

A REVIEW OF THE
BOARD OF LANDSCAPE ARCHITECTS

MARCH 1983

TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	1
Reporting Requirement	1
Focus of Report	2
EXECUTIVE SUMMARY	3
CHAPTER I. FUNCTIONS OF THE BOARD	5
Regulation of Landscape Architects by the Board	5
Board Licensure of Candidates.....	6
Board Enforcement Activities	8
CHAPTER II. STAFF AND FUNDING FOR THE BOARD	12
Board Staffing	12
Revenues and Expenditures	12
CHAPTER III. EVALUATION OF THE BOARD	15
Effectiveness of the Board in Insuring Minimum Competency ..	16
Effectiveness of the Board in Protecting Consumers	18
Need for the State to Regulate the Industry	21
Conclusion	24
CHAPTER IV. THE FUTURE OF THE BOARD	25
Alternatives to the Current Program	25
Recommendation	28

INTRODUCTION

REPORTING REQUIREMENT

The Landscape Architects Law (Sections 5615-5685 of the Business and Professions Code) establishes minimum qualifications and competencies for licensed landscape architects, and provides for the operation of a Board of Landscape Architects in the State Department of Consumer Affairs. The Board of Landscape Architects licenses and monitors persons who prepare plans for those land development projects which involve the public health, safety, and welfare. The board consists of six members appointed by the Governor and has an executive officer and a small clerical staff.

Under existing law, authorization for the board and its programs will lapse on June 30, 1984.

Chapter 375, Statutes of 1980, which extended the board's authorization to June 30, 1984, requires that certain information be provided to the Legislature so that it will have an adequate basis for deciding whether to extend state regulation of landscape architects. Specifically, the measure directs:

1. The Board of Landscape Architects to submit a report to the Legislature (a) describing the purpose of the board, the need for regulation, and the board's organization and programs, (b) evaluating the services provided by the board, and (c) making recommendations for improved performance.

2. The Legislative Analyst to evaluate the board on the basis of the board's report and independent research ... "to insure that it meets its legislative mandates and performs services of real value, in a fiscally prudent manner."

The Board of Landscape Architects submitted its report in December 1981.

FOCUS OF OUR REPORT

In order to fulfill our responsibilities under Chapter 375, we reviewed the board's report and evaluated the activities of the bureau staff by conducting on-site visits and interviews with licensees. We also met with members of the professional organizations subject to the provisions of the act.

Our evaluation sought to develop answers to three questions:

1. How effective has the Board of Landscape Architects been in insuring a minimum level of competency for all persons calling themselves landscape architects?

2. How effective has the Board of Landscape Architects been in promoting and protecting the interests of consumers?

3. Is it necessary for the state to regulate this industry?

This report was prepared by Michael Reyna, under the supervision of William Behnk.

EXECUTIVE SUMMARY

1. The Board of Landscape Architects generally has administered the licensing program in accordance with the provisions of existing law. Its enforcement and disciplinary activities, however, have been minimal. For example, in each of the last three fiscal years, the board received five or fewer complaints from the public. Furthermore, during those years, the board suspended one license and revoked none. No fines have been collected under the authority granted in Section 5640 of the Business and Professions Code for either the unlicensed practice of landscape architecture or the unlicensed use of the title "Landscape Architect."

2. The Landscape Architects Law does not provide extensive protection to the private residential consumer because it exempts many types of common landscape projects from regulation by the state. In fact, we conclude that 90 percent of funds spent on services provided by landscape architects are spent not by individual consumers, but by business or governmental entities.

3. In a report issued in December 1981, the board concludes that the Landscape Architects Law "is not serving the purpose for which it was established."

4. The practice of landscape architecture does not involve activities affecting the health, safety, and welfare of the public to a degree sufficient to warrant a state regulatory program.

5. Expansion of the regulatory program to include the type of landscape work currently exempted from state regulation would bring a large number of nurserymen, irrigation consultants, and other persons, as well as a large number of relatively small projects, under the board's purview. This would require a significant increase in funding for the board. Given the absence of any data demonstrating the need for greater state regulation of landscape and irrigation projects, and the fact that questions of public health, safety, and welfare generally are not raised by such projects, we conclude that expansion of the state's regulatory program is neither necessary nor desirable.

