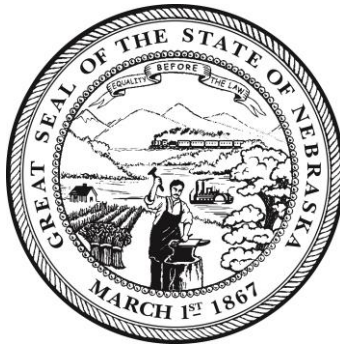


State of Nebraska Professional Landscape Architects Handbook

- Statutes
- Rules and Regulations



Effective January 10, 2021

Introduction

This handbook contains the Nebraska Professional Landscape Architect Act and the Rules and Regulations of the Nebraska State Board of Landscape Architects. Together, these statutes and rules govern the practice of landscape architecture in the state of Nebraska in order to safeguard life, health, property, and promote the public welfare.

The first section presents the Statutes as cited in the Professional Landscape Architects Act, enacted by the Nebraska Legislature in 1987, which replaced the statutory provisions first enacted in 1967 – the year the Nebraska State Board of Landscape Architects was established. The most recent changes to the Act were enacted through Legislative Bill 30 of the One Hundred Sixth Legislature, Second Session, and became effective November 14, 2020.

The second section presents the Rules and Regulations, or Title 231 of the Nebraska Administrative Code, chapters 1 through 7. These Rules and Regulations are written by the Board to enable administration of the Statutes, and cannot exceed the powers assigned to the Board by the Legislature. The latest revision to the Rules and Regulations became effective on January 10, 2021.

This handbook incorporates all current statutes and rules & regulations as of November 14, 2020. For further information concerning the law or rules and regulations governing the practice of landscape architecture in Nebraska, please contact:

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STATUTES**

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81-8,183.01. Act, how cited.

Sections 81-8,183.01 to 81-8,208 shall be known and may be cited as the Professional Landscape Architects Act.

Source: *Laws 1967, c. 565, § 25, p. 1867; Laws 1984, LB 477, § 15; R.S.1943, (2008), § 81-8,208; Laws 2012, LB1140, § 1; Laws 2020, LB30 § 1.*

81-8,184. Terms, defined.

For purposes of the Professional Landscape Architects Act:

- (1) Board means the State Board of Landscape Architects;
- (2) Coordinating professional means a design professional who coordinates, as appropriate, the work of all design professionals involved in a project;
- (3) Design professional means a professional landscape architect, a licensed architect, or a professional engineer;
- (4) License means an authorization granted by the board to practice landscape architecture;
- (5) Practice of professional landscape architecture means the application of the principles of mathematical, physical, biological, and social sciences in consultation, evaluation, planning, design, including, but not limited to, the preparation, review and filing of plans, drawings, specifications, and other contract documents, and administration of contracts relative to projects principally directed at the functional and aesthetic use and preservation of land in the performance of professional services. These professional services, include, but are not limited to:
 - (a) Investigation, selection, and allocation of land and natural resources for appropriate uses;
 - (b) Development of feasibility and site selection studies to govern the planning, design, and management of the land;
 - (c) Preparation, review, and analysis of land-use master, site, and comprehensive development plans and preliminary subdivision plans;
 - (d) Determining the location and siting of improvements, including buildings, site features, access, and environs for the improvements;
 - (e) Collaboration with architects, professional engineers, and registered land surveyors in the design of streets, highways, bridges, buildings, and structures with respect to the functional and aesthetic requirements of the area in which such facilities are to be placed;
 - (f) Preservation and management of natural, cultural, historic, and aesthetic resources;
 - (g) Design of: Sites, landforms, water features, and water bodies; site grading; surface and subsurface drainage and management; sediment and erosion control; noninhabitable structures; park and recreation areas; site vehicular circulation systems, greenways, and streetscapes; equestrian, bicycle, and pedestrian circulation systems; and site lighting, irrigation, plantings, and related construction details and specifications; and
 - (h) Location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this section. Practice of landscape architecture does not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, or the design of streets and highways, utilities, storm and sanitary sewers, and water and sewage treatment facilities, such as are exclusive to the practice of engineering, architecture, or land surveying; and
- (6) Professional landscape architect or licensee means person who is licensed by the board to practice landscape architecture.

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Source: *Laws 1967, c. 565, § 1, p. 1860; Laws 1971, LB 98, § 1; Laws 2012, LB1140, § 2; Laws 2020, LB30, § 3.*

81-8,184.01. Repealed. Laws 2020, LB30, § 21.

81-8,184.02. Act; regulation of landscape architecture; prohibited acts.

To protect public health, safety, and welfare, the Professional Landscape Architects Act regulates the title and practice of landscape architecture in the State of Nebraska. No person may engage in the practice of landscape architecture, use the designation of professional landscape architect, landscape architect, or any derivative thereof, or advertise any title or description tending to convey the impression that he or she is a professional landscape architect, unless the person is authorized in the manner provided in the act and complies with all provisions of the act. The practice of landscape architecture is a privilege granted by the board, based on the qualifications of the individual, and evidenced by a license.

Source: *Laws 2020, LB 30, § 2.*

81-8,185. Repealed. Laws 2020, LB30, § 21.

81-8,186. State Board of Landscape Architects; members; appointment.

- (1) There is hereby created a State Board of Landscape Architects consisting of six members who shall be appointed by the Governor. Five members of the board shall be professional landscape architects and one shall be a member of the public.
- (2) Each member shall be a citizen of the United States and shall have been a resident of the State of Nebraska for at least one year immediately preceding appointment.
- (3) Each professional landscape architect member shall have been engaged in the active practice of landscape architecture for at least five years at the time of his or her appointment and shall be a professional landscape architect in this state.
- (4) The term of office of the members appointed to the board shall be for five years. A member shall hold office after the expiration of his or her term until his or her successor is duly appointed and qualified. Vacancies in the membership of the board, however created, shall be filled for the unexpired term by appointment by the Governor. The Governor may remove any member of the board for misconduct, incompetency, or neglect of duty.

Source: *Laws 1967, c. 565, § 3, p. 1861; Laws 1971, LB 98, § 3; Laws 1984, LB 477, § 3; Laws 2012, LB1140, § 4; Laws 2020, LB30, § 4.*

81-8,187. Repealed. Laws 2020, LB30, § 21.

81-8,188. Repealed. Laws 2020, LB30, § 21.

81-8,189. Board; members; compensation; expenses.

Members of the board shall serve without compensation, except that they shall be reimbursed for expenses incurred in the discharge of their duties pursuant to the Professional Landscape Architects Act as provided in sections 81-1174 to 81-1177.

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Source: *Laws 1967, c. 565, § 6, p. 1862; Laws 1981, LB 204, § 183; Laws 2012, LB1140, § 5; Laws 2020, LB381, § 107.*

81-8,190. Board; chairperson; meetings; quorum; personnel; employ.

The board shall elect annually from its members a chairperson and a vice-chairperson. The board shall meet at least once a year at a time and place fixed by the board. Three members shall constitute a quorum. The board may employ such technical and clerical assistants and incur such expense as may be necessary to properly carry out the Professional Landscape Architects Act.

Source: *Laws 1967, c. 565, § 7, p. 1862; Laws 2012, LB1140, § 6.*

81-8,191. Board; powers; Attorney General provide counsel.

