safety, and welfare of the public as it relates to the practice of landscape architecture. Examples include, but are not limited to, site design, environmental or land use analysis, life safety, landscape architectural programming, site and soils analysis, accessibility, structural systems considerations, lateral forces, building codes, storm water management, playground safety, evaluation and selection of building systems, products or materials, construction methods, contract documentation, construction administration, and building design, etc.

4.2.3 "CE Committee" - The Continuing Education Committee shall consist of members of the Landscape Architecture Advisory Committee.

Source: *Miss. Code Ann* §73-2-15

Rule 4.3 Policy and Administration.
The Committee shall have the following duties:

A. To exercise general supervisory authority over the administration of these rules; and
B. to establish regulations consistent with these rules; and
C. to organize sub-committees and delegate executive authority.

Source: *Miss. Code Ann* §73-2-15

Rule 4.4 Scope and Exemptions.
4.4.1 Scope: These rules shall apply to landscape architects licensed in the State of Mississippi as a condition precedent to renewal of registration on a biennial basis.

4.4.2 Exemptions - A registrant may be exempt from participating in the continuing education program for one of the following reasons:

A. A first-time registrant by examination or first-time reciprocal registrant shall be exempt through his/her first application for renewal
B. Participant is an emeritus status landscape architect
C. Participant is a civilian who serves on active duty in the Armed Forces of the United States for a period of time exceeding one hundred and eighty (180) consecutive days during the biennial report period
D. Hardship cases will be considered by the Committee on an individual basis. Any hardship request must be approved by the Committee in writing prior to the exemption being allowed. Acceptance or rejection of the hardship request shall be at the sole discretion of the Committee, whose decision shall be final and binding.

Source: *Miss. Code Ann* §73-2-15

Rule 4.5 Requirements.

4.5.1 Each Mississippi registered landscape architect shall complete a minimum of twenty-four (24) continuing education hours each biennial reporting period. One CEU shall represent a minimum of 50 minutes of actual course time. No credit will be allowed for introductory remarks, meals, breaks or business/administration matters related to courses of study.

4.5.2 Participants shall complete a minimum of 24 CEUs in health/safety/welfare course study. No less than 16 CEUs must be in structured course work, and no more than 8 CEUs may be obtained through self-directed activities. No single course or activity may be claimed more than once within the biennial reporting period.

4.5.3 Structured Activities - Registrants shall complete a minimum of 16 CEUs in structured course study. Structured course study shall consist of participation in educational activities presented by individuals or groups qualified by professional, practical, or academic experience to conduct courses of study. The Board may require a detailed synopsis or report of CEUs claimed. Structured activities shall include the following:

A. Attending professional or technical presentations at meetings, conventions, or conferences
B. Attending in-house programs sponsored by corporations or other organizations
C. Successfully completing seminars, tutorials, short courses, on-line courses, correspondence courses, televised courses, or videotaped courses
D. Successfully completing college or university sponsored courses
E. Successfully completing courses that are awarded continuing education credits by the provider

4.5.4 Self-Directed Activities - Registrants may complete a maximum of 8 CEUs in self-directed course study. Self-directed course study encourages flexibility of study by registrants and includes, but is not limited to, educational activities such as self-study courses sponsored by professional associations, organized individual or group study of professional specialization

topics, or reading specific professional oriented books and articles. Self-directed activities must be health/safety/welfare related and shall include, but are not limited to, the following:

1. Reading books or magazine articles
2. Visiting architecturally significant sites
3. Viewing video presentations
4. Making professional or technical presentations at meetings, conventions, or conferences, or teaching/instructing a qualified presentation (initial presentation only)
5. (Teaching credit shall not apply to full-time faculty at a college, university, or other education provider except that a teacher or professor offering a new course, with documentation to prove the establishment of the new course, may claim credit after having taught the new course for the first time. Also, a teacher or professor may claim credit for a course the initial time he or she serves as the instructor or teacher for that course.)
6. Authoring published papers, articles, or books
7. Actively participating in a technical professional society or organization as an officer or committee member
8. Participating in activities that contribute to the welfare of the community and are directly related to the practice of landscape architecture
9. Mentoring a landscape architecture student and/or graduate who intends to seek licensure as a landscape architect, or, if pre-approved by the Committee, other individuals who intend to seek licensure as a landscape architect.

B. Self-directed activities are allowed provided that the registrant maintain, and present upon audit or the Committee's request, a log and narrative which:

1. Accounts for the amount of time spent completing the activity; and
2. summarizes the content of the activity; and
3. provides satisfactory proof to the Committee that the activity is related to the health, safety, and welfare of the public, and
4. in the case of mentoring, the landscape architect shall also submit a written affidavit, signed by the individual being mentored, which documents the time the landscape architect has spent in mentoring activities.

Source: *Miss. Code Ann* §73-2-15

Rule 4.6 Biennial Report.

4.6.1 Each participant shall submit an affidavit attesting to the registrant's fulfillment of continuing education requirements during the preceding biennial period of two fiscal years ending December 31 of each odd year (example: January 1, 2006 through December 31, 2007). The affidavit shall be included with the application for license renewal. Only (6) CEUs from the previous reporting period will be permitted to carry-over.

4.6.2 Each affidavit shall be reviewed by the Committee and may be subject to audit for verification of compliance with requirements. Participants shall retain proof of fulfillment of requirements for a period of two years after submission in the event that the affidavit and biennial report is selected for audit. Such proof of fulfillment may include certificates, or a combination of receipts showing payment or registration, letters, travel receipts, agendas, copies of articles or book covers, a log of self-directed activities, or other documents which prove the

registrant's participation.

4.6.3 Audit reports must include proof that the registrant has completed any claimed activity in conformance with these guidelines and shall be provided in a format prescribed by the Committee.

4.6.4 The Committee may, upon audit for verification of compliance, disallow claimed credit for continuing education units. The participant shall have 90 calendar days after notification of disallowance of credit to substantiate the original claim or earn other CEU credit, which fulfill minimum requirements. Failure to substantiate the original claim or to earn other credit before the expiration of the 90 calendar days shall invalidate the renewal and the respondent's license shall be immediately rendered inactive.

Source: *Miss. Code Ann* §73-2-15

Rule 4.7 Penalty for Late Units.
The base penalty for continuing education units claimed on a renewal but earned after the last day of the CEU reporting period, which is December 31 of odd years, shall be $200, to which will be added a penalty fee of $25 per late CEU per month for each month after the close of the CEU reporting period. Any CEUs earned after the December 31 close of the CEU reporting period are considered late. The penalty fee formula is as follows: Base penalty of $200.00 + ($25 penalty x no. of CEUs late x no. of months late) = late CEU penalty.

Source: *Miss. Code Ann* §73-2-15