6. Elimination of the state's current regulatory program could be accomplished without undue harm either to the public at large, the direct consumer of landscaping services, or the profession of landscape architecture. In the absence of state regulation, the profession could continue to examine and certify its members. In addition, governmental agencies and businesses could continue to hire graduates of landscape architecture programs or landscape architects certified by the profession to the extent they find that the examination and certification process adopted by the profession ensures a minimum level of expertise.

For these reasons, we recommend that current provisions of law relating to the regulation of landscape architects not be reenacted.

CHAPTER I
FUNCTIONS OF THE BOARD

REGULATION OF LANDSCAPE ARCHITECTS

Landscape architects perform professional services such as consultation, investigation, preliminary surveys, research, design, preparation of drawings and specifications, and responsible supervision where the dominant purpose of such services is:

1. Preservation and enhancement of land uses and natural land features.
2. Location and construction of aesthetically pleasing functional approaches for structures, roadways, and walkways.
3. Design for equestrian trails, plantings, landscape irrigation, lighting, and grading.

Since 1953, the profession has been regulated by state law (Sections 5615-5685 of the Business and Professions Code) which (1) establishes minimum qualifications and competencies for prospective licensees and (2) provides for the operation of a state Board of Landscape Architects to administer the act.

Under existing law, only those landscape projects which may have a potential impact on public health, safety or welfare must involve a licensed landscape architect. These projects include apartment complexes or hotels, and all public projects such as parks and schools. As a result,

most landscape architects involved in the planning or design of offices for governmental agencies must be licensed by the state.

The board is statutorily responsible for performing two principal functions:

1. Issuing new licenses to applicants who pass a landscape architect examination and renewing existing licenses.
2. Investigating violations of the Landscape Architects Law, and suspending or revoking licenses when necessary.

The state board consists of six members appointed by the Governor for four-year terms--four public members and two landscape architects.

BOARD LICENSURE OF CANDIDATES

Existing law requires all persons using the title "Landscape Architect" to be licensed by the state. Because of exemptions in the law, however, the actual practice of landscape architecture is not restricted solely to state licensees. Private landscaping projects which will not potentially affect the public health, safety, and welfare, such as those serving homes or small offices, can be undertaken legally by nurserymen, gardeners, landscape designers, and other unlicensed persons, provided they do not use the title "Landscape Architect."

To be eligible for licensure, the law requires that a candidate:

1. Be over 18 years of age;
2. Have six years of education and/or training in landscape architecture; and
3. Pass a written and oral examination.

Almost 90 percent of the candidates for the landscape architect license meet the education prerequisite by taking either a two- or three-year certificate program or a four- or five-year degree program. Both programs are offered at four institutions of higher education in the state. Candidates usually satisfy the work prerequisite through on-the-job training with a licensed landscape architect.

State regulations require applicants for the landscape architect license to pass all sections of a five-part exam. The Board of Landscape Architects purchases four sections of the exam from the Council of Landscape Architectural Registration Boards (CLARB). These sections, which cover history, practice, plant materials, and design, are standardized nationwide and are used by most of the 36 states which license landscape architects. This is intended to insure a uniform minimum level of competency for graduates who attend a variety of landscape architecture programs throughout the nation. The fifth section covers California plants and erosional problems, and is constructed by the board.

The exam is given once each year, over a two-day period. If a candidate fails one section, he or she may retake it the following year without repeating the entire exam. The board also administers an oral examination following the written test to review the candidate's knowledge of law pertaining to landscape architecture.

Table 1 presents a summary of licensing activity over a five-year period.

Table 1

Licensing Activities of the Board of Landscape Architects

Licensing Activity	Actual			Estimated	
	1979-80	1980-81	1981-82	1982-83	1983-84
Issued to new applicants	138	100	152	104	148
Issued to out-of-state applicants	14	14	15	16 ^a	17
Renewal licenses	<u>1,110</u>	<u>46^a</u>	<u>1,228</u>	<u>60^a</u>	<u>1,365</u>
Total Licenses Held	1,262	1,422	1,395	1,575	1,530

a. Delinquent renewals.

