

# CHAPTER 76

## Board of Landscape Architectural Examiners

(Statutory Authority: 1976 Code §§ 40-1-70, 40-28-30, 40-28-80(a), 40-28-120, and 40-28-140)

### **76-1. Definitions.**

1. "ASLA" means American Society of Landscape Architects.
2. "Board" means the members of the Board of Landscape Architectural Examiners.
3. "CE Hour" means a minimum of fifty (50) minutes of instruction.
4. "CLARB" means the Council of Landscape Architect Registration Boards.
5. "Department" means the SC Department of Labor, Licensing and Regulation.
6. "LAAB" means the Landscape Architect Accreditation Board.
7. "LARE" means the Landscape Architect Registration Examination, prepared and graded by CLARB.
8. "LA CES" means Landscape Architectural Continuing Education System.
9. "Seals" means rubber stamps, rubber seals, impression seals, or digital seals.

**HISTORY:** Added by State Register Volume 36, Issue No. 2, eff February 24, 2012.

### **76-2. Registration.**

A. The application must be submitted on forms approved by the Department and must document education, experience and examination as set out below.

B. It shall be the responsibility of the applicant to ensure that the Department receives all information and documents necessary for the board to consider the application. No application can be approved until it is complete and all fees are paid.

C. Experience must be documented by statement of employers or supervisors. It is the applicant's responsibility to provide names and current contact information of those employers and supervisors and assure that work experience forms are promptly returned to the Department. If the applicant establishes that it is impossible to contact employers or supervisors, the board may consider additional evidence of experience.

D. Education must be documented by official transcripts showing subjects and grades of all scholastic work which the applicant wishes to claim, degree issued, and date of issuance. It is the responsibility of the applicant to ensure that such a record is sent from the institution directly to the Department.

E. Successful completion of the examination must be documented by CLARB.

F. It is the responsibility of Applicants who are currently licensed in other states to provide verification from any state boards by which they are licensed.

**HISTORY:** Added by State Register Volume 36, Issue No. 2, eff February 24, 2012. Amended by SCSR 47-5 Doc. No. 5133, eff May 26, 2023.

### **76-3. Application for Licensure by Comity (Endorsement).**

A. The applicant for licensure by comity is required to provide verification of licensure by examination by a jurisdiction which has requirements that are substantially equivalent to those in this state at the time of initial licensure.

B. It is the applicant's responsibility to ensure that verification forms or certification documents from CLARB are properly filed with the Department.

**HISTORY: Added by State Register Volume 36, Issue No. 2, eff February 24, 2012.**

#### **76-4. Seals.**

A. Landscape Architect shall not affix, or permit to be affixed, his/her name or seal to any drawing, specification, or other document which was not prepared by him/her or under his/her personal supervision. No registrant shall affix his/her seal to any drawings, specification, or other document in physical or electronic format unless the licensee has assumed the responsibility for the accuracy of the contract documents involved. Seals shall be signed by the responsible landscape architect.

B. Seals must meet the following specifications:

1. The seal shall be circular in shape and one and three quarter (1 3/4) inches in diameter.
2. Concentric with the outside of the seal there shall be a circle one and three sixteenths (1 3/16) inches in diameter.
3. For individual seals wording shall be as follows: In the annular space between the circle and the outside of the seal shall be the words "State of South Carolina" on the top and the name of only one (1) licensee on the bottom. The words "Licensed Landscape Architect" and the license number of only one (1) individual shall be placed within the inner circle.
4. For the certificate of authorization seals the wording shall be as follows: In the annular space between the circle and the outside of the seal shall be the words "State of South Carolina" on the top and "COA" on the bottom. The name and Certificate of Authorization number of only one (1) firm shall be placed within the inner circle.

**HISTORY: Added by State Register Volume 36, Issue No. 2, eff February 24, 2012. Amended by SCSR 47-5 Doc. No. 5133, eff May 26, 2023.**

#### **76-5. License Expiration, Renewals and Reinstatement.**

A. Licenses issued to individuals expire biennially on a date set by the Department. Licenses must be renewed for the following licensure period by payment of the renewal fee and by reporting completion of the required continuing education hours. Licenses shall lapse unless renewed.

B. Certificates of authorization issued to firms expire biennially on a date set by the Department. Certificates of authorization must be renewed for the following licensure period by payment of the renewal fee and shall lapse unless renewed.