The board and any committee of the board is entitled to the services of the Attorney General in the connection with the affairs of the board and may compel the attendance of witnesses, administer oaths, and take testimony and proofs concerning all matters within its jurisdiction. The Attorney General shall act as legal advisor to the board and render such legal assistance as may be necessary in carrying out the Professional Landscape Architects Act. The board may expend funds to promote licensure of professional landscape architects in this state subject to section 84-733.

Source: *Laws 1967, c. 565, § 8, p. 1862; Laws 1981, LB 204, § 184; Laws 2020, LB30, § 5.*

81-8,191.01. Board; powers; rules and regulations; code of professional conduct; content.

The board may adopt and promulgate rules and regulations to carry out the Professional Landscape Architects Act. Such rules and regulations may include, but not be limited to, a definition of conflict of interest for board members and the appropriate procedure to follow when a conflict arises. The rules and regulations or a code of professional conduct developed by the board shall also include definitions of or a list of specific practices which constitute fraud, deceit, gross negligence, incompetence, or misconduct and the punishments for such practices which shall be used as the basis to place a professional landscape architect on probation, revoke or suspend a license, or impose a penalty pursuant to sections 81-8,205, 81-8,207, and 81-8,208.

Source: *Laws 1984, LB 477, § 14; Laws 2012, LB1140, § 7; Laws 2020, LB30, § 6.*

81-8,192. Board; roster; duties.

The board shall maintain and make available to the public a complete roster of each professional landscape architect showing his or her name and last-known address. The board shall file the roster with the Secretary of State annually and may distribute a copy to each professional landscape architect as well as county and municipal officials.

Source: *Laws 1967, c. 565, § 9, p. 1862; Laws 1981, LB 545, § 31; Laws 2012, LB1140, § 8; Laws 2020, LB30, § 7.*

81-8,193. Board; seal; adopt.

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The board shall adopt and have an official seal which shall be affixed to all certificates of licensure granted and may adopt and promulgate rules and regulations necessary for the proper performance of such duty.

Source: *Laws 1967, c. 565, § 10, p. 1863; Laws 2012, LB1140, § 9.*

81-8,194. Board; fees; disposition; State Board of Landscape Architects Cash Fund; created; investment.

- (1) The board shall establish fees of no more than three hundred dollars for applications and initial certificates of licensure and annual renewals for services related to the Professional Landscape Architects Act based on the administration costs incurred by the board. The board shall collect, account for, and remit such fees to the State Treasurer for credit to the State Board of Landscape Architects Cash Fund which is hereby created. All fees are nonrefundable.
- (2) Transfers may be made from the State Board of Landscape Architects Cash Fund to the General Fund at the direction of the Legislature. Any money in the State Board of Landscape Architects Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.
- (3) Warrants for the payment of expenses and compensation as provided for in the Professional Landscape Architects Act shall be issued by the Director of Administrative Services and paid by the State Treasurer out of the State Board of Landscape Architects Cash Fund upon presentation of vouchers regularly drawn by the chairperson of the board and approved by the board. At no time shall the total amount of warrants exceed the total amount of fees collected under the act and credited to the fund.

Source: *Laws 1967, c. 565, § 11, p. 1863; Laws 1971, LB 98, § 4; Laws 1984, LB 477, § 5; Laws 2007, LB396, § 1; Laws 2009, First Spec. Sess., LB3, § 70; Laws 2012, LB1140, § 10; Laws 2020, LB30, § 8.*

Cross References

- **Nebraska Capital Expansion Act**, see section 72-1269.
- **Nebraska State Funds Investment Act**, see section 72-1260.

81-8,195. Repealed. Laws 2020, LB30, § 21.

81-8,196. Licensure applicants; examination; eligibility; requirements.

- (1) Applications for licensure as a professional landscape architect shall be on forms prescribed and furnished by the State Board of Landscape Architects.
- (2) Applicants who hold a landscape architecture degree accredited by the Landscape Architectural Accreditation Board or its equivalent as determined by the board may sit for the Landscape Architect Registration Examination as administered by the Council of Landscape Architectural Registration Boards.
- (3) The following shall be considered as the minimum evidence satisfactory to the State Board of Landscape Architects that an applicant is eligible for initial licensure, upon application, as a professional landscape architect:
 - (a) Submission of an application accompanied by the fee established by the board, in accordance with subsection (1) of section 81-8,194;
 - (b) Submission of a council record maintained by the Council of Landscape Architectural Registration Boards;

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- (c) Graduation from a program accredited by the Landscape Architectural Accreditation Board or its equivalent as determined by the State Board of Landscape Architects;
 - (d) Passage of an examination on technical and professional subjects as prescribed by the board or its equivalent as determined by the board;
 - (e) A record of three years or more of diversified post-degree experience directly related to landscape architecture under the direct supervision of a professional landscape architect or equivalent experience as determined by the board; and
 - (f) One or more written professional references which shall be submitted by the applicant to the board.
- (4) An individual holding a license to practice landscape architecture issued by a proper authority of any jurisdiction recognized by the board, based on credentials that do not conflict with subsection (3) of this section and other provisions of the Professional Landscape Architects Act, may, upon application, be licensed as a professional landscape architect after demonstration of good reputation and character.
 - (5) An individual who has been licensed to practice landscape architecture for fifteen years or more in one or more jurisdictions recognized by the board and who has practiced landscape architecture in compliance with the licensing laws in the jurisdiction where his or her landscape architecture practice has occurred since initial licensure may, upon application, be licensed as a professional landscape architect after demonstration of good reputation and character.
 - (6) The board may accept the verified information contained in a valid council record issued by the Council of Landscape Architectural Registration Boards in lieu of the same information that is required on the form prescribed by the board.
 - (7) Examination materials shall not be considered public records.
 - (8) The board may adopt the examinations and grading procedures of the Council of Landscape Architectural Registration Boards. The board may also adopt guidelines published from time to time by the council.
 - (9) Licensure shall be effective upon issuance.

Source: *Laws 1967, c. 565, § 13, p. 1863; Laws 1974, LB 811, § 20; Laws 1997, LB 752, § 224; Laws 2012, LB1140, § 12; Laws 2020, LB30, §9.*

81-8,197. Repealed. Laws 2020, LB30, § 21.

81-8,198. Licensee; seal; use; effect; prohibited acts; qualifications to perform professional services.

- (1) Each licensee shall provide himself or herself with a suitable seal with a uniform inscription thereon formulated by the board with which he or she shall stamp all plans, specifications, and reports prepared by him or her when required. The following shall be stated on the seal: State of Nebraska, the licensee's name, the license number, and Professional Landscape Architect.
- (2) Whenever the seal is applied, the licensee's signature shall be across the seal. The board may adopt and promulgate rules and regulations for application of the seal.
- (3) The seal and date of its placement shall be on all technical submissions and calculations whenever presented to a client or any public or governmental agency. It shall be unlawful for a licensee to affix his or her seal and signature

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or to permit his or her seal and signature to be affixed to any document after the expiration of the certificate of licensure or for the purpose of aiding or abetting any other person to evade or attempt to evade the Professional Landscape Architects Act.

- (4) The seal and date shall be placed on final plans and specifications and reports as required in such a manner that the seal, signature, and date will be reproduced and be in compliance with rules and regulations of the board, if any. The application of the licensee's seal shall constitute certification that the work was done in accordance with the act.
- (5) A landscape architect shall undertake to perform professional services only when the landscape architect is qualified by education, training, and experience in the specific technical areas involved.