As this table indicates, the total number of licensed landscape architects has gradually increased, but tends to fluctuate from year to year because of the biennial renewal system the board operates. Renewal licenses are issued on January 31 of each even-numbered year. Licensees who desire to renew their license must complete a renewal application form and submit a \$175 fee to the board. The total number of licenses held in 1983-84 is expected to be 268, or 21.0 percent, more than were held in 1979-80.

BOARD ENFORCEMENT ACTIVITIES

The board monitors the landscaping industry for violations of the Landscape Architects Law. It does so by: (1) reviewing advertisements placed in trade journals, telephone books, and newspapers and (2) investigating complaints filed by the public or other landscape architects.

Table 2 presents a breakdown of complaints, by type, source and disposition, for the past three fiscal years.

Table 2
 Type, Source, and Disposition of Complaints
 by the Board of Landscape Architects

<u>Type</u>	<u>1979-80</u>	<u>1980-81</u>	<u>1981-82</u>
Contractual	0	2	4
Fraud	3	2	1
Health and Safety	0	4	0
Unlicensed Use of Title	<u>n/a</u>	<u>80</u>	<u>49</u>
Total	n/a	88	54
<u>Source</u>			
Public	1	2	5
Trade	0	3	0
Board Staff	2	83	49
<u>Action Taken</u>			
Complaints Dismissed	2	9	5
Complaints Filed			
Informally Resolved	n/a	75	49
Formally Investigated	3	4	0
<u>Result of Investigation</u>			
Penalty Issued			
License Suspended	1	0	0
License Revoked	0	0	0
Fines Imposed	0	0	0

n/a--not available.

These data indicate that for the period from 1979-80 through 1981-82, over 90 percent of all complaints involved unlicensed use of the title "Landscape Architect." These activities were discovered primarily through the review of advertising in trade journals, newspapers, and telephone

books by board staff. Most of these complaints are settled informally. Usually, enforcement consists of a telephone call to the offending party informing him that he cannot advertise as a "Landscape Architect" without a state license. Only four complaints have been formally investigated, and only one license has been suspended during this same period. No fines have been collected under the authority granted in Section 5640 of the Business and Professions Code for either the unlicensed practice of landscape architecture or the unlicensed use of the title "Landscape Architect."

The four complaints formally investigated by the board during 1980-81 led to no disciplinary action. Two of the complaints involved irrigation systems for condominium projects. The complaints against the landscape architects involved were subsequently dropped when it was discovered that the contractor who built the system had used materials not specified in the landscape architects' design. The third complaint filed against a landscape architect was based on his recommendation to use a certain type of plant material to control soil erosion. The complaint was dropped because the landscape architect involved died. The final complaint also involved the use of plant materials to control soil erosion, but included some design work by an engineer. In this instance, the case against the landscape architect was dismissed because the design by the engineer was at fault.

For the period 1979-80 to 1981-82, there has been only one instance which has resulted in the suspension of a license. It involved a landscape architect who committed fraud by taking money for a job which was never

started. The board suspended this individual's license for a period of one month.

CHAPTER II
STAFF AND FUNDING FOR THE BOARD

BOARD STAFFING

The board maintains a small staff to perform the tasks associated with licensing and enforcement. Currently, it has 3.2 authorized positions--up from 1.5 in 1979-80. This includes two full-time permanent employees--an executive officer and a clerk--and 0.9 temporary clerical help positions.

REVENUE AND EXPENDITURES

Table 3 presents a summary of staffing, revenues, and expenditures for the board during a five-year period. All expenses for staff, board meetings, and operations are paid from licensing and examination fees deposited in the State Board of Landscape Architects Fund. The board receives no General Fund support.