C. Applicants for reinstatement must certify that they have not practiced in South Carolina after the date that the license expired, must demonstrate continuing education for the time that the license is lapsed as required by statute, and must pay a reinstatement fee in the amount of \$250.00.

**HISTORY: Added by State Register Volume 36, Issue No. 2, eff February 24, 2012. Amended by SCSR 47-5 Doc. No. 5133, eff May 26, 2023.**

#### **76-6. Continuing Education.**

A. Basic Requirements

1. Continuing Education Hours

a. A continuing education (CE) hour is defined as one continuous instructional hour (50 to 60 minutes of contact) spent in educational activities intended to increase or update the landscape architect's knowledge and competence. Continuing education shall be earned in the categories as described below.

b. Each licensee shall complete twenty (20) contact hours of continuing education activities during the two (2) year period immediately preceding each biennial renewal date as a condition for license renewal.

2. Continuing Education Topic Categories

a. Category 1 - A minimum of fifteen (15) hours of the required twenty (20) hours shall be earned by completing educational activities that directly address health, safety, and welfare.

Health/Safety/Welfare (HSW) educational topics should address the performance of landscape architecture as defined in S.C. Code Section 40-28-20(6).

b. Category 2 - A maximum of five (5) hours of the required twenty (20) hours may be completed in practice related topics that enhance and expand the skills, knowledge, and abilities of practicing landscape architects to remain current and render competent professional service to clients and the public.

#### B. Approved Methods

1. Method 1 - Structured educational activities include but are not limited to technical presentations, workshops, or seminars on landscape architectural subjects which are provided by independent sponsors or held in conjunction with colleges, universities, conventions or seminars. Landscape architectural activities such as those organized, sponsored, or approved by ASLA, CLARB, and LA CES are acceptable to the board. Continuing education hours approved by national or state chapter ASLA, or approved by other Landscape Architect State Regulatory Authority shall be accepted by this Board. Structured educational activities can take place within a traditional classroom style setting, or in an online, interactive presentation. A minimum of fifteen (15) hours of the required twenty (20) hours shall be earned by completing structured educational activities.

2. Method 2 - Self directed study is defined as activities that include:

a. Public service activities that draw upon the Landscape Architect's expertise such as serving on design review boards, planning commissions, building code advisory boards, urban renewal boards, or code study committees. Licensees may not claim more than five (5) hours for public service activities.

b. Authoring papers, articles, or books. Licensees may not claim more than five (5) hours for authoring papers, articles, or books.

c. Individualized seminars, tutorials, or video courses.

d. Teaching landscape architectural courses or seminars. Licensees may not claim more than three (3) hours for teaching landscape architectural courses or seminars. Licensees may not claim credit for teaching the same course more than once per reporting period.

#### C. Records

1. Responsibility for documenting the fulfillment of the continuing education requirements rests with the licensee and the licensee must retain for a period of four (4) years evidence to support fulfillment of the requirements. Such evidence shall include certificates of completion, course materials, or sign-in sheets that provide verification of the number of hours of each course or program; or, for other activities which meet the requirements, such documentation as to ascertain their completion.

2. Each licensee shall submit, in a format requested by the board, an affidavit attesting to the fulfillment of continuing education requirements during the preceding period.

3. Each affidavit may be subject to audit for verification of compliance with requirements. Licensees must comply with audit deadlines and requirements.

4. The board has final authority with respect to approval of courses, credit, continuing education hour value of courses, and other value of credit.

5. The board may disallow claimed credit for continuing education hours. The licensee shall have forty-five (45) calendar days after notification of disallowance of credit to substantiate the original claim or earn other continuing education credit which fulfills minimum requirements. These hours will be credited to the delinquent renewal period.

6. Failure to fulfill the continuing education requirements, to file the required report or to comply with audit and verification requests shall be considered a violation of the Landscape Architectural Registration Law.

7. If a licensee exceeds the total continuing education required in any renewal period, the licensee may carry a maximum of ten (10) continuing education (CE) hours of Category 1 structured educational activities into the next renewal period.

#### D. Exemptions

Continuing education requirements may be waived for the following reasons:

1. New licensees shall be exempt for their initial licensure period.
2. A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a year shall be exempt from obtaining the continuing education hours required during that year.
3. Licensees experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the board may be exempt. Supporting documentation must be furnished with any such exemption request made to the board thirty (30) days in advance of the renewal period.
4. Individuals who are at least sixty (60) years old and have thirty (30) years or more of licensed experience may request a waiver of the continuing education requirement by submitting a waiver form to the Board.
5. Licensees who are Board approved for Emeritus Status shall be exempt from requirements for continuing education hours.