Source: *Laws 1967, c. 565, § 15, p. 1864; Laws 2012, LB1140, § 14; Laws 2020, LB30, § 10.*

81-8,198.01. Coordinating professional; designation; duties.

- (1) Landscape architecture design projects involving more than one design professional shall have a designated coordinating professional for the entire project. The coordinating professional may, but need not, provide professional services on the project. The coordinating professional shall apply his or her seal in accordance with the Engineers and Architects Regulation Act or the Professional Landscape Architects Act to the cover sheet of all documents and denote the seal as that of the coordinating professional.
- (2) The coordinating professional shall be responsible for reviewing and coordinating technical documents prepared by any other design professional for compatibility with the design of the project.

Source: *Laws 2020, LB30, § 19.*

81-8,199. Certificate of licensure; issuance; use; new or duplicate certificate, fee.

The board shall issue to any applicant who has met the requirements of the Professional Landscape Architects Act a certificate of licensure giving the licensee proper authority to carry out the prerogatives of the act. The certificate of licensure shall carry the designation Professional Landscape Architect. The certificate of licensure shall give the full name of the licensee and license number and shall be signed by two members of the board.

- (1) The certificate of licensure shall be prima facie evidence that the person is entitled to all rights, privileges, and responsibilities of a professional landscape architect while the certificate of licensure remains unrevoked and unexpired.
- (2) The board may issue a new certificate of licensure to replace any lost, destroyed, or mutilated certificate of licensure or issue a duplicate of any active certificate of licensure upon request from the licensee. A fee not to exceed fifty dollars, in accordance with subsection (1) of section 81-8,194, may be charged for each such issuance.
- (3) Any person holding a certificate of registration under the act as of November 14, 2020, shall be deemed to be duly licensed under the act until the expiration of such certificate.

Source: *Laws 1967, c. 565, § 16, p. 1864; Laws 1984, LB 477, § 8; Laws 2012, LB1140, § 15; Laws 2020, LB30, § 11.*

81-8,200. Certificate of licensure; expiration; notice; renewal.

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Certificates of licensure shall expire on a date established by the board and shall become invalid on that date unless renewed. In 2021, a licensee whose last name begins with a letter between the letters "A" and "L" shall renew his or her certificate of licensure for one year and a licensee whose last name begins with a letter between the letters "M" and "Z" shall renew his or her certificate of licensure for two years. Each subsequent renewal shall be for a two-year period. The board shall notify every person licensed under the Professional Landscape Architects Act of the expiration date of his or her certificate of licensure and the amount of the fee, in accordance with subsection (1) of section 81-8,194, required for renewal. The notice shall be sent at least one month in advance of the date of the expiration. Valid certificates of licensure may be renewed prior to expiration upon application and payment of applicable fees. The fee to be paid on an expired certificate of licensure shall be increased by ten percent for each month or fraction of a month such payment is delayed, except that the maximum fee for a delayed renewal shall not exceed twice the amount of the original renewal fee and no renewals shall be made after one year after the expiration date, in accordance with subsection (1) of section 81-8,194. Expired licenses shall be renewed in accordance with the rules and regulations of the board. The board may require individual licensees to obtain professional development in accordance with the rules and regulations of the board.

Source: *Laws 1967, c. 565, § 17, p. 1865; Laws 1984, LB 477, § 9; Laws 2012, LB1140, § 16; Laws 2020, LB30, § 12.*

81-8,200.01. Repealed. Laws 2020, LB30, § 21.

81-8,200.02. Repealed. Laws 2020, LB30, § 21.

81-8,201. Repealed. Laws 2020, LB30, § 21.

81-8,202. Act; enforcement; procedure.

The board shall enforce the Professional Landscape Architects Act and rules and regulations under the act, including enforcement against any unlicensed person. If any person refuses to obey any decision or order of the board, the board, or upon request of the board the Attorney General or the appropriate county attorney, shall file an action for the enforcement of the decision or order, including injunctive relief, in the district court. After a hearing the court shall order enforcement of the decision or order, or any part thereof, if legally and properly made by the board and, if appropriate, injunctive relief.

Source: *Laws 1967, c. 565, § 19, p. 1865; Laws 1971, LB 98, § 5; Laws 1984, LB 477, § 11; Laws 1988, LB 352, § 171; Laws 2012, LB1140, § 20; Laws 2020, LB30, § 13.*

81-8,203. Repealed. Laws 2020, LB30, § 21.

81-8,204. Use of title; unlawful practice.

Except as provided in section 81-8,206, an individual shall not directly or indirectly engage in the practice of landscape architecture in this state or use the title of professional landscape architect or display or use any words, letters, figures, titles, signs, cards, advertisements, or other symbols or devices indicating or tending to indicate that he or she is a professional landscape architect or is practicing landscape

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architecture unless he or she is licensed under the Professional Landscape Architects Act. A licensee shall not aid or abet any person not licensed under the act in the practice of landscape architecture.

Source: *Laws 1967, c. 565, § 21, p. 1866; Laws 1971, LB 98, § 6; Laws 2012, LB1140, § 22; Laws 2020, LB30, § 14.*

81-8,205. Prohibited acts; penalties.

- (1) It is unlawful for any person to:
 - (a) Practice or offer to practice landscape architecture in this state without being licensed in accordance with the Professional Landscape Architects Act unless such practice or offer to practice is otherwise exempt under the act;
 - (b) Knowingly and intentionally employ or retain a person to practice landscape architecture in this state who is not licensed in accordance with the act unless otherwise exempt under the act;
 - (c) Advertise any title or description tending to convey the impression that he or she is a professional landscape architect unless the person is duly licensed or exempt from licensure under the act;
 - (d) Present or attempt to use the certificate of licensure or the seal of another person;
 - (e) Give any false or forged evidence of any kind to the board or to any member of the board in obtaining or attempting to obtain a certificate of licensure;
 - (f) Falsely impersonate any other licensee of like or different name;
 - (g) Attempt to use an expired, suspended, revoked, or nonexistent certificate of licensure or attempt to engage in the practice or offer to practice landscape architecture when not qualified;
 - (h) Falsely claim that he or she is licensed or authorized under the act; or
 - (i) Otherwise violate the act.
- (2) Any person who performs any of the actions described in subsection (1) of this section is guilty of a Class III misdemeanor for the first offense and a Class II misdemeanor for the second or any subsequent offense.

Source: *Laws 1967, c. 565, § 22, p. 1866; Laws 1977, LB 39, § 300; Laws 2012, LB1140, § 23; Laws 2020, LB30, § 15.*

81-8,206. Persons exempt from act.