Table 3

Board of Landscape Architects
Summary of Revenue and Expenditures

	Actual			Estimated	Proposed
	<u>1979-80</u>	<u>1980-81</u>	<u>1981-82</u>	<u>1982-83</u>	<u>1983-84</u>
Revenue					
Application	\$27,450	\$55,025	\$48,550	\$90,000	\$110,000
Initial Licenses	12,660	10,860	22,620	14,250	22,125
Renewal Licenses	134,750	6,670	185,515	10,500	240,500
Other (including SMIF)	<u>5,444</u>	<u>9,898</u>	<u>8,604</u>	<u>5,550</u>	<u>7,550</u>
Total	\$180,304	\$82,453	\$265,289	\$120,300	\$380,175
Expenditures					
Personal Services	\$37,509	\$53,594	\$72,762	\$79,300	\$78,000
General Operating Expenses	<u>85,740</u>	<u>92,637</u>	<u>79,381</u>	<u>202,599^a</u>	<u>145,000</u>
Total	\$123,249	\$146,231	\$152,143	\$281,899	\$223,000
Fund Reserve	\$107,000	\$43,000	\$156,000	\$39,000	\$197,000
Positions					
Executive Secretary	.5	.7	1.0	1.0	1.0
Office Assistant	1.0	1.0	1.0	1.0	1.0
Exam. Proctors	--	.1	--	.3	.3
Temporary Help	<u>--</u>	<u>.3</u>	<u>.7</u>	<u>.9</u>	<u>.9</u>
Total	1.5	2.1	2.7	3.2	3.2

a. Anticipated \$45,000 reversion.

As indicated in the table, the balance between revenues and expenditures fluctuates annually because license renewal fees, which are the board's primary source of revenues, are collected biennially. Thus, every other year revenues exceed expenditures, and the excess is used to supplement revenues in the following year.

Revenues for 1983-84 are expected to be \$200,000, or 111.0 percent, greater than in 1979-80. There appears to be two major reasons for the anticipated increase. The first is growth in both the applicant and licensee populations. In 1983-84, these two populations are expected to exceed comparable populations in 1979-80 by 184 and 268, respectively. The second reason is the enactment of Ch 726/82, which recently increased the statutory maximum fee the board may charge for applications and licenses. Although the board has increased its fees, they remain below the statutory maximum allowed. Specifically, the board has set the application fee at \$200, the initial license fee at \$175, and the renewal licensee fee at \$150.

Expenditures during the period 1979-80 to 1983-84 are expected to grow by \$100,000, or 81.3 percent. This includes a 100 percent increase in expenditures for personal services and a 70 percent increase in general operating expenses. The board expects to revert \$45,000 in 1982-83 because it is receiving fewer exam applications than previously anticipated.

The State Board of Landscape Architects Fund is estimated to have approximately \$197,000 in reserve at the end of 1983-84. This is \$90,000 more than was in reserve at the end of 1979-80.

CHAPTER III
EVALUATION OF THE BOARD

In order to comply with the directive contained in Ch 375/80, we attempted to evaluate the Board of Landscape Architects by developing answers to the following three questions:

1. How effective has the Board of Landscape Architects been in fulfilling the primary goal of the Landscape Architect Law--to insure a specified minimum level of competency for all persons calling themselves landscape architects. As measures of effectiveness, we used:

- o the extent to which those subject to the licensing requirement have been licensed by the board; and
- o the extent to which applicants for licensure are denied a license.

2. How effective has the Board of Landscape Architects been in meeting the basic goals of the Consumer Affairs Act--to promote and protect the interests of consumers. As measures of effectiveness, we used:

- o the extent and effectiveness of enforcement activities; and
- o the extent to which consumers are aware of the regulatory program.

3. Is it necessary for the state to regulate landscape architects?

To answer this question, we examined:

- o The extent to which the type of service provided by the industry affects the health, safety, and welfare of the public, and thus justifies state regulation.
- o The extent to which there are unique characteristics of those purchasing these services that warrant special protection by a state agency.

EFFECTIVENESS OF THE BOARD IN INSURING MINIMUM COMPETENCY

Extent of Board Screening Efforts

The primary tool the board uses to insure the minimum competency of newly licensed landscape architects is an examination. Table 4 indicates the number of candidates taking the landscape architect examination during a five-year period, as well as the percentage of those taking the examination who pass and are subsequently licensed.