**HISTORY:** Added by State Register Volume 36, Issue No. 2, eff February 24, 2012. Amended by SCSR 44-6 Doc. No. 4891, eff June 26, 2020; SCSR 47-5 Doc. No. 5133, eff May 26, 2023.

### **76-7. Examination.**

- A. The Examination for Landscape Architecture shall be the LARE, or the examination offered by CLARB's successor.
- B. The board may approve and administer all examinations or appoint qualified representatives to administer the examination.
- C. The examination shall test the applicant's knowledge of landscape architecture as defined in Section 40-28-20(6).
- D. To pass the examination an applicant must achieve a passing grade on each section.

**HISTORY:** Added by State Register Volume 36, Issue No. 2, eff February 24, 2012. Amended by SCSR 47-5 Doc. No. 5133, eff May 26, 2023.

### **76-8. Practice of Firms.**

- A. A firm engaged in the practice of landscape architecture in South Carolina must employ one (1) or more persons registered to practice landscape architecture in South Carolina who are in full authority and responsible charge of the firm's landscape architectural practice. Persons in full authority and responsible charge shall mean full time employees in unrestricted, unchecked, and unqualified command of and legally accountable for the actions of such landscape architectural practice.
- B. A landscape architect registered in South Carolina shall be responsible for complying with these regulations as they may apply to any association or joint venture with another landscape architect or landscape architects.
- C. Each office maintained for the preparation of drawings, specifications, reports, and other professional work shall have a landscape architect duly registered with this board in full authority and responsible charge, having direct knowledge and supervisory control of such work.
- D. Each firm shall provide and maintain the current mailing address and physical address of its main office and each office located in South Carolina.
- E. Effective July 1, 2012, all firms offering to practice or practicing landscape architecture are required to have an active certificate of authorization.

**HISTORY:** Added by State Register Volume 36, Issue No. 2, eff February 24, 2012.

### **76-9. Code of Ethics.**

- A. The Code of Ethics for Landscape Architects registered in this State is as follows:
  1. The right to practice landscape architecture is a personal right based upon the qualifications of the individual evidenced by his/her license. He/she shall not undertake to perform professional services unless qualified by education and experience in the specific realm of landscape architecture services rendered or proposed to his client or employer. A landscape architect may accept an

assignment requiring education or experience outside of his/her own field of competence to the extent that his/her services are restricted to aspects of the project in which he/she is qualified. All other aspects shall be performed by qualified associates, consultants or employees;

2. If his/her professional judgment reveals evidence whereby the health, safety, or welfare of the public could be endangered, he/she shall inform his client or employer of the possible consequences and notify such other proper authority of the situation as may be appropriate;

3. A landscape architect shall not undertake any activity or employment, have any significant financial or other interests or accept any contribution if it would reasonably appear that such activity, employment, interests or contribution would compromise his/her professional judgment or prevent him/her from serving the best interest of the client or employer. A landscape architect shall make full disclosure to his/her client or employer, at the earliest possible opportunity, of any financial interest which even remotely bears upon his/her services and/or the project for which the services are being rendered. A landscape architect shall not appear before any agency or group or issue any public opinion at the request of a client or employer without so stating the relationship with the client;

4. A landscape architect shall not give, lend or promise anything of value to any public official in order to influence or attempt to influence the official's judgment or actions on letting of design contracts;

5. A landscape architect shall not attempt to obtain, offer to undertake, or accept a commission for which he/she knows another legally qualified individual or firm has been contracted until he/she has evidence that the latter agreement has been terminated;

6. A landscape architect shall not engage in exaggerated, misleading, or false advertising or publicity;

7. The landscape architect shall not knowingly associate with or permit the use of his/her name or firm in a business venture by any person or firm which he/she knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature, or in violation of these rules and regulations;

8. If the landscape architect has knowledge or reason to believe that another person or firm may be in violation of any of these provisions, he/she shall present such information to the Department in writing and shall cooperate with the Department in furnishing such further information or assistance as may be required.

B. Any violation of this Code of Ethics shall constitute grounds for disciplinary action.

**HISTORY: Added by State Register Volume 36, Issue No. 2, eff February 24, 2012.**