The Professional Landscape Architects Act shall not apply to:

- (1) The Professional Landscape Architects Act shall not apply to:
 - (a) Any employee of a professional landscape architect who performs landscape architecture services under the direction and supervision of the professional landscape architect. Such services do not include responsible charge of design or the administration of construction contracts;
 - (b) Any employee who performs landscape architecture services for his or her employer when all such services are completed for a facility owned or operated by the employer and when such services are not offered to the public and do not endanger the public health, safety, or welfare;
 - (c) The practice by a qualified member of another legally recognized

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profession who is otherwise licensed or certified by this state to perform services consistent with the laws of this state and the training and the code of ethics of the respective profession if such qualified member does not represent himself or herself to be a professional landscape architect; or

- (d) Any person who seeks advice or help of any other person in planning, planting, or maintaining the planting or conservation work on any property he or she owns or controls or who does such things himself or herself.
- (2) The Professional Landscape Architects Act shall not prohibit or require compliance with the act for any person who engages in the professional occupation of city, county, or city-county planning or a planning-related occupation to undertake the activities described in subdivisions (5)(a) through (f) of section 81-8,184, so long as such person does not use the title of landscape architect or professional landscape architect.
- (3) The Professional Landscape Architects Act does not prohibit any person, officer, agent, or employee of any business entity with experience and qualifications from engaging in the occupation of growing or marketing nursery stock or to use the title landscape nurseryperson, landscape gardener, landscape designer, landscape contractor, or land developer, so long as no individual engages in the practice of landscape architecture or uses the title landscape architect or professional landscape architect unless he or she is licensed as such under the Professional Landscape Architects Act.
- (4) The Professional Landscape Architects Act does not prevent a vendor of goods, services, real estate, or materials, including nurserypersons, landscape nurserypersons, gardeners, landscape gardeners, landscape designers, general contractors registered under the Contractor Registration Act, landscape contractors, land developers, golf course architects, or golf course designers from providing drawings or graphic diagrams that are necessary for the proper layout or development of the vendor's goods, services, real estate, or materials for public or private land or arranging for the installation of the goods or materials. The Professional Landscape Architects Act also does not prevent a landscape designer or any person or firm registered under the Contractor Registration Act from engaging in, for a fee, the design of spaces utilizing plant materials and ancillary paving and building materials or arranging for or engaging in the installation of the materials.

Source: *Laws 1967, c. 565, § 23, p. 1866; Laws 1971, LB 98, § 7; Laws 1997, LB 622, § 119; Laws 2012, LB1140, § 24; Laws 2020, LB30, § 18.*

Cross References

- **Contractor Registration Act**, see section 48-2101.
- **Engineers and Architects Regulation Act**, see section 81-3401.

81-8,207. Complaint; enforcement; procedures.

A complaint against any person involving any matter coming within the jurisdiction of the board shall be in writing and shall be filed with the board. The complaint, at the discretion of the board, shall be heard within a reasonable time in accordance with the rules and regulations and may be heard through the use of a hearing officer. The accused shall have the right to appear personally with or without counsel, to cross-examine adverse witnesses, and to produce evidence and witnesses in his or her defense. The board shall set the time and place of the hearing and shall cause a copy of the complaint, together with a notice of the time and place fixed for the hearing, to be sent by registered mail to the accused, at his or her last-known mailing address

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known to the board, at least thirty days before the hearing. If after the hearing the board finds the accused has violated the Professional Landscape Architects Act or any rules or regulations adopted and promulgated under the act, it may issue any order or take any action described in section 81-8,208. If the board finds no violation, it shall enter an order dismissing the complaint. If the order revokes, suspends, or cancels a license, the board shall notify the licensee and the Secretary of State in writing. The board may reissue a license that has been revoked. An application for the reissuance of a license shall be made in such a manner as the board directs and shall be accompanied by a fee established by the board, in accordance with subsection (1) of section 81-8,194.

Source: Laws 2020, LB30, § 16.

81-8,208. Disciplinary actions authorized; civil penalties.

- (1) The board, after hearing and upon proof satisfactory to the board, may determine by a two-thirds majority vote that any person has violated the Professional Landscape Architects Act or any rule or regulation under the act.
- (2) Upon a finding that a person has committed a violation, one or more of the following actions may be taken against such person upon a two-thirds majority vote of the board:
 - (a) Issuance of a censure or reprimand;
 - (b) Suspension of judgment;
 - (c) Placement of the offender on probation;
 - (d) Placement of a limitation or limitations on a licensee and upon the privilege of a licensee to engage in the practice of landscape architecture to the extent, scope, or type of landscape architecture practice for such time and under such conditions as are found necessary and proper;
 - (e) Imposition of a civil penalty not to exceed ten thousand dollars for each offense. The amount of the penalty shall be based on the severity of the violation;
 - (f) Entrance of an order of revocation, suspension, or cancellation of the certificate of licensure;
 - (g) Issuance of a cease and desist order;
 - (h) Imposition of costs as in an ordinary civil action in the district court, which may include reasonable attorney's fees and hearing officer fees incurred by the board and the expenses of any investigation undertaken by the board; or
 - (i) Dismissal of the action.
- (3) The board may take into account suitable evidence of reform when determining appropriate action.
- (4) Civil penalties collected under subdivision (2)(e) of this section shall be remitted to the State Treasury for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska. All costs collected under subdivision (2)(h) of this section shall be remitted to the State Treasury for credit to the State Board of Landscape Architects Cash Fund.

Source: Laws 2020, LB30, § 17.

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RULES AND REGULATIONS**

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STATE BOARD OF LANDSCAPE ARCHITECTS**

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Chapter 1 – General Provisions

1.1 Authority and Purpose

The Rules and Regulations of the State Board of Landscape Architects (hereafter, the PLA Rules) are set forth for the purpose of interpreting and implementing the Professional Landscape Architects Act (hereafter, the PLA Act). The PLA Rules are promulgated under the authority of and in conformity with the PLA Act.

1.2 Definitions

The definitions set out in Neb. Rev Stat. § 81-8,184, are hereby incorporated by reference into these rules and regulations. In addition, the following definitions of terms apply:

- 1.2.1 CLARB means the Council of Landscape Architectural Registration Boards.
- 1.2.2 CLARB Certificate Holder means an individual who holds a certificate issued by CLARB indicating the CLARB Standards of Eligibility for Council Certification have been met.
- 1.2.3 CLARB Standards of Eligibility means the current standards for education, experience, examination, and professional conduct approved by CLARB's member boards and adopted by the Board as the minimum standards of licensure.
- 1.2.4 LAAB means the Landscape Architectural Accreditation Board.
- 1.2.5 LAAC means the Canadian Society of Landscape Architects Accreditation Council.
- 1.2.6 LARE means the CLARB Landscape Architects Registration Examination as developed and administered by CLARB.
- 1.2.7 PLA means a Professional Landscape Architect as defined in Neb. Rev. Stat. Section §81-8,184(6).
- 1.2.8 Practice, used in the context of the PLA Rules, means the professional services of a landscape architect as defined in Neb. Rev. Stat. Section §81-8,184(5).

1.3 Fees, Renewals, Late Payment Penalties

- 1.3.1 The fee schedule will be set by the Board and is as follows:

Application Fees:

LARE Exam Application Fee (Non-LAAB degree)	\$50
Initial License Application Fee	\$100
Comity License Application Fee	\$300

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Renewal Fees:

License Renewal Fee (Annual)	\$170
Late Renewal Fee (Annual) \$17 for any month or any part of a month, up to \$170	
License Renewal Fee (Biennial-beginning with the 2021 renewal period)	\$300
Late Renewal Fee (Biennial) \$30 for any month or any part of a month, up to \$300	

Miscellaneous Fees:

Duplicate/Replacement Certificate	\$15
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- 1.3.2 The fees may be adjusted as needed to generate the revenue needed to administer the PLA Act.
- 1.3.3 Submittal of an application authorizes the Board to investigate the information provided in connection with or appended to the application.