Table 4

Number of Candidates and Passage Rate
for Landscape Architect Examination

	Actual			Estimated	
	<u>1979-80</u>	<u>1980-81</u>	<u>1981-82</u>	<u>1982-83</u>	<u>1983-84</u>
Number of candidates	225	293	343	424	500
Percent receiving a passing score	28%	46%	32%	42%	--

Table 4 covers both those individuals taking the exam for the first time, and those repeating sections failed during a previous exam. An average of only 20 percent of the candidates pass the entire test the first

time; approximately 90 percent eventually pass the test by retaking specific sections. Our review indicates that the format and length of the examination are comparable to the format and length of examinations given to applicants for other professional licenses, such as architects and engineers.

Extent of Licensure

Business and Professions Code, Section 5640, restricts the use of the title "Landscape Architect" and the practice of landscape architecture to state certified individuals.

As indicated in Table 2, the primary enforcement focus by the board during the past several years has been to contain the unlicensed use of the title "Landscape Architect." A similar enforcement effort against unlicensed individuals practicing landscape architecture has not been made. The board, in its report, indicates the primary reason for this is because the broad exemptions to practice landscape architecture granted in the law make it difficult to prosecute unlicensed activity. The exemption to practice landscape architecture is found in Section 5641 of the Business and Professions Code which states in part:

"This chapter shall not be deemed to prohibit any person from making plans or drawings for the selection, placement, or use of plants or other elements when the execution of such plans or drawings does not (emphasis added) affect the public health, safety and welfare."

Clearly, the board has the authority to prevent an unlicensed individual from practicing landscape architecture and/or calling himself a landscape architect when he is making and executing plans which affect the public

health, safety and welfare. The question then is whether or not the work done by these unlicensed individuals affects the public health, safety, and welfare. The board's complaint history does not indicate that work performed by unlicensed individuals is a problem.

EFFECTIVENESS OF THE BOARD IN PROTECTING CONSUMERS

Extent and Effectiveness of Board Enforcement Activities

Currently, the board's enforcement efforts are carried out by the board's one professional staff person. He is responsible for reviewing all complaints involving landscape architects submitted to the board.

Table 2 indicates that the major type of complaint received by the board involves unlicensed use of the title "Landscape Architect." In most cases, this involves unlicensed landscape designers advertising as landscape architects. Most of this activity is discovered by the board's staff person, who reviews trade journals, newspapers, and telephone books.

The board does not consider this type of activity to constitute a major threat to the regulatory program. Instead, the board believes that such activity is the result of misinformation or ignorance. A majority of these cases are resolved by a telephone call and a warning letter from the board to the offending party. The offending party must acknowledge the warning letter and return it to the board along with proof that the party is no longer advertising as a "Landscape Architect." For example, proof might be a letter sent to the phone company requesting removal of the term "Landscape Architect" from an advertisement. The board has stated that repeated violations of this type are not a problem.

Table 2 also indicates that during each of the last three fiscal years, the board has received no more than five complaints from the public, only one of which led to disciplinary action. In its report, the board indicated that it has difficulty policing the illegal activities of unlicensed individuals because it does not have sufficient staff or funds to carry out a systematic enforcement program. We conclude, though, that the low level of enforcement actions reflect the small number of consumer-generated complaints, rather than the level of staffing or funding for the board.

Consumer Awareness of the Regulatory Program

Though recent board activity has been aimed at increasing consumer awareness, we found it difficult to assess the extent to which consumers are indeed aware of the Board of Landscape Architects and its regulatory function. At this point, it is not clear whether the small number of public complaints is due to widespread consumer satisfaction or to a lack of knowledge on the part of consumers regarding their right to file complaints.

The Board of Landscape Architects is listed in the consumer complaint section of the telephone book. State law, however, does not require landscape architects to advise the consumer of either his or her rights under the law or the complaint process as other regulated entities (for example, bill collection agencies) must do. Recently, the board published a brochure entitled "Consumer Guide to Landscape Architecture," which is intended to inform consumers about the law regarding landscape architects

and how to file a consumer complaint. The brochure has only been circulated for a short period of time. The impact it has had on consumer complaints is not yet clear.