1.4 Applications

- 1.4.1 Absent specific Board action, applications not completed within one year of receipt by the Board will be closed. If an applicant wishes to continue the application process after such date, the applicant will be required to submit a new application with the applicable fee.
- 1.4.2 Closed applications will be required to meet the current requirements in place at the time the new application is submitted.
- 1.4.3 The source and character of the information received from references regarding the qualifications of an applicant will not be divulged except as required by law.
- 1.4.4 An applicant's prior criminal or disciplinary history from any jurisdiction may be considered by the Board as part of the application process for licensure and/or renewal. The existence of such history is not an automatic bar to being licensed, nor is the disclosure intended to automatically require consideration of discipline by the Board.
- 1.4.5 The review and evaluation of disclosure statements provided by applicants during the application and/or renewal process may be performed by the Board's administrator. However, the Board must review disclosures which an application has not previously disclosed and which indicate: 1) felony convictions; 2) probation, suspension, or revocation of a professional landscape architect license in another jurisdiction; 3) repetitive or multiple violations; or 4) evidence of unfitness to practice the profession.

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1.5 Professional Assistance

The Board may retain professional assistance in carrying out administrative matters and other general governance of the Board. Such assistance may include, financial, technological, legal, and administrative consultation, and will work under the general direction of the Board.

1.6 Change of Contact Information and/or Name

It is the responsibility of the applicant or licensee to notify the Board of any changes in their contact information within 30 days of the change. Requests for name changes must be in writing and include a copy of the legal document supporting the name change.

1.7 Adoption of the Attorney General's Model Rules

The Board has adopted Title 53, Nebraska Administrative Code, Chapters 1 through 4 of the Nebraska Department of Justice, also known as the Attorney General's Model Rules, and incorporated them into these regulations.

1.7.1 Procedures governing petitioning for rulemaking will be in accordance with Title 53, Nebraska Administrative Code, Chapter 2.

1.7.2 Procedures governing Declaratory Rulings will be in accordance with Title 53, Nebraska Administrative Code, Chapter 3.

1.8 Federal Requirements

Nothing in the PLA Rules imply exemption from requirements of any federal statute or regulation, including, but not limited to, the Americans with Disability Act and the Fair Housing Act.

1.9 Record of the Board's Action

A quorum of three members of the Board is required for Board actions. The Board will keep record of actions enacted at its meetings.

1.10 Board Member Conflicts of Interest

1.10.1 Board members are not allowed to vote on any matter in which they have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of their duties as a Board member.

1.10.2 Board members are prohibited from using or attempting to use their official position to secure unwarranted privileges or exemptions for themselves or others.

1.10.3 Board members will not give the impression that they may be improperly influenced in the performance of Board member duties, or that they are improperly affected by the kinship, rank, position, or influence of any party or person.

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- 1.10.4 A Board member will not accept gifts of value or loans from persons having business before the Board which are intended to or which might appear to influence the official relationship between the donor and recipient.

1.11 Conditional License

The Board may authorize the Board's administrator to issue licenses on a conditional basis, pending formal approval of the application by the Board.

- 1.11.1 A conditional license may be withdrawn by the Board if it determines the applicant does not qualify for any reason.
- 1.11.2 In the event the Board does not grant formal approval of a conditional license, the conditional license will expire at 11:59 p.m. on the date the licensee is notified of such Board action.
- 1.11.3 Landscape Architectural services performed pursuant to a conditional license that is subsequently withdrawn by the Board will be deemed to have been performed pursuant to a valid license.

1.12 Expired Licenses

A license to practice expires at 11:59 p.m. on the expiration date noted on the license unless renewed by such date.

- 1.12.1 A professional landscape architect cannot practice as provided in the PLA Act with an expired license.
- 1.12.2 Licenses that have expired may be renewed during the following twelve months, upon payment of the renewal plus the late renewal fee in accordance with Neb. Rev. Stat. § 81-8,200.

1.13 Reinstatement of a License

A license which has been expired for more than twelve months may be reinstated to active status by meeting the current requirements for licensure by examination or comity and upon approval of the Board.

- 1.13.1 If the applicant meets these requirements, the license may be reinstated, if the applicant:
- 1.13.1.1 Submits an application along with the applicable fee;
 - 1.13.1.2 Submits documentation establishing that the applicant has complied with the professional development requirements set forth in Chapter 6 of these rules for the period during which the license was expired, not to exceed the biennial requirement; and
 - 1.13.1.3 Submits an affidavit attesting that the applicant has not practiced landscape architecture in Nebraska during the time the license was expired; or if such attestation cannot be made, an explanation acceptable to the Board of the applicant's practice during the expired period.
- 1.13.2 All applications will go to the Board for review and final action.

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1.13.3 The original license number will be retained.

1.14 Examination

The examination used by the Board to determine eligibility for licensure will be the current LARE as developed and administered by CLARB.

1.14.1 Applicants must meet the CLARB examination eligibility requirements or receive Board approval prior to beginning the examination.

1.14.1.1 Applicants meeting the CLARB examination eligibility requirements may register directly with CLARB to begin the examination process without first obtaining Board approval.

1.14.1.2 Applicants who do not meet the CLARB examination eligibility requirements may be approved by the Board to sit for the LARE exam, upon submission of the following:

1.14.1.2.1 An application with the applicable fee;

1.14.1.2.2 A copy of the applicant's CLARB Record sent directly to the Board from CLARB; and

1.14.1.2.3 Verification of meeting one of the following:

1.14.1.2.3.1 A non-accredited degree in landscape architecture plus one year of landscape architecture experience;

1.14.1.2.3.2 A NAAB-accredited architectural degree plus one year of landscape architecture experience;

1.14.1.2.3.3 An EAC/ABET-accredited Civil Engineering degree plus one year of landscape architecture experience; or

1.14.1.2.3.4 Any bachelor's degree plus three years of landscape architecture experience.

1.14.1.2.3.5 All experience is to be gained under the direct supervision of a design professional.

1.14.2 Any information requested on the application with respect to education and experience may be substituted with the information in the CLARB Record.

1.14.3 All applications will go to the Board for review and final action.

1.14.4 The Board will follow CLARB policies and schedules for the taking and retaking of the LARE.

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- 1.14.5 The Board will accept the examination results as determined by CLARB.
- 1.14.6 Passage of the LARE will be determined by the CLARB pass/fail standards in place at the time the examination was taken.
- 1.14.7 If there is any reported examination irregularity on the part of the applicant, the Board will investigate the allegation and take appropriate action if probable cause is found.

1.15 Transcripts

Transcripts or other documents verifying graduation issued directly by the granting institution of higher education, its authorized agent, or CLARB will be acceptable as proof of graduation when such proof is required by the Board.

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Chapter 2 – Initial Landscape Architect Licensure

2.1 Requirements for Initial Licensure

Initial licensure requires that the applicant:

- 2.1.1 Establish a CLARB Record;
- 2.1.2 Satisfy CLARB Standards of Eligibility for Council Certification; and
- 2.1.3 Submit three references from professional landscape architects or design professionals indicating good reputation and ethical character. At least one reference should be from a professional landscape architect. In the event a professional landscape architect is not available to make such reference, the applicant is to submit an explanation for the Board's review as to why the reference is unavailable.

2.2 Application for Initial Licensure

The Board's administrator is authorized to review and evaluate the applications for initial licensure to determine if they meet or exceed the requirements set forth in these rules.

- 2.2.1 If the applicant meets or exceeds these requirements, the Board's administrator may issue a conditional license authorizing the individual to provide landscape architecture services in Nebraska, if the applicant;
 - 2.2.1.1 Submits an application and applicable fee(s);
 - 2.2.1.2 Submits satisfactory evidence of having met the requirements set forth in Rule 2.1; and
 - 2.2.1.3 Submits a copy of the CLARB Record directly to the Board from CLARB.
- 2.2.2 Any information requested on the application with respect to education, experience, or references may be substituted with the information provided in the CLARB Record.
- 2.2.3 A listing of professional landscape architects issued conditional initial licenses will be placed on the agenda of the next meeting of the Board for formal approval by the Board.

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Chapter 3 – Comity Licensure

3.1 Requirements for Comity Licensure

Comity Licensure requires that the applicant:

- 3.1.1 Establish a CLARB Record;
- 3.1.2 Be licensed in good standing in at least one other licensing jurisdiction recognized by the Board;
- 3.1.3 Submit three references from professional landscape architects or design professionals indicating good reputation and character. At least one reference should be from a professional landscape architect. In the event a professional landscape architect is not available to make such reference, the applicant is to submit an explanation for the Board's review as to why the reference is unavailable.

3.2 Comity Licensure for CLARB Certificate Holders

The Board's administrator is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria of the CLARB Standards of Eligibility for Council Certification.

- 3.2.1 If the applicant meets or exceeds these requirements, the Board's administrator may issue a conditional license authorizing the individual to offer or provide landscape architectural services in Nebraska, if the applicant:
 - 3.2.1.1 Submits an application and applicable fee(s); and
 - 3.2.1.2 Submits a copy of the CLARB Certificate directly to the Board from CLARB.
- 3.2.2 Any information requested on the application with respect to education, experience, or references may be substituted with the information provided in the CLARB Record.
- 3.2.3 A listing of all landscape architects issued conditional licenses will be placed on the agenda of the next meeting of the Board for formal approval by the Board.

3.3 Comity Licensure for non-CLARB Certificate Holders

A landscape architect who holds a current and valid license issued by a licensing authority of another jurisdiction recognized by the Board and has a current CLARB Council record, may be issued a license to offer or provide landscape architectural services in Nebraska.

- 3.3.1 If an applicant has not satisfied the Examination Standard of the CLARB Standard of Eligibility, but received their initial license by grandfather clause, is in good standing, and has a minimum of three years of experience at the time of the application, the Board may waive the examination requirement; or

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- 3.3.2 If an applicant has a minimum of fifteen years of licensed experience in good standing in one or more licensing jurisdictions recognized by the Board, the examination and/or education requirements may be waived.
- 3.3.3 Any experience used to meet the Examination and/or Education Standards cannot be used to meet the Experience Standard.
- 3.3.4 If the application meets or exceeds these requirements, the landscape architect may be issued a license to offer or provide landscape architectural services in Nebraska, if the applicant:
 - 3.3.4.1 Submits an application and the applicable fee(s);
 - 3.3.4.2 Submits satisfactory evidence of such licensure to the Board directly from the issuing jurisdiction or CLARB;
 - 3.3.4.3 Submits a copy of the CLARB Council record directly to the Board from CLARB.
- 3.3.7 Any information requested on the application with respect to education, experience, licensure, or references may be substituted with the information provided in the CLARB Record.
- 3.3.8 All applications will go to the Board for review and final action.

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Chapter 4 – The Licensee Seal

4.1 Use of the Seal

The purpose of the seal is to assist in identification of the professional landscape architect responsible for the work performed under the requirements of the PLA Act and PLA Rules.

- 4.1.1 The seal used by a professional landscape architect must be legible, whether an embossing, computer generated, or other type of seal. In the absence of legibility, the seal is invalid.
- 4.1.2 No seal is valid unless signed across the face of the seal with the professional landscape architect's name and the date on which the material was sealed.
- 4.1.3 The responsible professional landscape architect will identify all work that they have prepared, as well as all work prepared under their direct supervision, by applying their seal to each sheet of the original drawings.
- 4.1.4 The responsible professional landscape architect will seal all technical submissions as follows: On each design and each drawing; on the cover and index pages identifying each set of specifications; and on the cover page. Two or more professional landscape architects may affix their signatures and seals to a sheet provided it is designated by a note under the seal the specific subject matter for which each is responsible.
- 4.1.5 The seal appearing on any technical submission is prima facie evidence that said submission was prepared by or under the direct supervision of the professional landscape architect sealing the submission.
- 4.1.6 Documents clearly marked as "Draft" prepared for preliminary submission and review do not require the professional's seal, signature, and date, including documents prepared for a client or governmental agency, unless otherwise required by the entity.
- 4.1.7 Professional landscape architects are responsible for providing adequate security over their seal and signature wherever it appears, regardless of whether the seal and signature is produced electronically or by other means.

4.2 The Coordinating Professional

The Coordinating Professional is a licensed design professional recognized as such by the project owner.

- 4.2.1 The Coordinating Professional's role is:
 - 4.2.1.1 To coordinate communication between the design professionals related to technical documents on the project;
 - 4.2.1.2 To act as project liaison with the governing building official; and
 - 4.2.1.3 To verify that all design disciplines involved in a project are working in coordination with one another, and that any changes made to the design are approved by the corresponding

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profession, so that public life, health, safety, and welfare are not compromised.

- 4.2.2 The Coordinating Professional's seal does not indicate responsible charge or direct supervision of the work.
- 4.2.3 The Coordinating Professional must use the following language in conjunction with their individual seal for identification as the Coordinating Professional: "I, (name of licensee), am the Coordinating Professional on the (name of project) project."

4.3 Direct Supervision of Work

- 4.3.1 In order to exercise full professional knowledge of and control over work, a licensee in direct supervision of landscape architectural work must:
 - 4.3.1.1 Have and exercise the authority to review and to change, reject, or approve both the work in progress and the final work product, through a continuous process of examination, evaluation, communication, and direction throughout the development of the work;
 - 4.3.1.2 Be personally aware of the project's scope, needs, parameters, limitations, and special requirements;
 - 4.3.1.3 Be capable of answering questions relevant to the landscape architectural decisions made as part of the services provided, in sufficient detail to demonstrate reasonable knowledge of and proficiency in the work; and
 - 4.3.1.4 Be reasonably satisfied with the product of the services rendered and accepted full responsibility for the work.
- 4.3.2 The Board has final authority regarding the determination of whether technical documents were actually prepared under the direct supervision of a licensee.

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Chapter 5 – Code of Professional Conduct

5.1 Competence

- 5.1.1 In practicing landscape architecture, a professional landscape architect will act with reasonable care and competence and will apply the technical knowledge and skill that is ordinarily applied by professional landscape architects of good standing practicing in the same locality.
- 5.1.2 In designing a project, the professional landscape architect must take into account all applicable federal, state, and municipal laws and regulations. While the professional landscape architect may rely on the advice of other professionals (e.g., attorneys, architects, professional landscape architects, professional engineers, or other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, the professional landscape architect will not knowingly design a project in violation of such laws and regulations.
- 5.1.3 A professional landscape architect will undertake to perform professional services only when they, together with those whom the professional landscape architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.
- 5.1.4 No person will be permitted to practice landscape architecture if, in the Board's judgement, such person's professional competence is substantially impaired by physical or mental disabilities.
- 5.1.5 A professional landscape architect convicted of a crime in connection with landscape architecture or a crime of moral turpitude under state law, federal law, or the law of another jurisdiction, may be held in violation of the code of practice if, in the opinion of the Board, the events and circumstances leading to the conviction indicate a condition which would affect the competency of the professional landscape architect to serve the health, safety, and welfare of the public.
- 5.1.6 The professional landscape architect may accept an assignment requiring education or experience outside the professional landscape architect's field of competence, but only to the extent that the services are restricted to those portions of the project in which the professional landscape architect is qualified. All other phases of the project must be performed by other qualified design professionals.
- 5.1.7 The professional landscape architect will not affix their signature and/or seal to any plan or document dealing with subject matter in which there is a lack of competency by virtue of education or experience, nor to any such plan or document not prepared under the direct supervision and control of said professional landscape architect.
- 5.1.8 When serving as an expert or technical witness before any court, commission, or other tribunal, the professional landscape architect may express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the professional landscape architect's testimony.