NEED FOR THE STATE TO REGULATE THE INDUSTRY

The Effect of Landscape Architecture on the Health, Safety, and Welfare of the Public

State law requires that landscape architecture be performed by a licensed professional if the project will affect the health, safety, and welfare of the public. The result is that anyone may design the landscaping of private residences, but only a licensed landscape architect may develop public parks and the grounds surrounding schools and large office buildings.

We asked 11 practicing landscape architects how their projects affected the public health, safety, and welfare. In particular, we asked what adverse effect a landscaping project designed by someone who is not licensed and potentially incompetent might have on the public. We also toured a number of public and private projects which had been designed by landscape architects.

The persons we interviewed cited numerous aesthetic and environmental decisions which a landscape architect must make and which would affect the consumer or user of the project. These include the placement and drainage of walkways and parking lots, the planting of trees appropriate to the soil and exposure of the site, the construction of footbridges and barriers, and the location of sprinklers to minimize water loss.

The potential adverse results of these decisions, while important, do not seem to pose a significant danger to the public. Any structure that is large enough to present a clear danger to the public must be reviewed and approved by an architect and/or engineer--both of whom are already licensed by other state entities. Lesser structures, such as low barrier walls and footbridges, can be designed by landscape architects without architectural approval. It is possible to conceive of a situation in which the faulty placement of a barrier wall, tree, or walkway might pose a danger to the public. The landscape architects we interviewed, however, were unable to identify examples of such projects where the threat to the public appeared sufficient to warrant a state regulatory program.

Characteristics of the Consumer Group

In the preceding section, we discussed the impact of landscape architecture on the public at large. The public, however, is actually a "secondary consumer." That is, while the public benefits from the services when visiting a park or attending a public school, it does not personally purchase these services. Because the "primary consumer"--that is, the person or agency who directly purchases the services--has a direct interest in protecting the public's health, safety, and welfare, it is necessary to consider what protection the Landscape Architects Law affords these consumers.

Our review indicates that the activities of the board involve only a small portion of those who directly contract for landscaping services. This is because many types of projects do not have to be designed by a

licensed landscape architect, and these projects constitute the vast majority of landscaping services. Among the projects excluded from coverage are:

1. Projects which do not affect the public health, safety, and welfare. This exemption means that all work done on private residences can be performed by unlicensed individuals, and only larger projects with public access, such as government buildings and parks, community colleges, or apartment complexes, require a licensed landscape architect.

2. Projects designed by nurserymen in the course of selling their products. In this instance, nurserymen may provide landscape and irrigation plans to supplement the sale of plants and sprinkler systems.

3. Irrigation projects. The design of sprinkler systems is specifically exempt from coverage under the law. Thus retail outlets may sell sprinkler equipment with a standard design.

Because of these exemptions, only a small proportion of all consumers who buy landscape equipment or services actually come under the board's jurisdiction, and thus potentially benefit from the state's regulatory program.

We estimate that the primary consumers of landscape architect services are governmental and business entities, and that these entities account for 90 percent of the receipts received by landscape architect firms. These consumers would not seem to warrant special protection by a state agency. Specifically, one might expect these entities to have a greater degree of expertise and sophistication than the ordinary consumer

in selecting landscape architect services. In addition, they have more resources to seek redress for any consumer problems they may encounter. Finally, they have more incentive to protect public health, safety, and welfare because of the potential liability involved.

The remaining 10 percent of those primary consumers of landscape architecture (private residential consumers) are not actively using the board to resolve complaints involving the work of landscape architects.

CONCLUSION

Our review indicates that the board's licensing activities are meeting the goal of ensuring a minimum level of professional competence on the part of those who identify themselves as landscape architects. The board, however, provides only minimal regulation of the industry. It receives few complaints from the public, has a limited enforcement program, has only one formal disciplinary action, and has collected no fines. Of the complaints received by the board, most involve unlicensed use of the title "Landscape Architect" detected by board staff. Such activity generally results from misinformation or ignorance, poses little danger to the public, and is resolved informally. As a result, the board does not consider this activity a major threat to its regulatory program.