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5.2 Conflict of Interest

- 5.2.1 The professional landscape architect will not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to by all interested parties. Such disclosure and agreement is to be in writing.
- 5.2.2 If the professional landscape architect has any business association or direct or indirect financial interest which is substantial enough to influence their judgment in connection with their performance of professional services, the professional landscape architect must fully disclose in writing to their client or employer the nature of the business association or financial interest. If the client or employer objects to such association or interest the professional landscape architect will either terminate such association or interest, or offer to give up the commission or employment.
- 5.2.3 The professional landscape architect will not solicit or accept compensation from material or equipment suppliers, contractors, or sub-consultants in return for specifying or endorsing their products.
- 5.2.4 When acting as the interpreter of construction contract documents, studies, and reports, the professional landscape architect will render decisions impartially. When acting as the judge of contract performance, the professional landscape architect will render decisions in an objective matter, favoring neither party to the contract.
- 5.2.5 A professional landscape architect who initiates a complaint to the Board will not become involved as the landscape architect of record for the project which is the subject of the complaint.
- 5.2.6 Professional landscape architects will not solicit a contract for professional services from a governmental body when the professional landscape architect, or a principal or officer of the professional landscape architect's organization, serves as a voting or non-voting member, whether elected or appointed, or serves as an employee or contractor to perform professional services, of the same governmental body which is procuring the professional services. For purposes of this subparagraph, "governmental body" means a board, council, commission, or similar multi-membered body of any county or political subdivision. Professional landscape architects are not in violation of this provision, however, if the professional landscape architect, or principal or officer of their organization who serves as a member of the governmental body, plays no role in the solicitation or procurement of the contract on behalf of the governmental body.
- 5.2.7 Professional landscape architects are responsible for obtaining formal review and approval of design work when such approval is required prior to construction.

5.3 Disclosure of Professional Relationships or Responsibility

- 5.3.1 When making public statements on landscape architectural questions, the professional landscape architect must disclose if they are being compensated for making such statements.

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- 5.3.2 The professional landscape architect will accurately represent to a prospective or existing client or employer their qualifications and the scope of their responsibility in connection with work for which they are claiming credit.
- 5.3.3 The professional landscape architect possessing knowledge of a violation of these rules by another professional landscape architect will report such knowledge to the Board.

5.4 Compliance with Laws

- 5.4.1 The professional landscape architect will not, in the conduct of their landscape architectural practice, knowingly violate any state or federal criminal law. Allegations of violations of this section may be based on an independent finding of a violation of the law by a court of competent jurisdiction or an administrative or regulatory body.
- 5.4.2 The professional landscape architect will neither offer nor give any gift of significant value, or any monetary payment to a government official with the intent of influencing the official's judgement in connection with a prospective or existing project in which the professional landscape architect is interested or has an interest.
- 5.4.3 The professional landscape architect will comply with the laws and regulations governing their professional practice in any other jurisdiction.
 - 5.4.3.1 A professional landscape architect may be subject to disciplinary action if, based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction, the professional landscape architect is disciplined in any other jurisdiction.
 - 5.4.3.2 A person whose Nebraska license was issued on the basis of a CLARB Certificate may, upon suspension or revocation, have their Nebraska license suspended until the certificate is reinstated.
 - 5.4.3.3 A Nebraska license based upon comity with another jurisdiction may be concurrently suspended upon suspension or revocation of that jurisdiction's license, pending reinstatement of the license by the other jurisdiction.
 - 5.4.3.4 A license under suspension must be kept current through the suspension period. If the license has expired during the suspension period, a new application for licensure will be required.

5.5 Professional Conduct

- 5.5.1 The professional landscape architect will not sign or seal drawings, specifications, reports, or other professional work for which they do not have direct supervision. If the portions of such professional work were prepared by the professional landscape architect's consultants who are licensed under the law of the State of Nebraska or another state, the professional landscape architect may sign or seal that portion of the professional work if

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- the professional landscape architect has reviewed such portion, has coordinated its preparation, and accepts responsibility for its adequacy.
- 5.5.2 The professional landscape architect will not engage in conduct involving fraud or wanton disregard of the rights of others.
- 5.5.3 The professional landscape architect will not engage in unethical, immoral, or dishonorable conduct that would indicate lack of fitness to perform the tasks required by clients or a level of proficiency that is insufficient to serve the public interest.
- 5.5.4 The professional landscape architect will not in advertisements or public statements engage in misleading, untruthful, or improbable statements, or flamboyant, exaggerated or extravagant claims concerning the professional landscape architect's professional excellence or abilities.
- 5.5.5 The professional landscape architect will not knowingly aid or abet the practice or performance of activities requiring a license by a person not licensed to conduct such practice or activity.
- 5.5.6 The professional landscape architect will not deliberately make a materially false statement or fail deliberately to disclose accurately and completely a material fact requested in the connection with their application for licensure or renewal or otherwise requested by the Board.
- 5.5.7 The professional landscape architect will not assist the application for licensure of a person known by the professional landscape architect to be unqualified in respect to education, training, experience, or character.
- 5.5.8 If, in the course of their work on a project, a professional landscape architect becomes aware of a decision or an action taken by the employer or client against the professional landscape architect's advice, which violates applicable laws and regulations and which will, in the professional landscape architect's judgement, have a material adverse effect on the safety to the public of the finished project, the professional landscape architect will advise the employer or client of the violation and request reconsideration of the decision or action. In the event the employer or client does not reverse or alter the decision or action in order to bring it into conformity with applicable laws, the professional landscape architect will:
- 5.5.8.1 Report the decision or action to the local building inspector or other public official charged with the enforcement of the applicable laws and regulations;
 - 5.5.8.2 Refuse to consent to the decision or action; and
 - 5.5.8.3 In circumstances where the professional landscape architect reasonably believes that other such decisions or actions will be taken notwithstanding their objection, terminate their services with reference to the project.

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5.6 Use of Regulated Titles

- 5.6.1 Professional landscape architects licensed in Nebraska may identify themselves as such.
- 5.6.2 Professional landscape architects who are not licensed in Nebraska, but who hold a valid license in another licensing jurisdiction recognized by the Board:
 - 5.6.2.1 May identify themselves as such on correspondence and other routine documents that do not contain an offer to provide professional services:
 - 5.6.2.2 May identify themselves as such on correspondence and other documents that offer to provide professional services in Nebraska, if such documents clearly indicate and disclose that the professional landscape architect:
 - 5.6.2.2.1 Holds a valid and current license in another licensing jurisdiction;
 - 5.6.2.2.2 Does not hold a current and valid license in Nebraska;
 - 5.6.2.2.3 Would have to obtain a license in Nebraska in order to perform the services described in the offer; and
 - 5.6.2.2.4 Has a reasonable likelihood of being issued a license in Nebraska.
- 5.6.3 Individuals who do not hold a current and valid license in any jurisdiction shall not use the title professional landscape architect in Nebraska.

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Chapter 6 – Professional Development

6.1 Requirements

Every professional landscape architect must complete a minimum of 15 hours of Professional Development Hours (PDH) during each calendar year. A maximum of four PDH may be reported as self-study. This provision ends with licenses that expire on December 31, 2020.

Beginning with licenses that expire on December 31, 2021, every professional landscape architect must complete a minimum of 24 hours of Professional Development Hours (PDH) per biennial calendar period. A maximum of six PDH may be reported as self-study.

6.2 Professional Development Hour Units

- 6.2.1 One PDH is equivalent to at least 50 minutes of instruction.
- 6.2.2 One semester credit hour of formal education is equivalent to 45 PDHs.
- 6.2.3 One quarter credit hour of formal education is equivalent to 30 PDHs.
- 6.2.4 One International Association for Continuing Education Training (IACET) Continuing Education Unit (CEU) is equivalent to 10 PDHs.

6.3 Structured Programs

A structured program is a program that has a sponsor other than the licensee; has evidence of pre-planning including written objective and form; has an assessment component; and is documented and verifiable. This includes PDH earned at collegiate level institutions, or through professional level seminars, conferences, study tours, and self-paced professional development programs offered for the purpose of keeping the licensee apprised of advancements and new developments in the professional service areas, as defined in Neb. Rev. Stat. §81-8,184(5), and ethics.

6.4 Self-Study Activities

Self-study activities may include reading professional journals, periodicals or professional oriented books and visits to sites for observation of landscape architectural projects, research projects, ecological or land restoration projects and natural environmental areas.

6.5 Recordkeeping

Every professional landscape architect is responsible for maintaining records necessary to support hours claimed for professional development. Records required include, but not limited to:

- 6.5.1 A log showing the type of activity claimed, sponsoring organization, location, duration, the instructor's or speaker's name, and PDH earned;
- 6.5.2 Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance; or
- 6.5.3 Records relating to professional development that are maintained by CLARB, the Landscape Architects Continuing Education System (LA CES),

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the American Society Landscape Architects (ASLA), or other professional organizations are acceptable as evidence of completion of the PDH requirement.

6.6 Determination of Credit

The Board has final authority with respect to approval of courses, credit, unit value for courses, and other methods of earning PDH credit. No pre-approval of offerings will be issued.

- 6.6.1 Certified satisfaction of mandatory professional development requirements in another jurisdiction recognized by the Board, for the exact time period in question in Nebraska, will satisfy the Nebraska requirements.

6.7 Audits

The Board will establish a number of professional landscape architects to be selected at random, but not to exceed ten percent of the total number of licensees, to submit documentation verifying compliance with the PDH requirements.

- 6.7.1 If the Board disallows any of the hours claimed, the licensee will be granted a period of time, as determined by the Board, after notification of disallowance, to substantiate the original claim or to earn additional hours to meet the minimum requirement. PDH used to satisfy a deficiency may not be used to meet the PDH requirement for the next biennial period.

6.8 Exemptions and Waivers

Professional landscape architects may be exempt from the continuing education requirement for one the following reasons:

- 6.8.1 A professional landscape architect who has received or reinstated their license in the past biennium is exempt from the PDH requirement for their first renewal period.
- 6.8.2 Contingent upon approval from the Board or the Board's administrator:
 - 6.8.2.1 Professional landscape architects serving on active duty in the armed forces of the United States or any state for a period of time exceeding 120 days in each calendar year of their renewal period are exempt from obtaining the required biennium PDH.
 - 6.8.2.2 Professional landscape architects serving on active duty in the armed forces of the United States or any state for a period of time exceeding 120 days in only one calendar year of their renewal period, are exempt from obtaining half the required PDH.
 - 6.8.2.3 Supporting military orders must be furnished to the Board prior to a military exemption being approved.
- 6.8.3 Professional landscape architects experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the Board may be exempt. Supporting documentation must be furnished to the Board.

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- 6.8.4 The Board may, at its discretion, waive the professional development requirement for any professional landscape architect.

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Chapter 7 – Enforcement

7.1 Initial Review of Complaints and Compliance Issues

When a complaint is received by the Board in which a person is alleged to have violated the PLA Act and/or PLA Rules, or if the Board becomes aware of a compliance issue that may constitute a violation of the PLA Act and/or PLA Rules, the Board may refer the complaint or compliance issue to a committee or an investigator, or may consider the complaint or compliance issue without such referral.

- 7.1.1 If applicable, the committee or investigator will make a recommendation as to:
 - 7.1.1.1 Whether the matter should be dismissed for lack of probable cause;
 - 7.1.1.2 Whether there is probable cause that a violation of the PLA Act and/or PLA Rules has occurred; or
 - 7.1.1.3 Whether further investigation is required in order to determine whether there is probable cause.
- 7.1.2 Upon receipt of a recommendation or upon consideration by the Board, the Board will determine whether there is probable cause and, if so, whether the informal or formal process should be undertaken to resolve the matter. If the Board finds there is no probable cause, the complaint will be dismissed. The Board may make a determination on probable cause with or without having requested a response from the respondent.
- 7.1.3 A complaint or compliance issued against any person may be brought in the name of the Board.

7.2 Informal Process

The Board may utilize an informal process as described below in lieu of, or as a prerequisite for, entering into a formal legal process.

- 7.2.1 The respondent is entitled to copies of the complaint and all information upon which the probable cause determination was made.
- 7.2.2 The Board and the respondent may reach an agreement as to the terms of the resolution of the matter without the respondent's appearance before the Board.
- 7.2.3 If an agreement is not reached without the appearance of the respondent, the respondent will be requested in writing to appear before the Board for an informal discussion of the matter.
 - 7.2.3.1 The Board may, but need not, request any other party involved in the complaint to appear along with the respondent. Such appearance is voluntary and cannot be compelled.
 - 7.2.3.2 Copies of the documents referred to in Rule 7.2.1 will be provided to the respondent no later than the time the request for appearance is made.

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- 7.2.4 At the scheduled meeting with the Board, the Board shall clearly state to the party or parties that the meeting is informal and that no individuals will be giving up their rights to due process by participating in the informal process.
- 7.2.5 The Board may request that a party or parties bring materials, documents, or exhibits to facilitate the informal discussion with the Board.
- 7.2.6 The matter will be resolved if the Board and the respondent can reach terms of mutual agreement on the issues, and a consent agreement or other such documents is executed on those terms. Acceptable terms may include, but are not limited to, a requirement for additional professional education, limitations on practice, civil penalties, and assessment of fees and/or costs as outlined in Neb. Rev. Stat. § 81-8,208.
- 7.2.7 The Board may separate issues within a complaint into those that can be resolved with an informal process from those that must be resolved under a formal process.
- 7.2.8 The respondent's participation in the informal process is voluntary, not mandatory.

7.3 Formal Process

The procedure for hearings in matters not resolved by informal process will be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice.

- 7.3.1 The formal process will be initiated by the filing of a petition in accordance with the Nebraska Administrative Code. The Board's receipt of a complaint does not constitute the initiation of a formal process.
- 7.3.2 Any person aggrieved by a final decision in a formal process is entitled to judicial review under the Administrative Procedures Act, or resort to such other means of review as may be provided by law.

7.4 Failure to Comply with Board Orders

If any person refuses to obey any decision or order of the Board, enforcement proceedings may be commenced in the appropriate district court in accordance with Neb. Rev. Stat. §81-8,202.