The careful arrangement of structures and open spaces can have an important impact on drainage, erosion, noise, and aesthetics. Such arrangements, however, rarely pose a threat to public safety significant enough to justify regulation by a state board or the expense of conducting this regulation that must be borne by the consumer. Rather, it is the

architectural structure and/or its engineering components which normally pose the real possibility of danger to the public. Both of these functions, however, are regulated by other licensing programs and state boards. Moreover, building architects and engineers have the authority to design and approve all landscape architecture associated with the buildings which they design.

For these reasons, we conclude that the Landscape Architects Law has not resulted in effective consumer protection and is unnecessary.

CHAPTER IV
THE FUTURE OF THE BOARD

ALTERNATIVES TO THE CURRENT PROGRAM

In its report issued in December 1981, the board itself reviewed the number of regulatory exemptions provided by current law and concluded that the Landscape Architects Law "is not serving the purposes for which it was established." Given the board's conclusion--a conclusion that we share--what alternatives are available to the Legislature? We believe there are two: (1) expand the scope of the law to cover all those persons engaging in landscape architecture and related activities or (2) eliminate state regulation of landscape architects entirely.

Expand the Scope of the Law

Members of the profession and some past and present board members argue that to make the current law effective, the Legislature should remove many of the current exemptions from the law's coverage. This would increase greatly the regulatory umbrella of the present board by bringing private residential work, nurserymen, and irrigation consultants under the law's provisions. Were this done:

- o Projects involving substantial landscape design on residential property (other than plant arrangement or work done by the owner) would have to be approved by a licensed landscape architect;

- o Nurserymen would be limited to planting designs, and would not be able legally to perform grading, drainage, or erosion projects; and
- o The approximately 200 to 300 irrigation consultants in the state would have to be licensed by the board as a separate class of licensee.

Given the large number of small projects which would have to be regulated by the board if the program were expanded in this manner, the Legislature would have to increase significantly the board's staffing and funding.

Eliminate State Regulation of Landscape Architects

If the Landscape Architects Law were allowed to lapse, anyone could use the title "Landscape Architect." Were this to happen, it would be difficult for consumers to know whether they were dealing with graduates of landscape architecture programs, with persons who had secured a contractor's license, or with a person selling landscaping products. We believe, however, that this would have very little effect on the consumer. We have indicated previously that landscape architects primarily deal with business and public organizations. These two groups already have the ability to evaluate a prospective landscape architect on the basis of education, experience, reputation, and prior work. The vast majority of those purchasing landscape services--individual homeowners and small businessmen--already must rely on their own judgment when they contract with providers of landscape services.

Landscape architects note that the state regulatory program cannot be eliminated because most state and local laws require a "licensed" or "state licensed" or "registered" landscape architect to perform all public work. These laws and ordinances could be amended to require that services be obtained from a "graduate landscape architect" or "competent landscape architect," and each public entity could determine the level of education and/or experience warranted by the project.

Some members of the profession note that an emphasis on graduate landscape architects would discriminate against the 10 percent of the landscape architects who become eligible for licensing by accumulating six years of experience in the field. One means of remedying this problem would be to permit the profession itself to issue certificates to persons who have not obtained a graduate degree but who have work experience and can, for example, pass the national examination. The profession could, in fact, continue to hold the annual CLARB examination, and issue a certificate to those who passed the test. While it would not be state-sanctioned, this certificate would carry the prestige of the professional organization issuing it--for example, the American Society of Landscape Architects--and could be used as a basis for reciprocal licensing in other states. Local and state public organizations also could decide if the landscaping work they desired warranted a landscape architect certified by a professional organization. If so, they could continue to call for a "certified landscape architect" in their codes or ordinances.

RECOMMENDATION

Expansion of the regulatory scope of the Board of Landscape Architects would require additional staff and funding to oversee the large number of additional practitioners and projects which would come under the board's purview. There is no evidence, however, that these projects pose a significant danger to the public health and safety or that the consumer of these services has unique needs which require the protection of a separate state regulatory board. Consequently, we conclude that expansion of the program is neither necessary nor desirable.

Furthermore, we conclude that allowing the Landscape Architects Law to lapse would not result in a significant disadvantage to either the public at large, the direct purchaser of landscape architect services, or members of the landscape architect profession.

For these reasons, we recommend that current provisions of law relating to the regulation of landscape architects not be reenacted.